2025 Triennial Review of Water Quality Standards

Meagan Sims
Water Quality Standards Coordinator

Agenda

- Overview of TR process and next steps
- Summary of proposals and recommendations
- Opportunity for questions and comments

Temple Stream

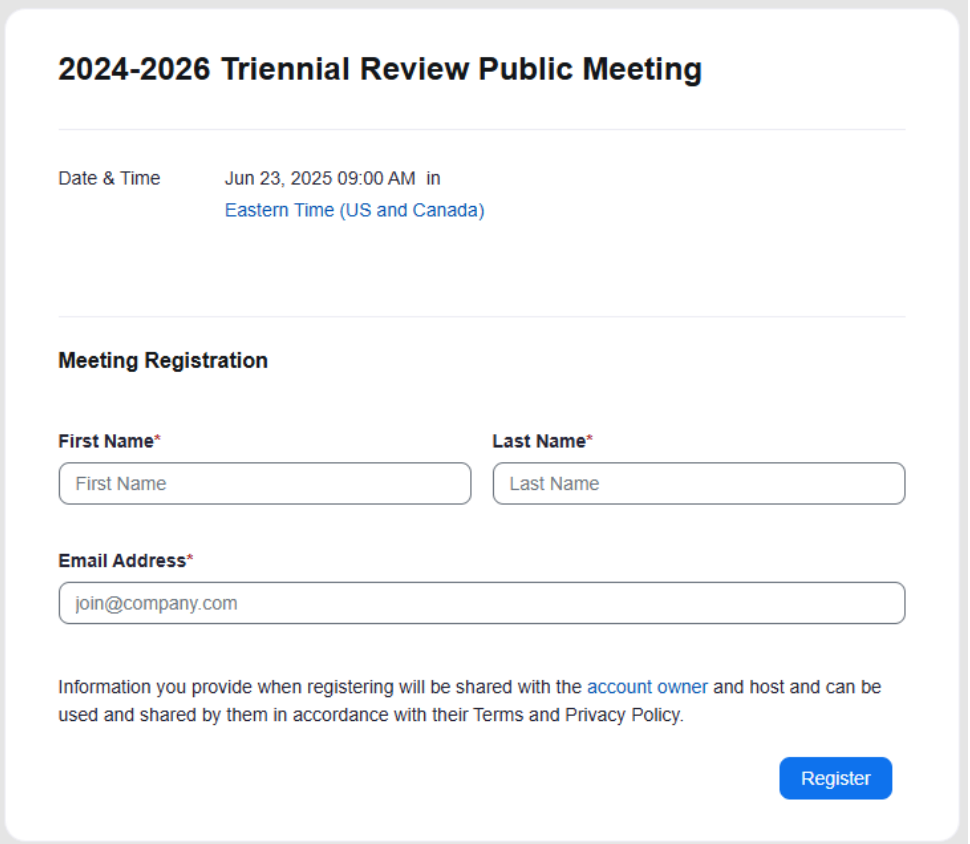
Timeline

Summer 2024	Received proposals
Winter 2024 to Spring 2025	Prepared DEP draft Triennial Review package
Spring/Summer 2025	Public review and input of proposed changes, including virtual public meeting
Fall 2025	Board of Environmental Protection (BEP) public hearing/comment phase, work session
Winter 2025	BEP final vote on Triennial Review package
Winter 2025/2026	Submit statutory changes for Legislative approval
Winter/Spring 2026	Legislative vote on Triennial Review package

Submittal to EPA for approval

Public Input Phase

- Written public comment period from May 28 to June 30
- Virtual public meeting on June 23, 2025



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Next Steps

- Board of Environmental Protection
  - Conducts public hearing and comment period on recommendations
  - Work session to develop final recommendations for Legislature
  - Vote

Sandy River, Phillips

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Submittal to EPA for approval

Next Steps

- Legislature
  - Conducts public hearing
  - Makes final state determination

- EPA must approve WQS changes before become effective

Proposals for WQS Changes

EPA:

- Freshwater & marine pH criteria
- Natural conditions clause
- Recreational bacteria WQS year-round
- Surface WQ criteria for toxic pollutants
- TSI equation correction
- Water temperature in tidal waters
- Expand mixing zone policy
- Expand recreational WQS for cyanotoxins

DEP:

- Aquatic life standards
- DO criteria for Class B

External:

- DO criteria for Class A & B
- Freshwater pH criteria
- Finfish aquaculture permitting
- New water quality class
- Prohibitions on odor discharges
- Expand surface water general provisions
- Turbidity criteria
- DO criteria for Class AA & SA
- Marine nitrogen criteria
- Freshwater nutrient criteria
- Limited exemption for DO

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Statutory changes

Rulemaking

Further investigation

DEP:

- Aquatic life standards
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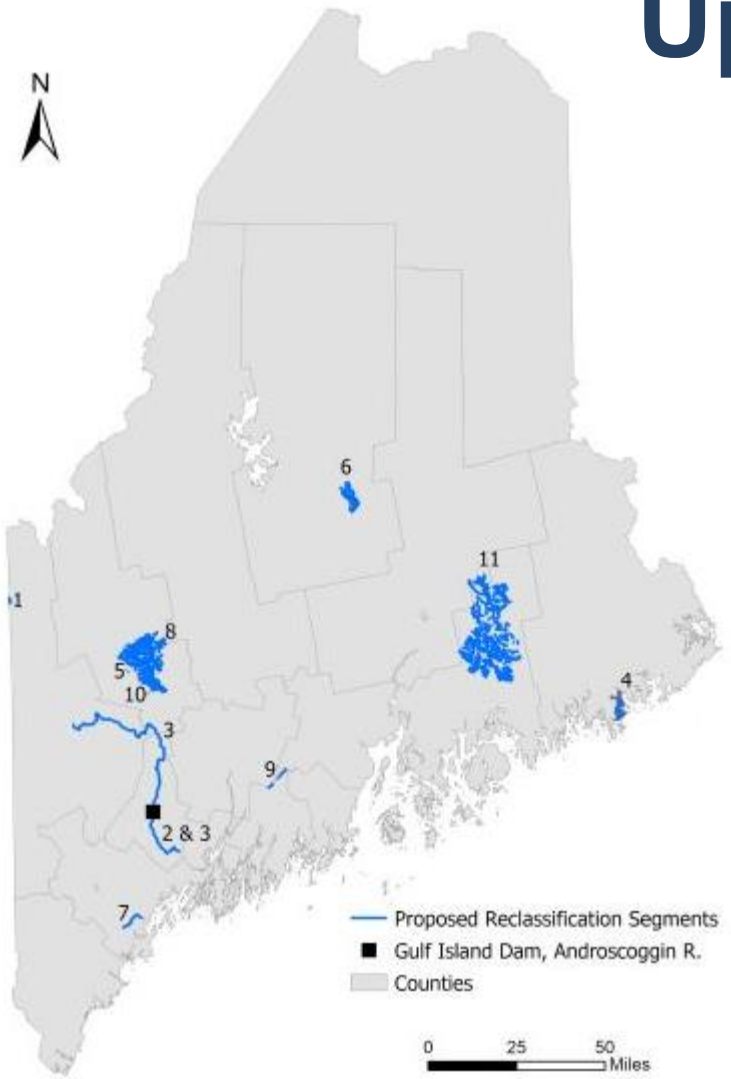
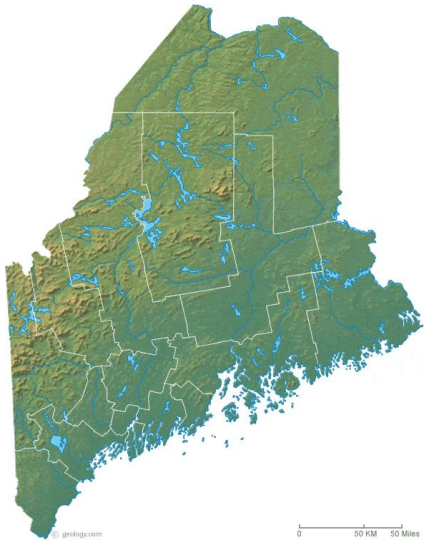
Upgrade Proposals



