

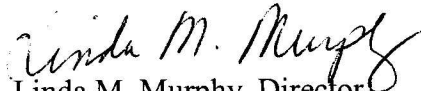
I hereby approve the revised water quality standards in Chapters 227 and 317. Chapter 227 adds a designated use to Maine's classifications, and Chapter 317 upgrades the classifications of numerous water segments. This approval is made pursuant to Section 303(c)(2) of the Clean Water Act (CWA) and 40 C.F.R. Part 131, and is based on my determination that the approved revisions are consistent with the requirements of Section 303 of the Act. In making this approval, we have a few comments concerning Chapters 227 and 317. (see attachment A).

EPA is not taking action at this time on the water quality standards revision in Chapter 245, *An Act to Amend Certain Laws Administered by the Department of Environmental Protection, Sec. 7.38 MRSA Sec. 464, sub-Sec. 3, Paragraph B*. This revision changes the frequency with which the Board will hold public hearings for the purpose of reviewing Maine's water quality standards (and revising where appropriate) from at least once every three years, to at least once every four years. Federal regulations at 40 CFR §131.20 require the frequency of state water quality standards reviews, and revisions as necessary, to be at least once every three years. In his letter of December 17, 2003, Maine's Assistant Attorney General indicated that this change to a four-year review frequency in Section 7 of Chapter 245 appears to be in conflict with EPA's regulations. We understand, based on verbal confirmation by DEP staff, and the State of Maine Legislature website, that with the passage of LD 1655 the three-year period of review in 38 MRSA Sec. 464, sub-§3, Paragraph B has recently been restored to ensure consistency with the federal regulations. As of March 16, 2004, Chapter 551 (LD 1655) was signed by the Governor and will be effective 90 days after the end of the current legislative session.

EPA's approval of Maine's surface water standards revisions does not extend to waters that are within Indian territories and lands. EPA is taking no action to approve or disapprove the State's standards revisions with respect to those waters at this time. EPA will retain responsibility under Section 303(d) for those waters.

My staff and I look forward to continued cooperation with the ME DEP in exercising our shared responsibility of implementing the water quality standard requirements under the CWA. If you have any questions on these issues, please contact Steve Silva, Director of EPA New England Maine Program, at 617-918-1561.

Sincerely,


Linda M. Murphy, Director
Office of Ecosystem Protection

Enclosure