



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**Region 1**

**5 Post Office Square, Suite 100**

**Boston, MA 02109-3912**

November 16, 2022

Melanie Loyzim, Commissioner  
Maine Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017

RE: Review and Action on the State of Maine's Surface Water Quality Standard Revision contained in P.L. 2021, Ch. 551

Dear Commissioner Loyzim:

By letter dated October 11, 2022, the Maine Department of Environmental Protection (DEP) submitted new and revised Water Quality Standards (WQS) to EPA for review in accordance with Section 303(c) of the Clean Water Act (CWA). The WQS revisions are a result of the States' Triennial Review pursuant to 40 C.F.R. § 131.20. The Maine Board of Environmental Protection (BEP) held a public comment period on proposed WQS revisions from August 18 through October 25, 2021, with a public hearing held on October 7, 2021. On December 16, 2021, the Maine BEP submitted final recommendations to the Maine Legislature. The Maine Legislature held a public hearing on February 28, 2022, and a working session on March 2, 2022. The revisions were certified by Scott Boak, Office of the Attorney General, Assistant Attorney General, on September 12, 2022, as having been duly adopted pursuant to state law.

Pursuant to Section 303(c)(3) of the CWA and 40 C.F.R. Part 131, EPA hereby approves Maine's revisions to the following provisions as more specifically described and for the reasons explained in Attachment A:

- 38 MRSA § 361-A, Sub-Section 1-L – Definitions
- 38 MRSA § 464 Sub-Section 4, Paragraph F.(2) - Classification of Maine Waters
- 38 MRSA § 465 Sub-Section 1, Paragraph B and Sub-Section 2 Paragraph B. – Standards for the Classification of Fresh Surface Waters
- 38 MRSA § 465 Sub-Section 3, Paragraph B. – Standards for the Classification of Fresh Surface Waters
- 38 MRSA § 465 Sub-Section 4, Paragraph B. – Standards for the Classification of Fresh Surface Waters
- 38 MRSA § 465-A Sub-Section 1, Paragraph B. – Standards for Classification of Lakes and Ponds
- 38 MRSA § 465-B Sub-Section 1, Paragraph B. – Standards for Classification of Estuarine and Marine Waters

- 38 MRSA § 465-B Sub-Section 2, Paragraph B – Standards for the Classification of Estuarine and Marine Waters
- 38 MRSA § 465-B Sub-Section 3, Paragraph B – Standards for the Classification of Estuarine and Marine Waters
- 38 MRSA § 466 Sub-Section 2-C and 8-B – Definitions
- 38 MRSA § 467 Sub-Section 1, Paragraph A – Classification of Major River Basins – Androscoggin River, main stem, including all impoundments
- 38 MRSA § 467 Sub-Section 1, Paragraph B – Classification of Major River Basins – Little Androscoggin River Drainage
- 38 MRSA § 467 Sub-Section 1, Paragraph D – Classification of Major River Basins – Androscoggin River, minor tributaries
- 38 MRSA § 467 Sub-Section 4, Paragraph G – Classification of Major River Basins – Sandy River Drainage
- 38 MRSA § 467 Sub-Section 5, Paragraph B – Classification of Major River Basins – Machias River, tributaries
- 38 MRSA § 467 Sub-Section 6-A, Paragraph B – Classification of Major River Basins – Narraguagus River, tributaries
- 38 MRSA § 467 Sub-Section 7, Paragraph B – Classification of Major River Basins – East Branch of the Penobscot River, tributaries
- 38 MRSA § 467 Sub-Section 7, Paragraph C – Classification of Major River Basins – Penobscot River, West Branch Drainage
- 38 MRSA § 467 Sub-Section 7, Paragraph E – Classification of Major River Basins – Piscataquis River, tributaries
- 38 MRSA § 467 Sub-Section 7, Paragraph F – Classification of Major River Basins – Penobscot River, minor tributaries
- 38 MRSA § 467 Sub-Section 9, Paragraph A – Classification of Major River Basins – Presumpscot River, main stem
- 38 MRSA § 467 Sub-Section 15, Paragraph F – Classification of Major River Basins – St. John River, minor tributaries, those waters lying within the State
- 38 MRSA § 468 Sub-Section 1, Paragraph C – Classifications of Minor Drainages – Cumberland County - Scarborough
- 38 MRSA § 468 Sub-Section 1, Paragraph J – Classifications of Minor Drainages – Cumberland County - Westbrook
- 38 MRSA § 468 Sub-Section 1, Paragraphs O, P, Q and R - Classifications of Minor – Hancock County – Sullivan, Township 10 Southern Division, Township 9 Southern Division, Franklin

Consistent with the requirements of the Endangered Species Act (ESA), EPA evaluated the potential impacts of water body classification upgrades on federally-protected species and their critical habitat and determined that these actions would have no effect on listed species and that consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) was not necessary.