Key	Segment	Current Class	Proposed Class
1	Abbott Brook, one unnamed tributary	A	AA
2	Androscoggin River (base of Gulf Island Pond to Worumbo Dam)	C	B
3	Androscoggin River (confluence with Ellis River to Worumbo Dam)	C	B
4	Chandler Bay	SB	SA
5	Mount Blue Stream and tributaries	A	AA
6	Pleasant River, Middle Branch and tributaries	A	AA
7	Presumpscot River (Saccarappa Falls to Head of Tide at Presumpscot Falls)	C	B
8	Sandy River and tributaries	B	A
9	Sheepscot River (Rt. 17 crossing/Whitefield to Somerville/Palermo townline)	B	A
10	Temple Stream and tributaries	B	A
11	Upper Union River: West Branch, Middle Branch, East Branch and associated tributaries	A	AA

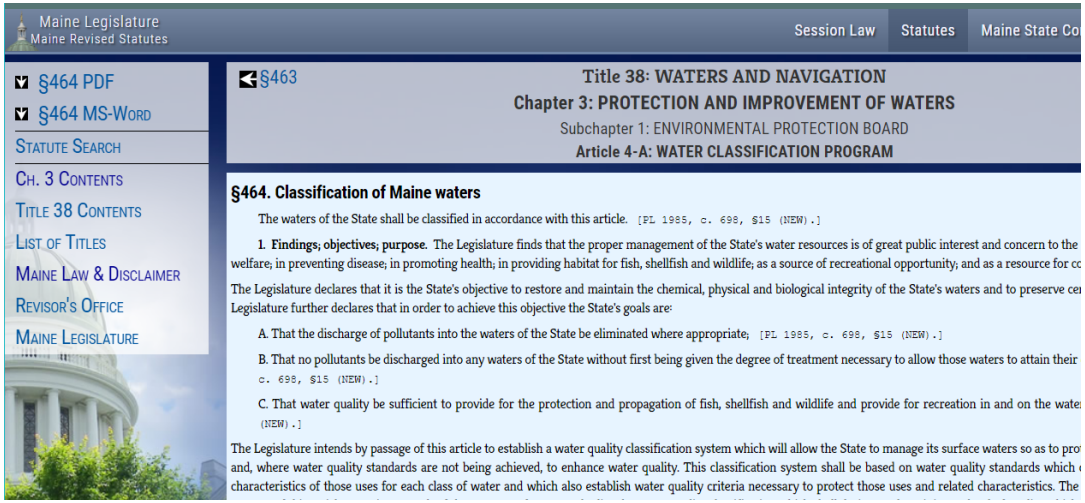
Proposals for WQS Changes

- EPA proposals – background
  - Disapproved ME WQS in 2015
  - Promulgated WQS for ME in late 2016 – few statewide, most only waters in Indian Lands (WIL)
  - Will remain in place until ME promulgates change
  - If ME promulgates change, EPA may withdraw their WQS



Proposals for WQS Changes

- Evaluation
  - Complexity
  - Need
  - Process
  - Impact on licensed dischargers
  - Implementation considerations
  - Availability of data or information to inform decision



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Recommended WQS Changes

EPA:

- **Freshwater & marine pH criteria**
- Natural conditions clause
- Recreational bacteria WQS year-round
- Surface WQ criteria for toxic pollutants
- TSI equation correction
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DEP:

- **Aquatic life standards**
- **DO criteria for Class B**

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Dissolved Oxygen Criteria

- Proposed by:
  - DEP: Class B waters
  - Friends of Casco Bay (FOCB), Conservation Law Foundation (CLF): Class A and B waters
- Current:
  - Not less than 7 ppm or 75% of saturation, whichever is higher

Pleasant River Middle Branch

Dissolved Oxygen Criteria

- Basis for proposals:
  - Account for natural fluctuations
  - Reflect continuous collection methods
  - Clarify application of criteria
- Considerations and recommendations:
  - 7 ppm and 75% of saturation; daily average; not below 6.0
  - Classification upgrades possible
  - No issues expected

East Branch of the Penobscot River

Aquatic Life Criteria

- Current (GPA): provide natural habitat for AL
- Basis for proposal:
  - Clarify existing WQS contain enforceable narrative AL criteria
  - Allowance - state agency-approved fish stocking and management

Mayfly (Discover Life)

- Considerations and recommendations:
  - No issues expected, only clarification
  - Revisions for Class AA and Class A to align

Freshwater pH Criteria

- Proposed by: EPA and Hancock County Soil and Water Conservation District (HCSWCD):
  - EPA: AA, A, B, C, GPA
  - HCSWCD: AA, A, B, C
- Current: 6.5 – 9.0 for discharge provisions; 6.5 – 8.5 for WIL

Atlantic salmon eggs and hatched fish
(Science Photo Library)

Freshwater pH Criteria

- Basis for proposals:
  - Protective of aquatic life, incl. Atlantic salmon
  - Protect treaty fishing rights
- Considerations and recommendations:
  - 6.5 – 9.0 for Classes A, B, C, and GPA
  - Class AA: further investigation
  - Potential impairments

Atlantic salmon eggs and hatched fish
(Science Photo Library)

Marine pH Criteria

- Proposed by: EPA
- Current: 7.0 – 8.5 for discharge provisions
- Basis for proposal:
  - Numeric criteria for Classes SA, SB, and SC
- Considerations and recommendations:
  - Add range of 7.0 – 8.5 to Classes SB and SC
  - Class SA: further investigation
  - Potential impairments

NOAA Fisheries

WQS Changes Not Recommended

EPA:

- Freshwater & marine pH criteria
- **Natural conditions clause**
- **Recreational bacteria WQS year-round**
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- **Expand surface water general provisions**
- **Turbidity criteria**
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- **Marine nitrogen criteria**
- Freshwater nutrient criteria
- Limited exemption for DO

Natural Conditions Clause

- Proposed by: EPA
- Current: if WQS not attained due to natural conditions – waters not impaired
- Basis for proposal: does not apply to human health criteria (toxics, bacteria) (WIL)
- Considerations and recommendations:
  - Implementation issues, not not proposing to change
  - Two sets of criteria in effect

Beaver (Getty Images)

Finfish Aquaculture Permitting

- Proposed by: Frenchman Bay United (FBU)
- Basis for proposal:
  - Revise aquaculture permitting framework
  - Include antidegradation policy in statute
- Considerations and recommendations:
  - Permitting outside scope, separate process
  - Antidegradation policy: remain as guidance
  - Nitrogen rule development
  - Not proposing to change

Prohibition on Odor Discharges

- Proposed by: CLF
- Basis for proposal:
  - Include odor in license considerations
  - Clarify WQS and improve waterbody health

Yuliia Zozulia, Getty Images

- Considerations and recommendations:
  - Covered by existing statutes and licensing processes
  - Not proposing to change

Surface Water General Provisions

- Proposed by: CLF
- Basis for proposal:
  - Expand surface water general descriptors to align with discharge provisions

ITOPF

- Considerations and recommendations:
  - Addressed via existing statutes, permitting, or rules; impairment listings
  - Not proposing to change

New Water Quality Class

- Proposed by: Androscoggin River Watershed Council (ARWC)
- Basis for proposal:
  - New Class B with lower DO criteria (6.0 mg/L)
  - Many waters not meeting existing DO criteria
- Considerations and recommendations:
  - Complex issue; extensive effort
  - Class B DO criteria proposal
  - Not proposing to change

Dissolved Oxygen Criteria

- Proposed by: CLF and FOCB
- Current (AA/SA): as naturally occurs
- Basis for proposal:
  - Develop numeric criteria
  - Current narrative criteria confusing
- Considerations and recommendations:
  - Reference waters, limited data
  - Not proposing to change

