STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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March 30, 2022

Jackie LeClair
Chief, Water Quality and Wetlands Protection Section
United States Environmental Protection Agency
Region 1
5 Post Office Square, Mailcode 06-2
Boston, MA 02109

RE: Maine's 2018/2020/2022 § 303(d) list and Integrated Water Quality Report

Dear Jackie,

The Maine Department of Environmental Protection hereby submits our final draft 2018/2020/2022 Integrated Water Quality Monitoring and Assessment Report ('2022 Report') to the U.S. Environmental Protection Agency (USEPA) as required of §§ 305(b), 303(d) and 314 of the Clean Water Act, and in fulfillment of the reporting requirements of 38 M.R.S. § 464(3)(A) of the State of Maine's Water Classification Program.

The listing and assessment methodology used by the Department is provided in Chapter 4. Of note is a major update to the methodology section 'Data Interpretation', with new General Principles and significantly expanded guidance for assessments of dissolved oxygen, bacteria and pH impairments. Specific surface waterbody attainment and impairment assignments are found in the Appendices (a separate document and electronic file), which are broken into five waterbody types: rivers/streams, lakes, wetlands, estuarine/marine waters and coastal designated beaches.

Over the past several reporting cycles, Maine DEP has fallen behind on timely submittals for the IR. In an attempt to catch up, the Department compiled an abbreviated 2016 Report, in which assessments for lakes/ponds and wetlands were updated based on data from calendar years 2013-2014 while assessments for rivers/streams and estuarine/marine waters were very limited, and most of the remaining portions of the report were unaltered from 2014. For the 2022 Report, assessments were based on 2013-2020 data for rivers/streams, 2015-2018 for lakes/ponds, and 2015-2020 for wetlands, although more recent data was consulted where appropriate. For estuarine/marine waters, assessments for all designated uses other than shellfish harvesting were based on data from 2013-2020, while shellfish harvesting designated use assessments were based on Maine Department of Marine Resources classifications as of March 1, 2021. For coastal designated beaches, which are included for the first time in the current report, assessments were based on monitoring data collected during beach seasons 2016-2020.

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Summary of Significant Findings

- For rivers and streams, there are significant changes in Categories 1 and 2 due to a move of five assessment units (AUs) from the former category to the latter. Thirteen AUs with aquatic life use impairments are moved from Category 5-A to Category 4-A due to USEPA approval of an addendum to the Maine Statewide Total Maximum Daily Load (TMDL) for Nonpoint Source Pollution in September 2021. One AU is delisted to Category 2 due to water quality standards attainment for aquatic life, and one is delisted to Category 4-B due to the implementation of a 4-B restoration approach. One AU is added to Category 3 for a potential impairment in aquatic communities. Eleven AUs are added to Category 5-A for confirmed impairments in aquatic communities, and three for bacteria impairments.

- Lakes and ponds of Maine are relatively stable (as a percentage of total assessed waters) with respect to their listing categories during the 2016 to 2022 time frame as only two lakes are changing category due to aquatic life use impairments (one each moving into Categories 4-C and 5-A). One lake is being moved from Category 5-A into the newly created Category 5-Alternative due to USEPA approval of an Alternative Restoration Plan.

- All freshwaters in Maine continue to be listed for an impaired Fish Consumption Use caused by mercury from sources beyond the region. These waters are in Category 4-A because of USEPA's 2007 approval of a Regional Mercury TMDL. Many mainstem river segments are listed in Category 5-D for non-attainment of the fish consumption use due to legacy PCB contamination of fish tissue.

- For wetlands, where attainment decisions are based on expert judgment of Department biologists using statutory narrative aquatic life use criteria, eleven AUs are added to Category 3 and two to Category 5. A large increase in Category 2 acreage is the result of previously included waters being entered into ATTAINS and thus newly included in acreage summations.

- The delineation of estuarine and marine waters is completely revamped, resulting in the creation of two separate sets of AUs, one for the shellfish harvest designated use and one for all other uses. In addition, AU notation is now better aligned with Maine's freshwater segments, allowing accurate georeferencing. As a result of these changes, comparisons between 2016 and 2022 listings are difficult although it can be noted that the waters included in any Category 5 in 2022 were mostly likely included in a corresponding category in 2016. However, the update to the assessment methodology for bacteria impairments creates a delisting of approximately 122 AUs from Category 5-B-1 to Category 3. Tables 8-9 and 8-13 and Appendix V (*Category 3: Estuarine and Marine Waters with Insufficient Data or Information to Determine if Shellfish Harvesting Designated Use is Attained*) include more information.

- Assessment results for the attainment of the primary recreation designated use (i.e. Recreation in the Water) based on bacteria monitoring at designated coastal, marine beaches are included for the first time based on a requirement in the 2014 National Beach Guidance and Required Performance Criteria for Grants; for more information please see page 106 in the Report. In addition to 57 AUs in Category 2, five AUs are in Category 3 and three are in Category 5-B.

- The Groundwater Program is described in Chapter 6. Maine's groundwater may be threatened by contamination, particularly in the unforested areas that comprise approximately 11% of the State. Important sources of groundwater contamination in Maine include disposal activities such as septic systems and landfills, leaking storage facilities, agriculture, spilled hazardous materials, winter salt applications, or previously unregulated activities.

- An important emerging group of contaminants in Maine as elsewhere are Per- and Polyfluoroalkyl Substances (PFAS). Maine DEP is allocating significant resources to detecting PFAS in groundwater, fish and shellfish, and several Report sections as well as a dedicated web page provide information on these efforts. No impaired listings have as yet been developed for these toxics.

We greatly appreciate the outstanding support and professionalism of several EPA staff and their accurate and insightful reviews of several draft sections of the Report. Their attention to detail was a great help to my staff and has significantly improved the final draft we are now submitting for final review.

We look forward to USEPA's review of this final draft of Maine's 2018/2020/2022 Integrated Report.

Sincerely,

Brian Kavanah, Director
Bureau of Water Quality

Cc: Wendy Garland, Director, Division of Environmental Assessment (DEA)
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