EPA is not taking action at this time on revisions to 38 MRSA § 464 sub-section 4, paragraph A.(5), which changes the pH range for discharges to freshwater from 6.0 – 8.5 to 6.5 – 9.0, and will initiate consultation under the ESA with USFWS and NMFS.

We look forward to continued cooperation with Maine in the development and review of WQS pursuant to our responsibilities under the CWA. If you have any questions, please contact Dan Arsenault (617-918-1562) or Mike Knapp (617-918-1053).

Sincerely,

Ken Moraff, Director  
Water Divison  
EPA Region 1

Cc:

Matt Hight, Environmental Specialist, Office of the Commissioner, Maine DEP  
Brian Kavanah, Director, Bureau of Water Quality, Maine DEP  
Wendy Garland, Director, Environmental Assessment, Bureau of Water Quality, Maine DEP  
Susanne Meidel, Water Quality Standards Coordinator, Bureau of Water Quality, Maine DEP

**Attachment A**  
**Supporting Discussion of EPA’s Decisions on Maine’s Water Quality Standards 2022**  
**Triennial Review Revisions Contained in P.L. 2021, Ch. 551**

**38 MRSA § 361-A, Sub-Section 1-L – CFU**

This provision contained the definition of colony forming units, or CFU. The definition of CFU has been moved to MRSA §466, sub-section 2-C. EPA approves this revision as a non-substantive change.

EPA considers non-substantive edits to existing Water Quality Standards (WQS) to constitute new or revised WQS that it has the authority to approve or disapprove under Section 303(c)(3). While these revisions do not substantively change the meaning or intent of the existing WQS, EPA believes it is reasonable to treat such revisions in this manner to ensure public transparency as to which provisions are applicable for CWA purposes. EPA notes that the scope of its review and action on non-substantive edits or editorial changes extends only to the edits or changes themselves. EPA is not re-opening or reconsidering the underlying WQS that are the subject of the non-substantive edits or editorial changes.

**38 MRSA § 363-D – Waiver or Modification of Protection and Improvement Laws**

This section states:

“The commissioner or the commissioner's designee may waive or modify any of the provisions of this chapter if that waiver or modification promotes or assists any oil spill response activity conducted in accordance with the national contingency plan, a federal contingency plan, the state marine oil spill contingency plan, or as otherwise directed by the federal on-scene coordinator, the commissioner or commissioner's designee. A waiver issued by the commissioner under this section must be in writing.”

In a letter dated June 5, 2015, EPA disapproved this provision because, “Waivers or modifications of WQS that would have the effect of removing a designated use or creating a subcategory of use, including waiving or modifying criteria necessary to support the use, may occur under the Clean Water Act but only in accordance with 40 C.F.R. § 131.10(g) (which, among other things, requires a use attainability analysis). Before taking such action, states must provide public notice and an opportunity for a public hearing, and revised WQS are subject to EPA review and approval. Because 38 M.R.S. § 363-D does not contain any of these requirements, it is not consistent with minimum federal requirements.” The letter further explained that Maine could remedy this provision by specifying that the provision does not apply to WQS.

Maine has added the following language to this provision:

“This section does not apply to state or federal water quality standards applicable to any waters of the State, including, but not limited to, designated uses, criteria to protect existing and designated uses and antidegradation policies.”

EPA finds that the revisions listed above are not WQS requiring EPA review and approval pursuant to Section 303(c)(3) of the Clean Water Act and 40 C.F.R. Part 131 because the revisions do not affect criteria, designated uses, or antidegradation requirements. EPA notes its prior, 2015, disapproval is no longer applicable as the provision has been amended to address the basis for EPA's disapproval.