Recreational Water Quality Criteria

- Proposed by: EPA
- Basis for proposal (Classes B, C, SB, SC):
  - Bacteria criteria applicable year-round (WIL)
  - Current: April 15th to October 31st
- Considerations and recommendations:
  - Implementation issues: not proposing to change
  - Two sets of criteria in effect

Getty Images

Nitrogen Criteria

- Proposed by: FOCB
- Basis for proposal (SB and SC):
  - Add narrative nitrogen criteria
  - Control pollution and impairments
- Considerations and recommendations:
  - Continue numeric criteria rule development
  - Use existing discharge laws and programs
  - Not proposing to develop

Turbidity Criteria

- Proposed by: HCSWCD
- Basis for proposal:
  - Develop criteria for Classes AA, A, and B
  - Control human sedimentation sources
- Considerations and recommendations:
  - Not proposing to change
  - Compliance approaches
  - Existing regulations and programs to mitigate issues

Union River below Graham Lake (FOGL)

WQS Changes - Rulemaking

EPA:

- Freshwater & marine pH criteria
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- Recreational bacteria WQS year-round
- **Surface WQ criteria for toxic pollutants**
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- **Freshwater nutrient criteria**
- Limited exemption for DO

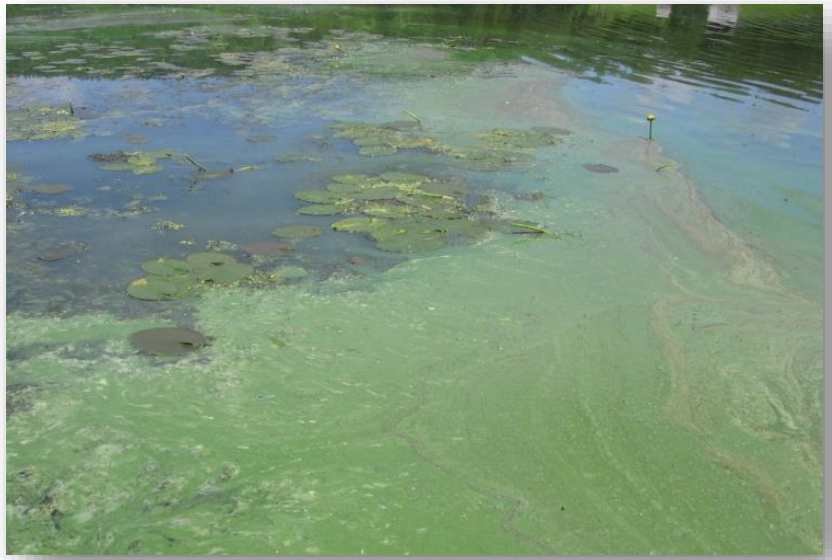
Rulemaking

- Deferred rulemaking:
  - Correct TSI equation for regulations relating to water quality evaluations (Ch. 581)
  - Amend regulations relating to tidal temperature (Ch. 582)
  - Amend surface water quality criteria for toxic pollutants relating to the protection of aquatic life (Ch. 584)

Pixabay

Rulemaking

- Recently completed rulemaking
  - Ch. 583 Freshwater Nutrient Criteria for Classes AA, A, B, and C
    - EPA approved June 11, 2025
- Future rulemaking
  - New mixing zone rule
    - Currently 38 M.R.S. Section 451



Further Investigation

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- **Limited exemption for DO**

Exemption for Topographically Isolated Areas in Riverine Impoundments

- Proposed by: ARWC
- Basis for proposal:
  - Stratification causes low DO and WQ criteria attainment issues; create exemption
- Considerations and recommendations:
  - Investigate multiple questions
  - Data collection as needed
  - Consult with stakeholders

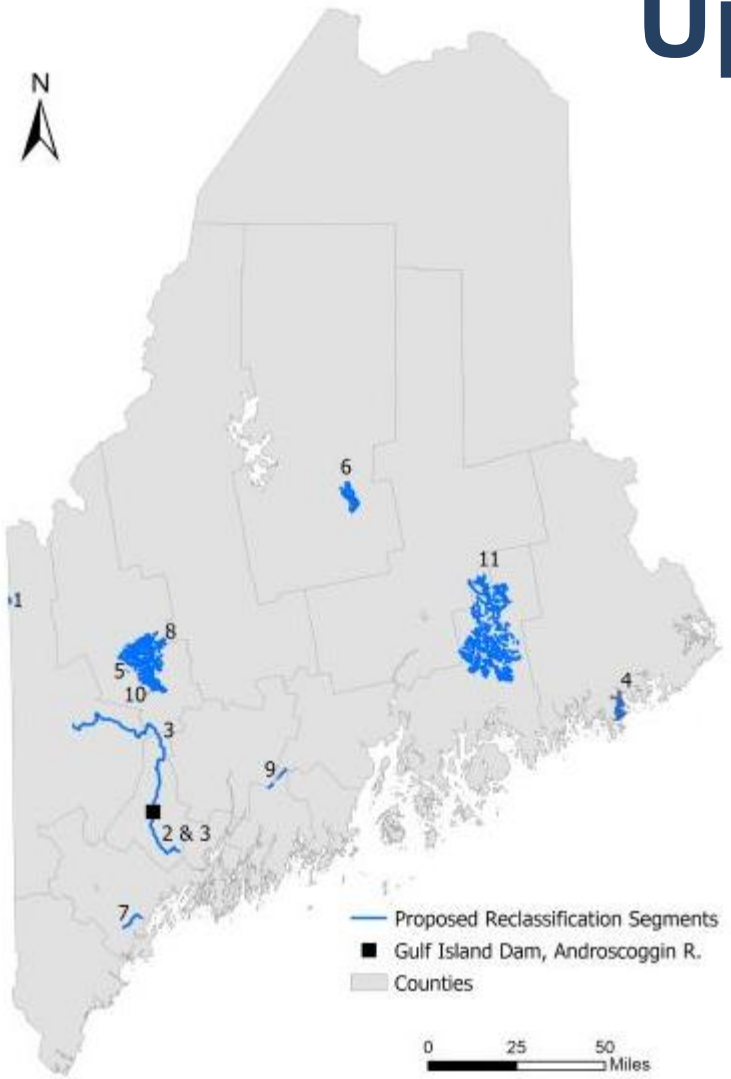
Gulf Island Pond

Recreational WQS - Cyanotoxins

- Proposed by: EPA
- Basis for proposal: implement federal criteria to protect public health
- Considerations and recommendations:
  - Investigate multiple questions
  - Collaborate with ME CDC
  - Consult with stakeholders

Sabattus Pond

Upgrade Proposals



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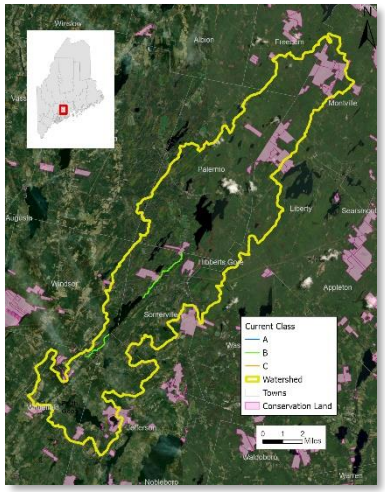
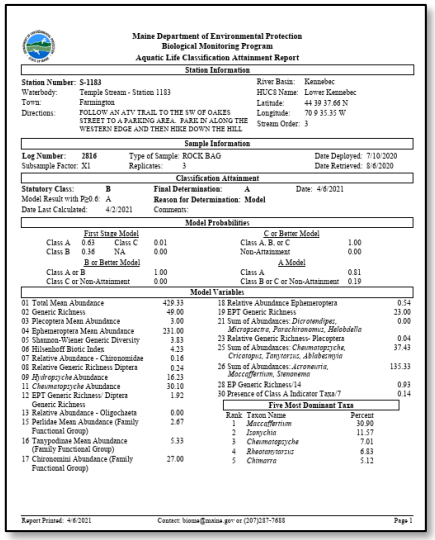
11	Upper Union River: West Branch, Middle Branch, East Branch and associated tributaries	A	AA

