STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAWN R. GALLAGHER
COMMISSIONER

RECEIVED
MAY 20 2004
ME STATE PROGRAM UNIT

May 14, 2004

Jennie Bridge
CME
USEPA Region 1
1 Congress Street
Suite 1100
Boston, MA 02114-2023

Dear Ms Bridge:

Enclosed please materials affecting water quality standards administered by the Bureau of Land and Water Quality (Maine DEP). These materials are provided for EPA's review as required by 33 U.S.C. 1313(c). This packet includes:

- A table listing chapters (statutory amendments) and rulemakings occurring between May, 2000 and now that have not previously been submitted to EPA for approval and are considered to amend Maine's water quality criteria.
- A memo explaining the changes made by these amendments and rulemakings
- A letter from Jon Edwards of the Maine Attorney General's Office certifying that the chapters affecting quality standards were duly adopted pursuant to state law.
- Copies of the chapters and rules.

The effective date for regular legislation from the past legislative session, unless otherwise provided by the Maine Legislature, is July 30, 2004. I would like to resolve any concerns or information requests you may have, and have EPA's approval, prior to that date in order to avoid problems in program administration. Therefore, please let Hetty Richardson (207-287-7799) know if you have any questions or concerns as soon as is reasonably possible.

Sincerely,

Andrew Fisk

Andrew Fisk, Director
Bureau of Land and Water Quality

cc: Steve Silva (EPA), Linda Murphy (EPA)
Andrew Fisk (DEP), Dave Courtemanch (DEP), Brian Kavanah (DEP)(without texts)

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Maine Department of Environmental Protection
May 13, 2004

2004 Water Quality Docket Packet

Statute	Effective date
2004	
Ch. 551. An Act to Amend Laws Relating to Environmental Protection	7/30/04
Ch. 574. An Act to Amend Water Quality Laws to Aid in Wild Atlantic Salmon Restoration	7/30/04
Ch. 650. An Act to Protect Maine's Coastal Water	7/30/04
Ch. 663. An Act to Reclassify Certain Downeast Waters	7/30/04
Prior years	
Ch. 232, sections 11 and 12 of An Act to Amend Certain Laws Regarding Land and Water Quality Protection [enacts provision concerning cooling water intake structures and clarification of definition for "publicly owned treatment works".]	9/21/01
Rule	**Effective date**
Ch. 519 (amended) Interim Effluent Limitations and Controls for the Discharge of Mercury	10/6/2001
Ch. 579 (effective) Classification Attainment Evaluation Using Biological Criteria for Rivers and Streams	5/27/2003

For information only -- 2004 statutory amendments not affecting water quality standards or wastewater licensing program

Ch. 355. Resolve, Regarding Legislative Review of Chapter 355: Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection
Ch. 554. An Act Relating to the Consideration of the Cumulative Effects of Protected Natural Resources
Ch. 607. An Act Relating to Storm Water Management
Ch. 627. An Act to Amend the Laws Regarding Invasive Aquatic Species
Ch. 637. An Act to Change the Point System for Clearing Vegetation Adjacent to Protected Natural Resources
Ch. 660. An Act to Implement the Recommendations of the Task Force on the Planning and Development of Marine Aquaculture in Maine
Ch. 665. An Act to Revise the Fish and Wildlife Laws to Complement the Recodification of those Laws (Section A-1 only)
Ch. 688. An Act to Correct Errors and Inconsistencies in the Laws of Maine (Section A-43 amending the Natural Resources Protection Act)

G. STEVEN ROWE
ATTORNEY GENERAL

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OFFICE OF THE ATTORNEY GENERAL
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12 May 2004

Ann H. Williams
Senior Assistant Regional Counsel
U.S. EPA, Region I
One Congress St., Suite 110 (RAA)
Boston, MA 02114

RE: Additional Water Quality Legislation

Dear Ann:

I have been asked by the MEDEP to certify certain changes in Maine's water quality laws and to review several other amendments to Maine statutes to determine if EPA approval is required. Pursuant to 40 CFR § 131.6(e), certification by the Attorney General "that the water quality standards were duly adopted pursuant to State law," I offer the following.

1. Chapter 551 (LD 1655), "An Act to Amend Certain Laws Relating to Environmental Protection" (sections 6 and 7) was finally passed by the Maine Legislature on March 4, 2004, and signed by the Governor on March 16, 2004. It will become effective on July 30, 2004.

2. Chapter 574 (LD 1833), "An Act to Amend Water Quality Laws to Aid in Wild Salmon Restoration" was finally passed by the Maine Legislature on March 18, 2004, and signed by the Governor on March 24, 2004. It will become effective on July 30, 2004.

3. Chapter 650 (LD 1158), "An Act to Protect Maine's Coastal Water" was finally passed by the Maine Legislature on April 13, 2004, and signed by the Governor on April 22, 2004. It will become effective on July 30, 2004.

4. Chapter 663 (LD 1891), "An Act to Reclassify Certain Downeast Waters" was finally passed by the Maine Legislature on April 14, 2004, and signed by the Governor on April 22, 2004. It will become effective on July 30, 2004.

~~5. Chapter 664 (LD 1899), "An Act To Amend the Dissolved Oxygen Standard for Class C Waters" was finally passed by the Maine Legislature on April 13, 2004,~~

~~and signed by the Governor on April 22, 2004. It will become effective on July 30, 2004.~~

6. Chapter 232 (LD 1477), "An Act to Amend Certain Laws Regarding Land and Water Quality Protection" was passed as a public law in the First Regular Session of the 120th Legislature in 2001. It became effective on September 21, 2001.

7. Chapter 519 of the Department of Environmental Protection's regulations, 06-096 CMR 519, "Interim Effluent Limitations and Controls for the Discharge of Mercury," was lawfully amended by the Board of Environmental protection on October 6, 2001, removing the regulations sunset provision.

8. Chapter 579 of the Department of Environmental Protection's regulations, 06-096 CMR 579, "Classification Attainment Evaluation Using Biological Criteria for Rivers and Streams," was lawfully adopted by the Board of Environmental protection and became effective on May 27, 2003.

In addition, I reviewed the following laws from the Second Regular Session of the 121st Legislature: Chapter 130 (LD 1849); Chapter 554 (LD 1837); Chapter 607 (LD 1866); Chapter 627 (LD 1723); Chapter 637 (LD 1858) and Chapter 655 (LD 1920). I am of the opinion that none of these acts appears to revise water quality standards and, accordingly, I am not certifying them.

Pursuant to 40 CFR §131.21, we look forward to EPA's timely review and action. Thank you for your assistance in this matter.

Jon H. Edwards
Assistant Attorney General
Natural Resources Division

Cc: Carol Blasi, AAG
Hetty L. Richardson, DEP