### **38 MRSA § 464 Sub-Section 2, Paragraph C – Classification of Maine Waters**

This provision has been revised to read as follows:

“C. ~~The Pursuant to subsection 3, paragraph B, the~~ board may recommend changes in classifications it ~~deems~~ considers necessary to the legislature.”

EPA finds that the revision listed above is not a WQS requiring EPA review and approval pursuant to Section 303(c)(3) of the Clean Water Act and 40 C.F.R. Part 131 because the revision does not affect criteria, designated uses, or antidegradation requirements.

### **38 MRSA § 464 Sub-Section 2-A, Paragraph E – Classification of Maine Waters**

This provision has been revised to read as follows:

“E. If the board adopts a proposal to enact a designated use under paragraph A, subparagraph (1) or to remove a designated use or adopt a subcategory of a designated use under paragraph A, subparagraph (2), it shall ~~forward that proposal~~ submit to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters ~~at~~ during the next regular session of the Legislature a report that includes that recommendation and the joint standing committee may report out legislation to implement that recommendation. The board may not ~~forward~~ propose any other recommendation to the Legislature under this subsection. The Legislature has sole authority to make changes in the designated uses of the waters of the State, including the creation of a subcategory of a designated use.”

EPA finds that the revision listed above is not a WQS requiring EPA review and approval pursuant to Section 303(c)(3) of the Clean Water Act and 40 C.F.R. Part 131 because the revision does not affect criteria, designated uses or antidegradation requirements. If any legislation to implement the recommendation amounts to a WQS change, the Clean Water Act requires it to be submitted to EPA and requires EPA to act on it before it is effective for Clean Water Act purposes.

### **38 MRSA § 464 Sub-Section 3 – Classification of Maine Waters**

This provision has been revised to read as follows:

“3. Reports to the Legislature. The ~~department~~ commissioner or the board, as applicable, shall periodically report to the Legislature as ~~governed by the following provisions~~ follows.

A. ~~The commissioner shall submit to~~ During the first regular session of each Legislature, the commissioner shall submit to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters a

report on the quality of the State's waters ~~which~~ that describes existing water quality, identifies waters that are not attaining their classification and states what measures are necessary for the attainment of the standards of their classification.

B. The board shall, from time to time, but at least once every 3 years, hold public hearings for the purpose of reviewing the water quality classification system and related standards and, as appropriate, recommending changes in the standards ~~to the Legislature~~. After conducting the review, the board shall submit to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters a report describing the board's findings and any recommendations for changes to the water quality classification system and related standards and the joint standing committee may report out legislation to implement those recommendations.

C. ~~The commissioner shall report to~~ During the first regular session of each Legislature, the commissioner shall submit to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters a report on the status of licensed discharges.

EPA finds that the revisions listed above are not WQS requiring EPA review and approval pursuant to Section 303(c)(3) of the Clean Water Act and 40 C.F.R. Part 131 because the revisions do not affect criteria, designated uses or antidegradation requirements. Regarding Part B, if any legislation to implement the recommendation amounts to a WQS change, the Clean Water Act requires it to be submitted to EPA and requires EPA to act on it before it is effective for Clean Water Act purposes.

#### **38 MRSA § 464 Sub-Section 4, Paragraph F.(2) – Classification of Maine Waters**

The designation of outstanding national resource waters (ONRWs) at 464 Sub-Section 4, Paragraph F.(2) was expanded to include waters in the Katahdin Woods and Waters National monument in addition to those water bodies in public reserve lands. EPA approves this revision as it provides greater protections to the water bodies in these areas and provides greater specificity about which waters within the State are considered ONRWs.

#### **38 MRSA § 464 Sub-Section 4, Paragraph F.(4) – Classification of Maine Waters**

This provision has been revised to read as follows:

(4) When the actual quality of any classified water exceeds the minimum standards of the next highest classification, that higher water quality must be maintained and protected. ~~The Pursuant to subsection 3, paragraph B, the~~ board shall recommend to the Legislature that that water be reclassified in the next higher classification.

EPA finds that the revision listed above is not a WQS requiring EPA review and approval pursuant to Section 303(c)(3) of the Clean Water Act and 40 C.F.R. Part 131 because the revision does not affect criteria, designated uses or antidegradation requirements.