Upgrade Proposals

Evaluation





Maine Department of Environmental Protection
Biological Monitoring Program
Aquatic Life Classification Attainment Report

Station Information

Station Number:	S-1183	River Basin:	Kennebec
Waterbody:	Temple Stream - Station 1183	HUC8 Name:	Lower Kennebec
Town:	Farmington	Latitude:	44 39 37.66 N
Directions:	FOLLOW AN ATV TRAIL TO THE SW OF OAKES STREET TO A PARKING AREA. PARK IN ALONG THE WESTERN EDGE AND THEN HIKE DOWN THE HILL	Longitude:	70 9 35.35 W
		Stream Order:	3

Sample Information

Log Number:	2816	Type of Sample:	ROCK BAG
Subsample Factor:	X1	Replicates:	3
		Date Deployed:	7/10/2020
		Date Retrieved:	8/6/2020

Classification Attainment

Statutory Class:	B	Final Determination:	A
Model Result with Pp0.6:	A	Reason for Determination:	Model
Date Last Calculated:	4/2/2021	Comments:	
		Date:	4/6/2021

Model Probabilities

First Stage Model				C or Better Model	
Class A	0.63	Class C	0.01	Class A, B, or C	1.00
Class B	0.36	NA	0.00	Non-Attainment	0.00
B or Better Model				**A Model**	
Class A or B	1.00			Class A	0.81
Class C or Non-Attainment	0.00			Class B or C or Non-Attainment	0.19

Model Variables

01 Total Mean Abundance	429.33	18 Relative Abundance Ephemeroptera	0.54
02 Generic Richness	49.00	19 EPT Generic Richness	23.00
03 Plecoptera Mean Abundance	3.00	21 Sum of Abundances: *Dicranotipes, Micrapsacnia, Parachironomus, Helobdella*	0.00
04 Ephemeroptera Mean Abundance	231.00		
05 Shannon-Wiener Generic Diversity	3.83	23 Relative Generic Richness- Plecoptera	0.04
06 Hilsenhoff Biotic Index	4.23	25 Sum of Abundances: *Chiamatopsyche, Cricotopus, Tanytarsus, Ablabesmyia*	37.43
07 Relative Abundance - Chironomidae	0.16		
08 Relative Generic Richness Diptera	0.24	26 Sum of Abundances: *Acroneuria, Maccaffertium, Stenonema*	135.33
09 *Hydropsyche* Abundance	16.23		
11 *Chiamatopsyche* Abundance	30.10	28 EP Generic Richness/14	0.93
12 EPT Generic Richness: Diptera Generic Richness	1.92	30 Presence of Class A Indicator Taxa/7	0.14

Five Most Dominant Taxa

Rank	Taxon Name	Percent
1	*Maccaffertium*	30.90
2	*Isonychia*	11.57
3	*Chiamatopsyche*	7.01
4	*Rheotanytarsus*	6.83
5	*Chimarra*	5.12

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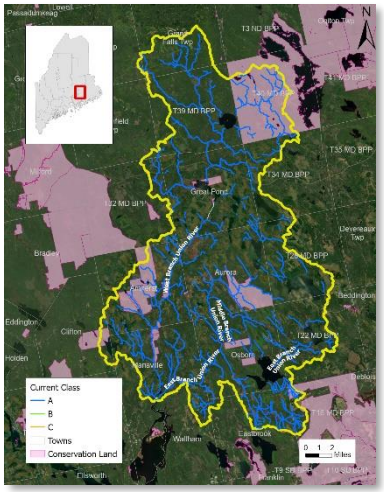
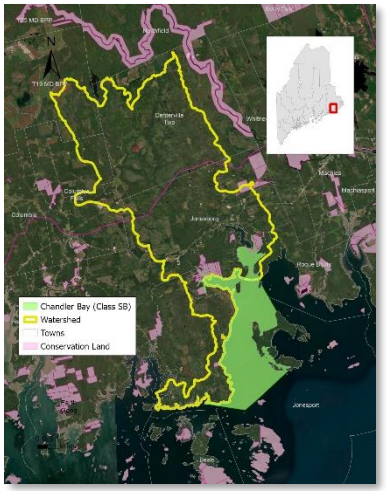
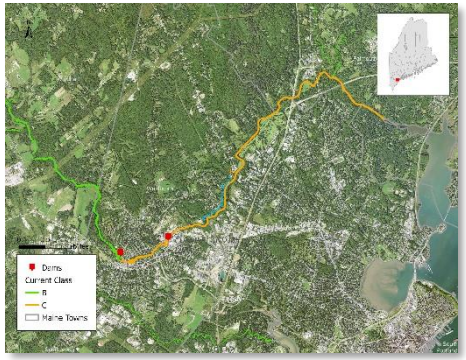
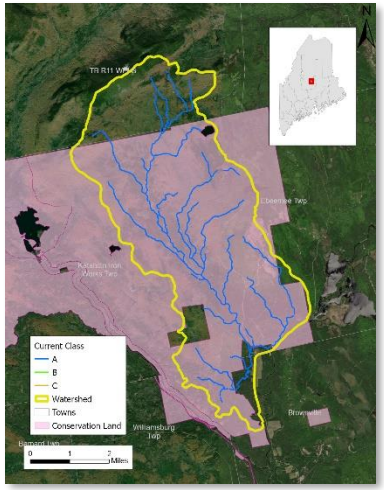


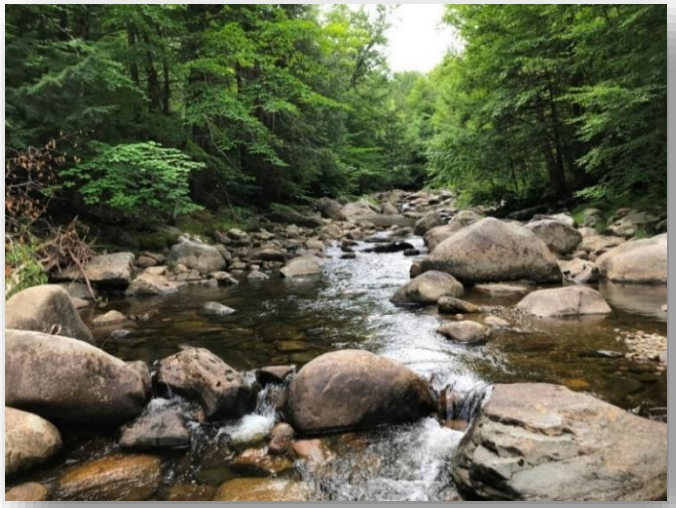




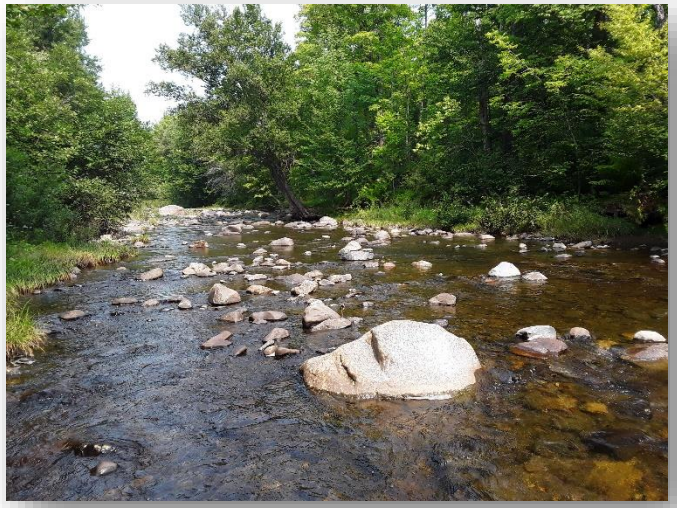


Upgrade Proposals

- Recommend for upgrade: 3
- Not recommend for upgrade: 8
- Grouped by type of upgrade (i.e., Class A to AA, B to A, C to B)



