



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

November 10, 2003

Dawn Gallagher, Commissioner
Maine Department of Environmental Protection
#17 State House Station
Augusta, Maine 04333-0017

SUBJECT: Review of 2003 Revisions to Maine Water Quality Standards

Dear Commissioner Gallagher:

Thank you for the Department of Environmental Protection's ("DEP") August 26, 2003 submittal of legislative chapters enacted during the First Regular Session of the 121st Legislature, affecting water quality standards administered by DEP's Bureau of Land & Water Quality. EPA is currently reviewing the following acts for water quality standards purposes as required by §303(c) of the Clean Water Act, 33 U.S.C. §1313(c):

Chapter 37 (L.D. 1059)
Chapter 227 (L.D. 443)
Chapter 245, Sec. 7 (L.D. 1547)
Chapter 257 (L.D. 1137)
Chapter 317 (L.D. 1529)
Chapter 418 (L.D. 1308) (adopted in 2001).

We have requested Jon Edwards, in Maine's Attorney General's Office, to certify that these water quality standards revisions were duly adopted pursuant to state law, as required by 40 C.F.R. § 131.6(e).

Pursuant to 40 C.F.R. § 131.21, the revised water quality standards identified above will not be in effect as "applicable water quality standards" for Clean Water Act purposes unless and until EPA approves such revisions. In the meantime, for Clean Water Act purposes (such as developing water quality based effluent limits in MEPDES permits, issuing § 401 water quality certifications, and developing TMDLs), DEP must rely on the preexisting water quality standards. The only exception is if a revised but not yet approved water quality standard is more stringent than the preexisting standard. In that event, the state may apply the more stringent requirement pursuant to § 510 of the Clean Water Act, 33 U.S.C. §1370.

If you have any questions, please contact Steve Silva in the Office of Ecosystem Protection,

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