### **38 MRSA § 465 Sub-Section 1, Paragraph B and Sub-Section 2 Paragraph B. – Standards for the Classification of Fresh Surface Waters**

Section 465 Sub-Section 1, Paragraph B and Sub-Section 2 Paragraph B contain *Escherichia coli* (*E. Coli*) criteria for Class AA and A waters. The units for the *E. coli* criteria were previously listed only as colony forming units (CFU). This criterion has been amended to include the units of most probably number (MPN), in addition to the existing CFU units.

EPA approved methods for *E. coli* testing may be found at 40 C.F.R § 136.3. Depending on the approved method utilized, the results may be expressed as MPN or CFU. Therefore, EPA approves the addition of MPN to the *E. coli* criteria for Class AA and A waters, as it is consistent with EPA's approved methods. Although EPA is acting on the addition of the unit of MPN, EPA is not taking a new action on the *E. coli* criteria values.

### **38 MRSA § 465 Sub-Section 3, Paragraph B. – Standards for the Classification of Fresh Surface Waters**

Two revisions were made to this section. First the following provision was added:

“Class B waters must be of sufficient quality to support all aquatic species indigenous to those waters without detrimental changes in the resident biological community”

“Without detrimental changes in the resident biological community” is already defined at 38 MRSA § 466 as:

“‘Without detrimental changes in the resident biological community’ means no significant loss of species or excessive dominance by any species or group of species attributable to human activity.”

EPA approves this revision as it adds greater specificity to the protections afforded to Class B waters. EPA notes that this language is already present in 38 MRSA § 465 sub-section 3, paragraph C as it pertains to discharges to Class B waters.

Secondly, the units for *E. coli* criteria were previously listed only as CFU. The unit of MPN was added to the *E. coli* criteria. Since EPA approved methods for *E. coli* testing found at 40 C.F.R § 136.3 may be expressed as CFU or MPN, EPA approves this revision.

### **38 MRSA § 465 Sub-Section 4, Paragraph B. – Standards for the Classification of Fresh Surface Waters**

Two revisions were made to this section. First the following provision was added:

“Class C waters must be of sufficient quality to support all species of fish indigenous to those waters and to maintain the structure and function of the resident biological community.”

This provision is already contained in 38 MRSA § 465 sub-section 4, paragraph C as it pertains to discharges to Class C waters. EPA approves this revision as it adds greater specificity to the protections afforded to Class C waters.

Secondly, the units for *E. coli* criteria were previously listed only as CFU. The unit of MPN was added to the *E. coli* criteria. Since EPA approved methods for *E. coli* testing found at 40 C.F.R § 136.3 may be expressed as CFU or MPN, EPA approves this revision.

**38 MRSA § 465-A Sub-Section 1, Paragraph B. – Standards for Classification of Lakes and Ponds**

The units for *E. coli* criteria were previously listed only as CFU. The unit of MPN was added to the *E. coli* criteria. Since EPA approved methods for *E. coli* testing found at 40 C.F.R § 136.3 may be expressed as CFU or MPN, EPA approves this revision.

**38 MRSA § 465-B Sub-Section 1, Paragraph B. – Standards for Classification of Estuarine and Marine Waters**

The units for *enterococcus* bacteria criteria applicable to Class SA were previously only specified as CFU. The unit of MPN was added to the *enterococcus* bacteria criteria. Since EPA approved methods for *enterococcus* bacteria testing found at 40 C.F.R § 136.3 may be expressed as CFU or MPN, EPA approves this revision.

To ensure that shellfishing is protected, this section was also revised to contain United States Food and Drug Administration (FDA) total bacteria or other specific indicator organisms as established under the National Shellfish Sanitation Program (NSSP) and contained in its publication “Guide for the Control of Molluscan Shellfish”, 2019 revision or any successor publication. EPA approves this revision since it protects the designated use of shellfishing contained in MRSA § 465-B sub-section 1, paragraph B.

**38 MRSA § 465-B Sub-Section 2, Paragraph B – Standards for the Classification of Estuarine and Marine Waters**

Three revisions were made to this section. First the following provision was added:

“Class SB waters must be of sufficient quality to support all estuarine and marine species indigenous to those waters without detrimental changes in the resident biological community.”