Mount Blue Stream, Avon



Pleasant River Middle Branch

Class A to Class AA

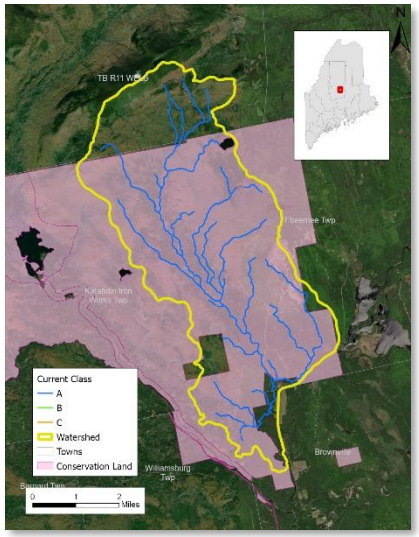
- Waterbodies:
  - Abbott Brook and Tributary
  - Mount Blue Stream and Tributaries
  - Pleasant River Middle Branch and Tributaries
  - Upper Union River - West, Middle, and East Branches and Tributaries
- Proposed by: DEP and HCSWCD

East Branch Union River

Upgrade Proposals

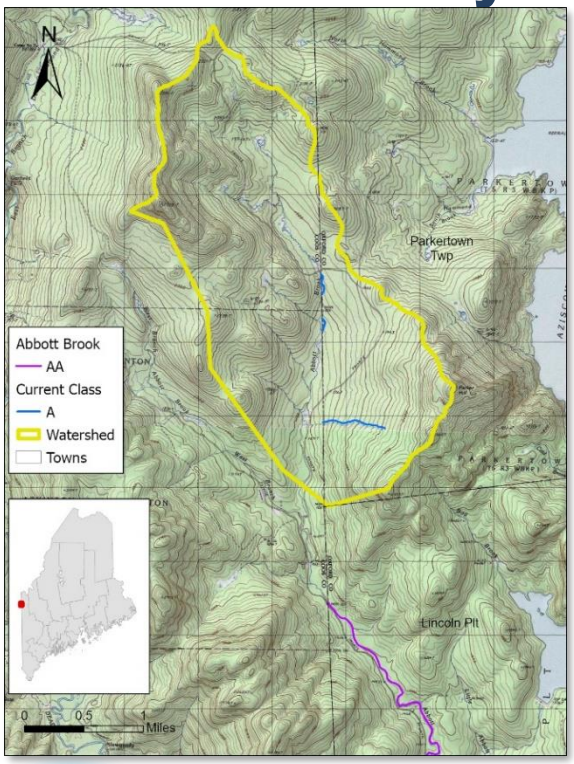
Class AA:

- Ecological, social, scenic or recreational importance
- Aquatic life, DO, *E. coli* – as naturally occurs
- No direct discharges
- Habitat – free flowing and natural

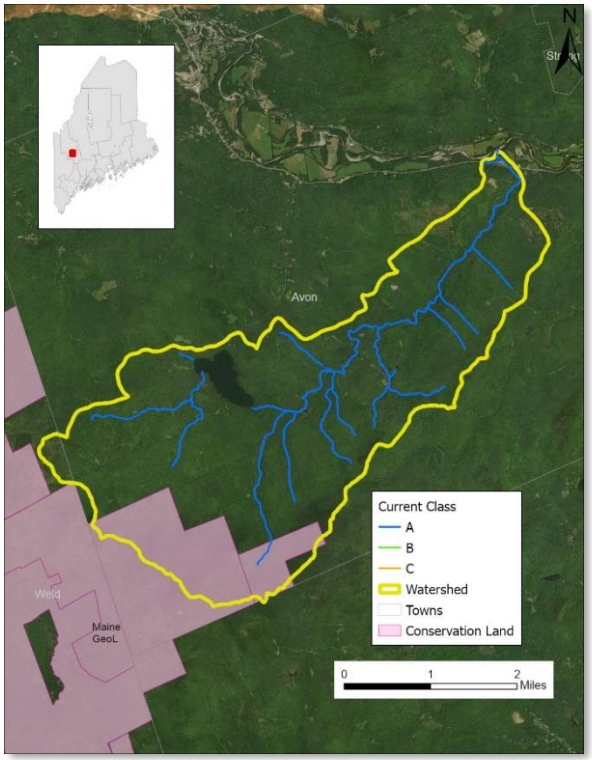


Recommended Class A to AA

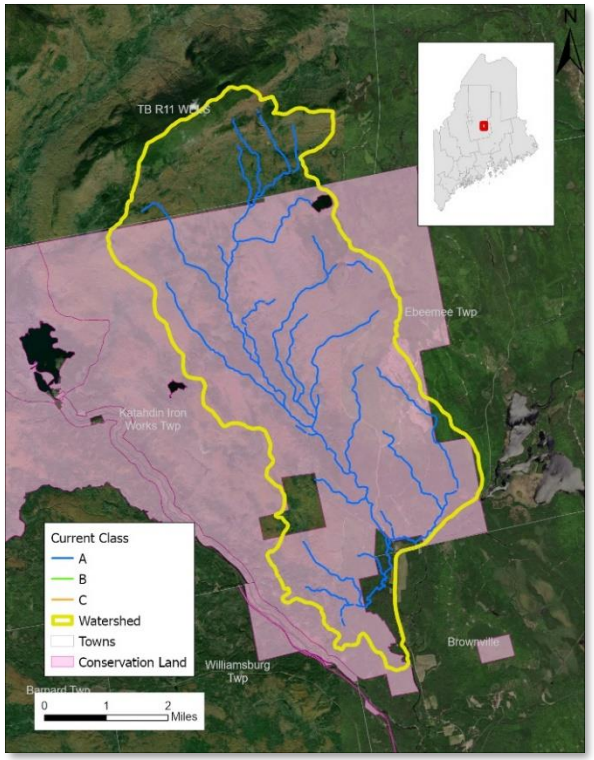
Abbott Brook and Tributary



Mt. Blue Stream and Tributaries



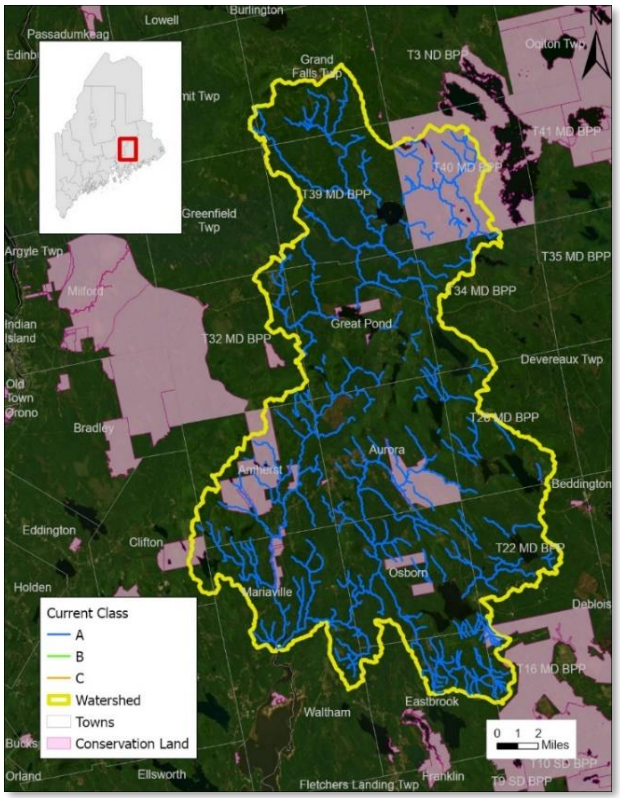
Pleasant River Middle Branch and Tributaries



