

Comments on Chapters for which Water Quality Standards Revisions are Approved

1. Chapter 227. *An Act to List Agriculture as a Designated Use in Water Quality Standards.*

Chapter 227 adds agriculture as a designated use to Maine's freshwater use classifications (AA, A, B, C, GPA). This revision is consistent with Section 303(c)(2)(A) of the Clean Water Act and 40 CFR §131.10(a) which explicitly list agriculture as a use that states are to consider when designating uses. EPA would like to point out that listing agriculture as a designated use in water quality standards sets the goal that the water is to be of sufficient quality to support agricultural uses of that water. Any determination to allow the withdrawal of water for agriculture should only be made after full consideration of the existing uses and other designated uses of the waterbody, the applicable physical, chemical, and biological criteria, and Maine's antidegradation provisions. For example, Class AA waters are defined as "free flowing and natural" and are recognized by Maine as Outstanding National Resource Waters (ONRW).

2. Chapter 317 *An Act to Reclassify Certain Waters of the State*

Chapter 317 upgrades the use classification for numerous water body segments. These revisions are consistent with the CWA because in all cases the waters' designated use goals continue to be consistent with the goal uses of the CWA at section 101(a)(2), and are upgraded to subcategories of those uses that require more stringent criteria.

Provisions in Chapter 317, Sec. 6. 38 MRSA §467, sub-§4 A.(13), concerning license limits for residual chlorine and bacteria are not water quality standards, and therefore are not subject to EPA action under Section 303(c) of the Act.