This provision provides greater specificity about the protections afforded to Class SB waters. Also, this provision is already contained in MRSA § 465-B sub-section 2, paragraph C as it pertains to discharges to Class SB waters. EPA approves this provision.

Secondly, the units for *enterococcus* bacteria criteria applicable to Class SB were previously only specified as CFU. The unit of MPN was added to the *enterococcus* bacteria criteria. Since EPA approved methods for *enterococcus* bacteria testing found at 40 C.F.R § 136.3 may be expressed as CFU or MPN, EPA approves this revision.

Finally, while this section does contain the reference to FDA’s total bacteria or other specific indicator organisms established under the NSSP for the protection of shellfishing, it does not specifically reference the NSSP publication “Guide for the Control of Molluscan Shellfish”



(2019 revision) or any successor publication. EPA approves this revision as it provides greater specificity concerning the FDA NSSP publication to be used for the protection of shellfishing.

### **38 MRSA § 465-B Sub-Section 3, Paragraph B – Standards for the Classification of Estuarine and Marine Waters**

Three revisions were made to this section. First the following provision was added:

“Class SC water must be of sufficient quality to support all species of fish indigenous to those waters and to maintain the structure and function of the resident biological community”

This provision provides greater specificity about the protections afforded to Class SC waters. Also, this provision is already contained in MRSA § 465-B sub-section 2, paragraph C as it pertains to discharges to Class SC waters. EPA approves this provision.

Secondly, the units for *enterococcus* bacteria criteria applicable to Class SC were previously only specified as CFU. The unit of MPN was added to the *enterococcus* bacteria criteria. Since EPA approved methods for *enterococcus* bacteria testing found at 40 C.F.R § 136.3 may be expressed as CFU or MPN, EPA approves this revision.

Finally, while this section does contain the reference to FDA’s total bacteria or other specific indicator organisms established under the NSSP for the protection of shellfishing, it does not specifically reference the NSSP publication “Guide for the Control of Molluscan Shellfish” (2019 revision) or any successor publication. EPA approves this revision as it provides greater specificity concerning the FDA NSSP publication to be used for the protection of shellfishing.

### **38 MRSA § 466 Sub-Section 2-C and 8-B – Definitions**

The following definitions have been added to this section:

2-C. CFU. "CFU" means colony-forming units.

8-B. MPN. "MPN" means most probable number.

EPA approves the addition of these definitions. These definitions provide the necessary information to apply and implement Maine’s WQS. EPA approves these definitions because they are consistent with § 303(c) of the CWA and the implementation regulations at 40 C.F.R. Part 131.

### **38 MRSA § 467 Sub-Section 1, Paragraph A – Classification of Major River Basins**

The segment of the Androscoggin from its confluence with the Ellis River to a line formed by the extension of the Bath-Brunswick boundary across Merrymeeting Bay in a northwesterly direction was previously a Class C in its entirety. The segment has been broken into two segments with the upper segment retaining Class C status and the lower section being upgraded to Class B. The segments are as follows:

- (2) From its confluence with the Ellis River to Worumbo Dam in Lisbon Falls – Class C
- (3) From Worumbo Dam in Lisbon Falls to a line formed by the extension of the Bath-Brunswick boundary across Merrymeeting Bay in a northwesterly direction – Class B

EPA approves this revision as it affords greater protections to the Class B section of the Androscoggin River.

**38 MRSA § 467 Sub-Section 1, Paragraph B – Classification of Major River Basins**

This section contains water classifications for the Little Androscoggin River Drainage. Two waters have been removed from this section because they were previously incorrectly listed in the Little Androscoggin River but actually flow into the Androscoggin River. These include:

- (d) Cushman Stream in Woodstock – Class A
- (e) Meadow Brook in Woodstock – Class A

EPA notes that Black Brook in Woodstock no longer appears as a stand-alone Class A segment. It is contained in “Tributaries upstream of the confluence with Twitchell Brook in Greenwood” which are listed as Class A waters.

Two new additions have been made to this section, which constitute classification upgrades from Class B to Class A, including:

- (g) Twitchell Brook and its tributaries in Greenwood and Albany Township - Class A
- (h) Tributaries upstream of the confluence with Twitchell Brook in Greenwood – Class A

EPA approves these revisions since they increase protections to certain waters and list waters in the correct watershed.