Not Recommended Class A to AA

Union River – West, Middle, and East Branches and Tributaries

- Basis for proposal:
  - Salmon protection; ecological significance; WQ attainment
- Considerations and recommendations:
  - Land uses, existing data
  - Data needed, incl. nutrients



Class B to Class A

- Waterbodies:
  - Temple Stream and Tributaries
  - Sandy River and Tributaries
  - Sheepscot River (Rt. 17 Crossing in Whitefield to Somerville/Palermo Town Line)

- Proposed by: DEP and Midcoast Conservancy

Sheepscot River

Upgrade Proposals

Class A:

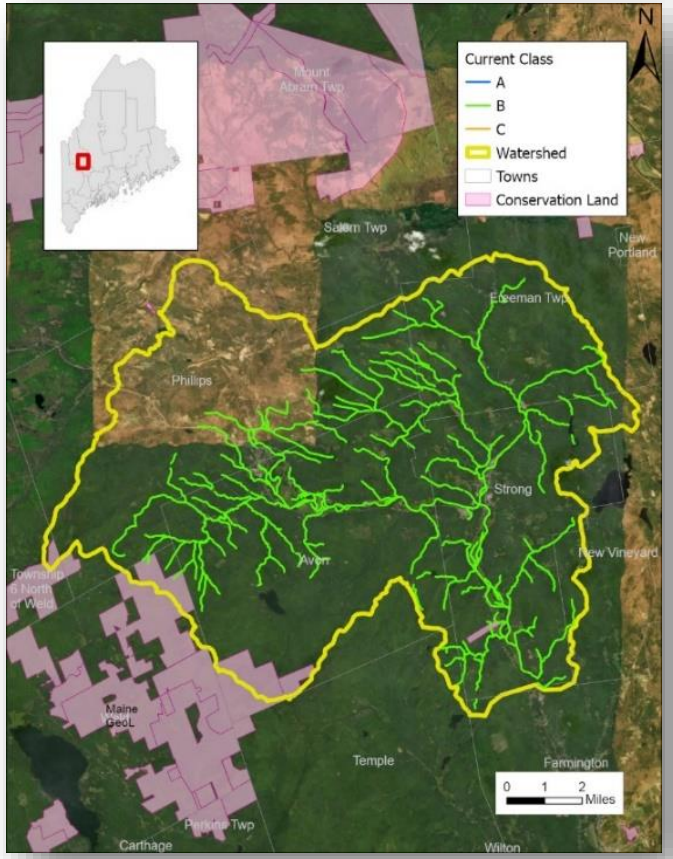
- Aquatic life – as naturally occurs
- Very limited direct discharges
- Habitat – natural
- DO – not less than 7 ppm or 75% saturation
- *E. coli* – as naturally occurs, 64 CFU GM and 236 STV
- Chapter 583 – TP < 19 µg/L; environmental indicators

Babel Brook, T5 R9 TWP

Not Recommended Class B to A

Sandy River and Tributaries

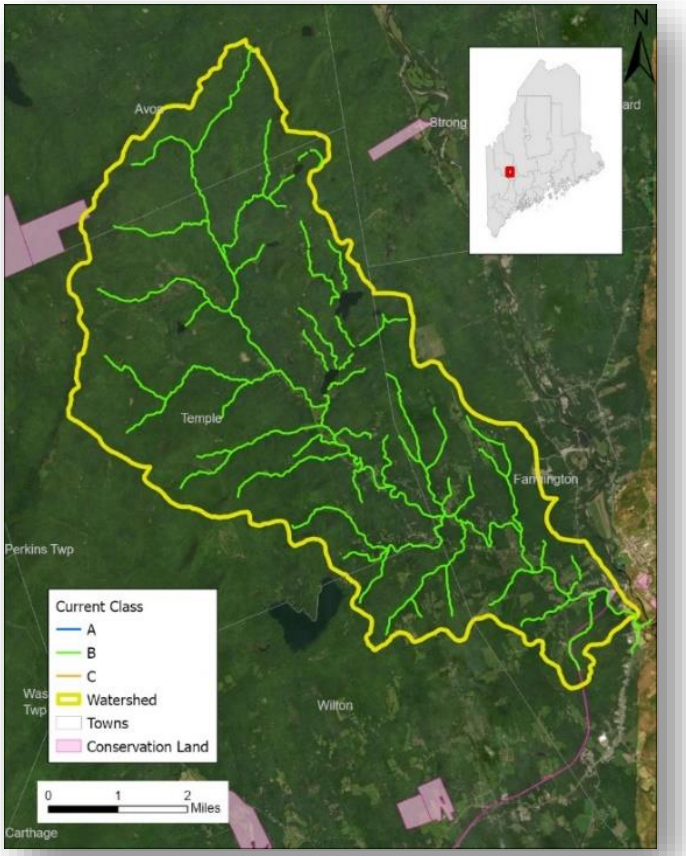
- Basis for proposal:
  - Salmon protection; forested watershed; WQ attainment
- Considerations and recommendations:
  - Land uses, existing data
  - Data needed, incl. nutrients



Not Recommended Class B to A

Temple Stream and Tributaries

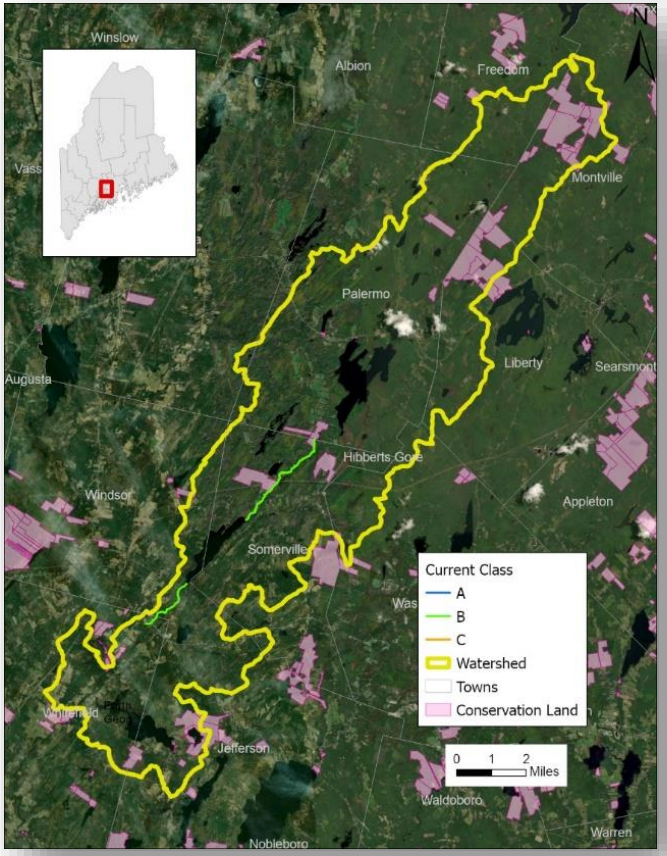
- Basis for proposal:
  - Salmon protection; forested watershed; WQ attainment
- Considerations and recommendations:
  - Land uses, existing data
  - Further investigation needed



Not Recommended Class B to A

Sheepscot River - Rt. 17 Crossing to Somerville/Palermo

- Basis for proposal:
  - Fisheries protection
  - Dam removal, WQ attainment
- Considerations and recommendations:
  - Land uses, existing data
  - Licensed discharge (Palermo)



Class C to Class B

- Waterbodies:
  - Androscoggin River: confluence with Ellis River to Worumbo Dam
  - Lower Androscoggin River: Gulf Island Dam to Worumbo Dam
  - Lower Presumpscot River: Saccarappa Falls to Presumpscot Falls
- Proposed by:
  - ARWC, Grow L+A, Friends of the Presumpscot River (FOPR), and American Rivers (AR)

