

March 8, 2001

David Van Wie
Maine Department of Environmental Protection
#17 State House Station
Augusta, Maine 04333-0017

SUBJECT: Notification of Approval of the Meduxnekeag River TMDL

Dear Mr. Van Wie:

Thank you for your submittal of the Meduxnekeag River Total Maximum Daily Load (TMDL) for total phosphorus. This waterbody is included on Maine's 1998 303(d) list as a high priority for TMDL development to address low dissolved oxygen due to excessive nutrient loading from point and nonpoint sources.

The U.S. Environmental Protection Agency (EPA) hereby approves Maine's October 12, 2000 Meduxnekeag River TMDL. EPA has determined that this TMDL meets the requirements of §303(d) of the Clean Water Act (CWA), and of EPA's implementing regulations (40 CFR Part 130). Attached is a copy of our approval documentation.

EPA notes that portions of the non-attainment segment of the Meduxnekeag River run through or adjacent to trust lands of the Houlton Band of Maliseet Indians (see attached map). This TMDL approval does not constitute a finding of State jurisdiction over particular waters in Indian country. As stated in EPA's January 12, 2001 decision on Maine's application for NPDES program approval, EPA has not yet decided whether the State of Maine has sufficient authority to implement the federal Clean Water Act in Indian country. If Maine law does not apply, federal law would apply to administer and enforce the NPDES program as it relates to the implementation of this TMDL. After consultation with the Houlton Band of Maliseet Indians, EPA has determined that this TMDL complies with the federal Clean Water Act, regardless of the outcome of the jurisdictional issue. Therefore, the technical findings in this submittal will provide the basis for the TMDL for the Meduxnekeag River whether EPA or the State is implementing the TMDL in Indian country.

We are very pleased with the quality of your TMDL submittal. Your staff have done an excellent job of developing the TMDL for this stream. My staff and I look forward to continued cooperation with the ME DEP in exercising our shared responsibility of implementing the requirements under Section 303(d) of the CWA.

Sincerely,

Linda M. Murphy, Director
Office of Ecosystem Protection

cc: David Courtemanch, ME DEP
David Miller, ME DEP
Brenda Commander, HBMI, Tribal Chief
Anthony Tomah, HBMI, Natural Resources Director

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