**38 MRSA § 467 Sub-Section 1, Paragraph D – Classification of Major River Basins**

The Nezinscot River east and west branches above their confluence in Buckfield were previously designated Class A waters. This section has been revised to include the tributaries to the east and west branches of the Nezinscot River above their confluence in Buckfield as Class A waters. Their class remains unchanged.

The following two segments were previously incorrectly listed in the Little Androscoggin River Drainage and have been added to minor tributaries of the Androscoggin River, their class remains unchanged:

- (10) Cushman Stream in Woodstock, an unnamed tributary to Meadow Brook at Cushman Hill Road – Class A

(11) Meadow Brook in Woodstock – Class A

EPA approves these revisions as they add further protections to the tributaries of the Nezinscot River and now correctly list Cushman Stream and Meadow Brook in the correct watershed.

**38 MRSA § 467 Sub-Section 4, Paragraph G – Classification of Major River Basins**

Several classification upgrades were made to the Sandy River Tributaries which are Class B unless otherwise specified. First, the language “unless otherwise specified” was added to item (2)(a) so the provision now reads:

- (a) All tributaries entering above the Route 142 bridge in Phillips - Class A unless otherwise specified.

Next, the following classification upgrades were added:

- (a-1) South Branch Sandy River and its tributaries – Class AA
- (a-2) Cottle Brook and its tributaries – Class AA
- (c) Mount Blue Stream and its tributaries – Class A
- (d) Oberton Stream above Toothaker Pond Road and its tributaries – Class AA

EPA approves these revisions as they add further protections to these waterbodies.

**38 MRSA § 467 Sub-Section 5, Paragraph B – Classification of Major River Basins**

Three revisions were made to water body segments that are tributaries to the Machias River. These waters are Class A unless otherwise specified.

First, for item (7) Fletcher Brook and its tributaries are Class AA. The previous classification only contained Fletcher Brook in Township 36 Middle division.

Secondly, all of Magazine Brook in item (8) is Class AA. The previous classification only listed Magazine Brook as Class AA in Township 43 Middle Division.

Finally, for item (10), Chain Lakes Stream, also known as Chain Lake Stream, is Class AA. The previous AA classification was only for Chain Lakes Stream in Day Block Township. “Also known as Chain Lake Stream” was added to the segment description as well.

EPA approves these revisions as they add further protections to these waterbodies.

**38 MRSA § 467 Sub-Section 6-A, Paragraph B – Classification of Major River Basins**

Item 12 within this section, Narraguagus River Basin, was revised to include Township 28 and Middle Division. This item now reads:

“(12) Little Narraguagus River in Township 22 Middle Division and Township 28 Middle Division – Class AA.”

EPA approves this revision as it adds further protection to the Little Narraguagus River.

**38 MRSA § 467 Sub-Section 7, Paragraph B – Classification of Major River Basins**

Three Class AA segments were added to the East Branch of the Penobscot tributaries. Waters within this drainage are Class A unless otherwise specified. The three Class AA waters include:

(f) All tributaries entering the East Branch Penobscot River from the west, any portion of which is located within the boundaries of the Katahdin Woods and Waters National Monument - Class AA.

(g) Those segments of any tributary of the Sebois River that are located within the boundaries of the Katahdin Woods and Waters National Monument – Class AA.

(h) Dry Brook, East Branch and West Branch Mud Brook and other tributaries located in T.3, R.7, W.E.L.S. that enter the East Branch Penobscot River from the east, any portion of which is located within the boundaries of the Katahdin Woods and Waters National Monument - Class AA.

EPA approves these revisions as they add further protections and classification upgrades from Class A to Class AA to these waterbodies.

**38 MRSA § 467 Sub-Section 7, Paragraph C – Classification of Major River Basins**

Five water classification upgrades were made to this Section, Penobscot River, West Branch Drainage. Item (d) was amended to classify waters 1,000 feet below McKay powerhouse as Class A and item (d-1) was added to designate waters 1,000 downstream of McKay powerhouse to the confluence of Ambajejus Lake as Class AA. These items now read as follows:

(d) From the McKay powerhouse to a point located 1,000 feet downstream - Class A.

(d-1) From a point located 1,000 feet downstream of the McKay powerhouse to its confluence with Ambajejus Lake - Class AA.