Androscoggin River

Upgrade Proposals

Class B:

- Aquatic life – sufficient to support all indigenous aquatic species
- Discharges may not cause adverse impact
- Habitat – unimpaired
- DO – 7 ppm or 75% saturation
- *E. coli* – 64 GM and 236 STV
- Chapter 583 – TP < 30 µg/L; environmental indicators

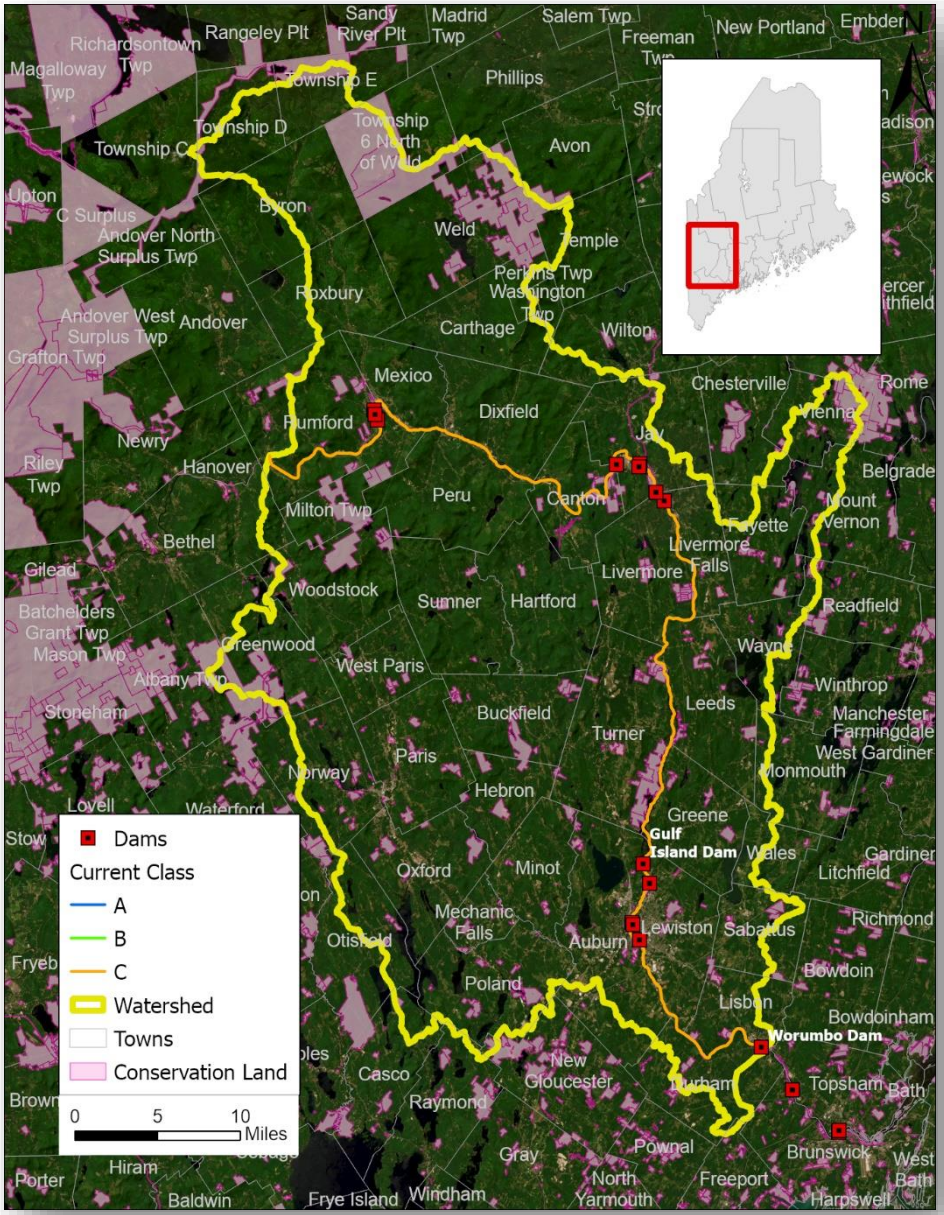
Eddy Brook, New Gloucester

Not Recommended Class C to B

Androscoggin River –
Confluence with Ellis River to Worumbo Dam

Androscoggin River

- Basis for proposal:
  - Mostly attains Class B DO
  - VRMP data: good water quality
  - GIP Deep Hole stratification complicates DO attainment


Dams
Current Class
A
B
C
Watershed
Towns
Conservation Land
0 5 10
Miles
Gulf Island Dam
Worumbo Dam
Rangeley Plt
Sandy River Plt
Madrid Twp
Salem Twp
Freeman Twp
New Portland
Embden
Richardsontown Twp
Magalloway Twp
Township E
Phillips
Township D
Township C
Township 6 North of Weld
Avon
Upton
C Surplus
Byron
Andover North Surplus Twp
Weld
Temple
Roxbury
Perkins Twp
Washington Twp
Andover West Surplus Twp
Andover
Carthage
Wilton
Grafton Twp
Mexico
Chesterville
Rome
Rumford
Dixfield
Jay
Newry
Riley Twp
Hanover
Belgrade
Peru
Canton
Milton Twp
Mount Vernon
Fayette
Bethel
Livermore
Livermore Falls
Gilead
Woodstock
Sumner
Hartford
Readfield
Batchelders Grant Twp
Mason Twp
Greenwood
West Paris
Albany Twp
Winthrop
Stoneham
Buckfield
Leeds
Manchester
Farmingdale
Turner
West Gardiner
Paris
Monmouth
Norway
Hebron
Lovell
Waterford
Greene
Wales
Gardiner
Oxford
Minot
Litchfield
Mechanic Falls
Richmond
Otisfield
Auburn
Lewiston
Sabattus
Bowdoin
Poland
Lisbon
Bowdoinham
New Gloucester
Casco
Topsham
Bath
Raymond
Gray
Pownal
Brunswick
West Bath
Hiram
North Yarmouth
Freeport
Porter
Baldwin
Frye Island
Windham
Harpswell

