



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Sq., Suite 100
BOSTON, MA 02109-3912

May 25, 2022

Brian Kavanah, Director
Bureau of Water Quality
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

Re: Maine's 2018/2020/2022 Clean Water Act §303(d) List

Dear Mr. Kavanah:

Thank you for Maine Department of Environmental Protection's (ME DEP) submittal of the state's 2018/2020/2022 Clean Water Act (CWA) §303(d) list received as part of the *2018/2020/2022 Integrated Water Quality Monitoring and Assessment Report* submitted to EPA New England on March 30, 2022. We greatly appreciate the effort by your staff on the preparation and well documented submittal of this combined multiyear list.

In accordance with §303(d) of the CWA and 40 CFR §130.7, the U.S. Environmental Protection Agency (EPA) conducted a complete review of Maine's 2018/2020/2022 §303(d) list. Based on this review, EPA has determined that Maine's 2018/2020/2022 §303(d) list of water quality limited segments still requiring total maximum daily loads (TMDLs) meets the requirements of CWA §303(d) and EPA's implementing regulations, as described in the attached approval documentation. Therefore, EPA hereby approves ME DEP's section 303(d) list.

ME DEP's submittal also describes a priority-setting approach and identifies those waters for which TMDLs will be completed and submitted to EPA over time. The statutory and regulatory requirements, and EPA's review of ME DEP's compliance with each requirement, are described in detail in the enclosed approval document.

ME DEP also successfully completed a public participation process in early 2022, during which the public was given the opportunity to review and comment on the state's proposed §303(d) list. As a result of this effort, ME DEP has considered public comments in the development of the final list. A summary of the public comments and ME DEP's response to comments were included in the final submittal, and EPA reviewed them in the evaluation of Maine's final §303(d) list.

Finally, in reviewing the Integrated Report we noticed that all freshwaters in Maine are impaired for the general fishing designated use caused by atmospheric deposition of mercury. Although not explicitly stated in the Integrated Report, EPA acknowledges that the subset of waters where the sustenance fishing designated use applies are also impaired, as criteria to support this use requires higher consumption rates.

My staff and I look forward to continued cooperation with ME DEP in implementing the requirements under §303(d) of the CWA. Please feel free to contact me or Jackie LeClair at 617-918-1549 if you have any questions or comments on our review.

Sincerely,

Ken Moraff, Director
Water Division

Enclosure

cc (electronic):

Susanne Meidel, ME DEP
Wendy Garland, ME DEP
Bonnie Blalock, EPA Region 1
Greg Dain, ORC, EPA Region 1
Al Basile, EPA Region 1
Jackie LeClair, EPA Region 1
Tim Bridges, EPA Region 1