Items (a), (b) and (e) pertain to the West Branch of the Penobscot River tributaries that are Class A unless otherwise specified. Item (a) was amended to include tributaries that are located within the Katahdin Woods and Waters National Monument and item (b) was revised to include tributaries entering between Ripogenus Dam and the confluence of Ambajejus Lake. Item (e) is a new provision and specifies that Nahmakanta Stream and its tributaries including tributaries to Nahmakanta Land and upstream lakes as Class AA. These provisions now read as follows:

(a) Those segments of any tributary that are located within the boundaries of Baxter State Park or the Katahdin Woods and Waters National Monument - Class AA.

(b) Those tributaries entering between Ripogenus Dam and the confluence with Ambajejus Lake - Class AA.

(e) Nahmakanta Stream and its tributaries including tributaries to Nahmakanta Lake and upstream lakes - Class AA.

EPA approves these revisions as they add further protections to these waterbodies.

**38 MRSA § 467 Sub-Section 7, Paragraph E – Classification of Major River Basins**

Four revisions were made to this section which address Piscataquis River tributaries. Item (e) was revised to include “unless otherwise specified” for the Pleasant River, West Branch tributaries which are Class A. Item (e-1) was added to designate Houston Brook and its tributaries as Class AA, this is a classification upgrade from Class A to Class AA. Items (k) and (l) were revised to include tributaries of Schoodic Stream and Scutaze Stream as Class A waters. These provisions now read:

(e) Pleasant River, West Branch tributaries - Class A unless otherwise specified.

(e-1) Houston Brook and its tributaries - Class AA.

(k) Schoodic Stream and its tributaries - Class A.

(l) Scutaze Stream and its tributaries - Class A.

EPA approves these revisions as they add further protections to these waterbodies.

**38 MRSA § 467 Sub-Section 7, Paragraph F – Classification of Major River Basins**

Two revisions were made to this section which includes the Penobscot River minor tributaries. These waters are Class B unless otherwise provided. Item (a) was repealed. The provision classified Cambolasse Stream (Lincoln) below the Route 2 bridge as Class C. This water is now a Class B water. Additionally, item (12) was amended to include the tributaries of Medunkeunk Stream as Class A waters. EPA approves these revisions as they add further protections to these waterbodies.

**38 MRSA § 467 Sub-Section 9, Paragraph A – Classification of Major River Basins**

The section concerns waters of the Presumpscot River, main stem. Items (3) and (4) were revised to clarify that “Saccarappa Falls” is also known as “Sacarappa Falls.” EPA approves these clarifications as non-substantive changes that improve clarity and the identification of the waters.

**38 MRSA § 467 Sub-Section 15, Paragraph F – Classification of Major River Basins**

This section concerns water of the minor tributaries of the St. John River lying within the State. These waters are Class A unless otherwise specified. Item (6) was revised to specify that the Southwest Branch from a point located five miles downstream of the international boundary to its confluence with the Northwest Branch, as opposed to the Baker Branch, is a Class AA water. The Baker Branch and Baker Stream are contained in item (2) and are Class AA waters from the

headwaters at the Upper First St. John Pond to the confluence with the Southwest Branch. EPA approves this revision as it adds further protection to this waterbody.

**38 MRSA § 468 Sub-Section 1, Paragraph C – Classifications of Minor Drainages**

“Finnard” Brook in item (2) was corrected to read “Finnerd” Brook. EPA approves this clarification as a non-substantive change that improves clarity and the identification of this water.

**38 MRSA § 468 Sub-Section 1, Paragraph J – Classifications of Minor Drainages**

This item was repealed. Long Creek, main stem, in Westbrook was previously listed as a Class C water. Since this provision is repealed, Long Creek, main stem, in Westbrook is now a Class B water pursuant to 38 MRSA § 468 Sub-Section 1. EPA approves this revision as it adds further protection to this waterbody.

**38 MRSA § 468 Sub-Section 1, Paragraphs O, P, Q and R - Classifications of Minor Drainages**

This section addresses minor drainages in Hancock County. Tributaries to Bonnell Pond have been upgraded to Class A in the Town of Sullivan (item 2), Township 10 Southern Division (item 2), Township 9 Southern Division (item 1) and the Town of Franklin (item 1). EPA approves these revisions as they add further protections to these waterbodies.