Androscoggin River

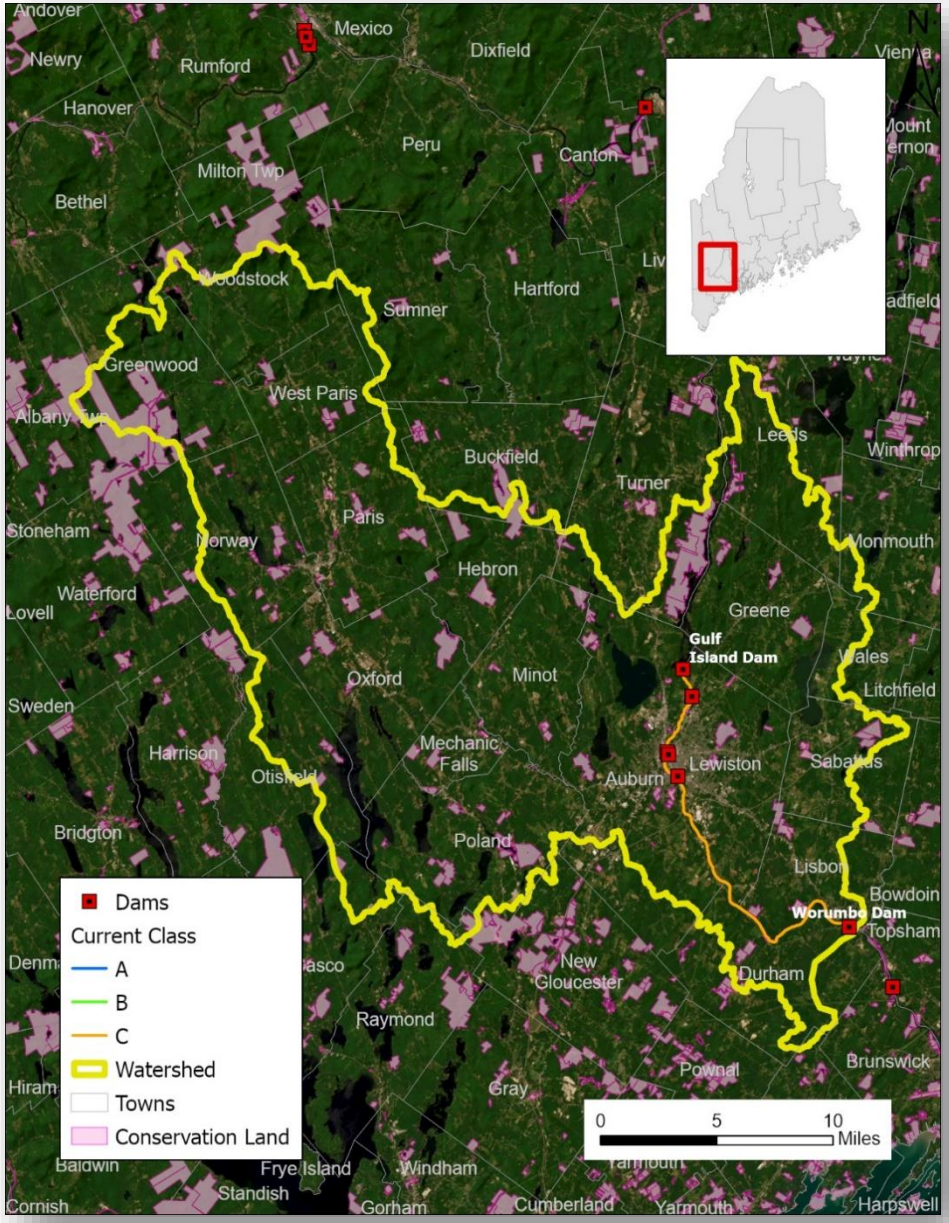
- Considerations and Recommendations:
  - Several pollution sources and stressors
  - Gulf Island Pond contributes water with low DO
  - Water quality does not always attain Class B (without discharges)
  - Existing discharges: consider permitting ramifications
  - Limited data, additional data needed incl. nutrients
  - Potential impairments if upgraded

Not Recommended Class C to B

Androscoggin River – Gulf Island Dam to Worumbo Dam

- Basis for proposal:
  - Mostly attains Class B DO
  - Water quality improvements
  - Benefits to users and economy

Androscoggin River


Andover
Mexico
Newry
Rumford
Dixfield
Hanover
Peru
Canton
Milton Twp
Bethel
Woodstock
Hartford
Sumner
Greenwood
West Paris
Albany Twp
Leeds
Winthrop
Buckfield
Turner
Stoneham
Paris
Norway
Monmouth
Hebron
Waterford
Lovell
Greene
Gulf Island Dam
Wales
Litchfield
Oxford
Minot
Sweden
Harrison
Mechanic Falls
Otisfield
Auburn
Lewiston
Sabattus
Bridgton
Poland
Lisbon
Bowdoin
Worumbo Dam
Topsham
New Gloucester
Durham
Raymond
Brunswick
Pownal
Gray
Hiram
Baldwin
Frye Island
Windham
Standish
Cornish
Gorham
Cumberland
Yarmouth
Harpswell
Dams
Current Class
A
B
C
Watershed
Towns
Conservation Land
0
5
10
Miles

Lower Androscoggin River

- Considerations and Recommendations:
  - Several pollution sources and stressors
  - Gulf Island Pond contributes water with low DO
  - Water quality does not always attain Class B (without discharges)
  - Existing discharges: consider permitting ramifications
  - Class C upstream
  - Limited data, additional data needed incl. nutrients
  - Potential impairments if upgraded

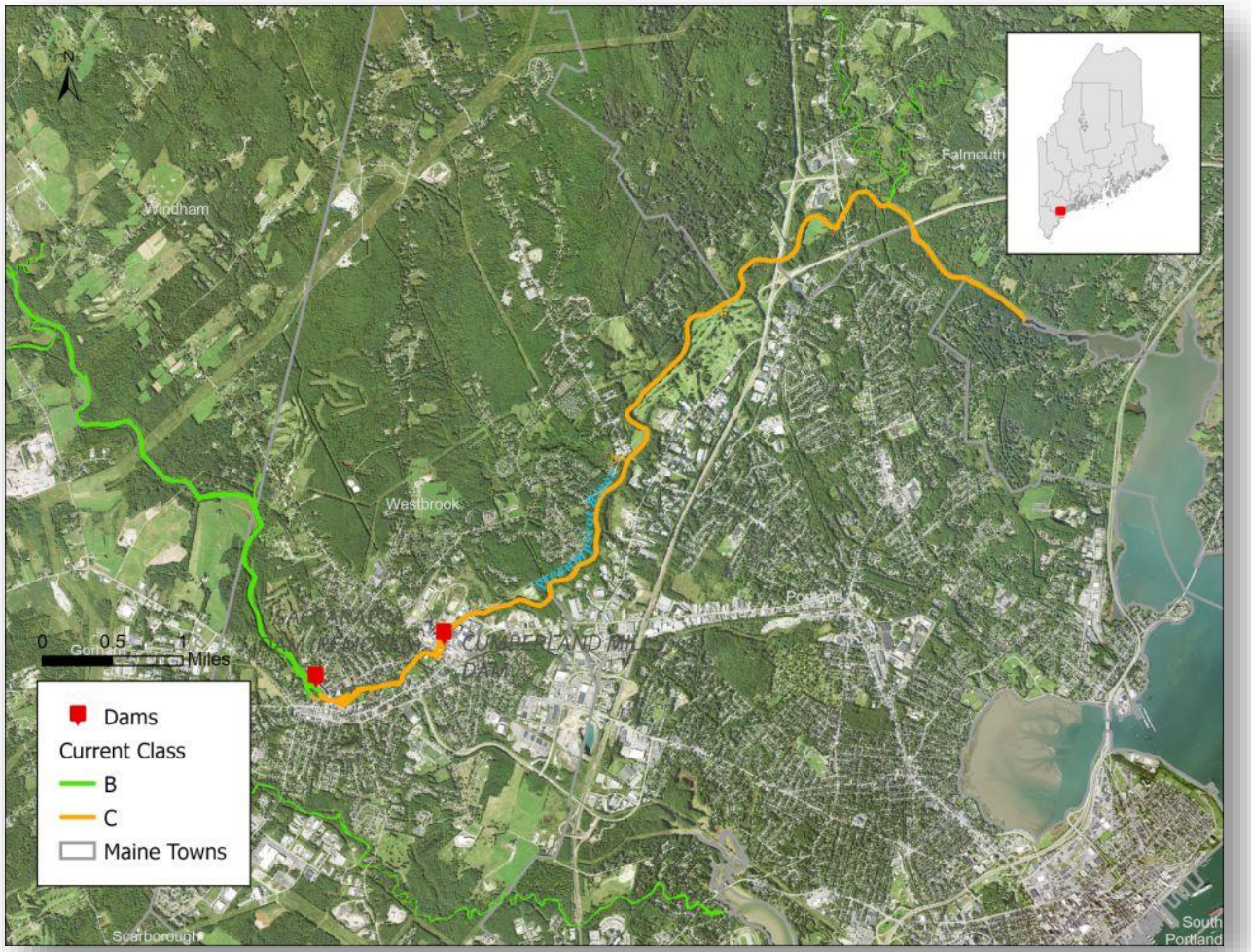
Not Recommended Class C to B

Presumpscot River –
Saccarappa Falls to Presumpscot Falls

- Basis for proposal:
  - Reduction in discharges
  - Dam removal
  - Mostly attains Class B
  - Upstream tributaries Class B
  - Benefits to downstream waters

Presumpscot River

Lower Presumpscot River



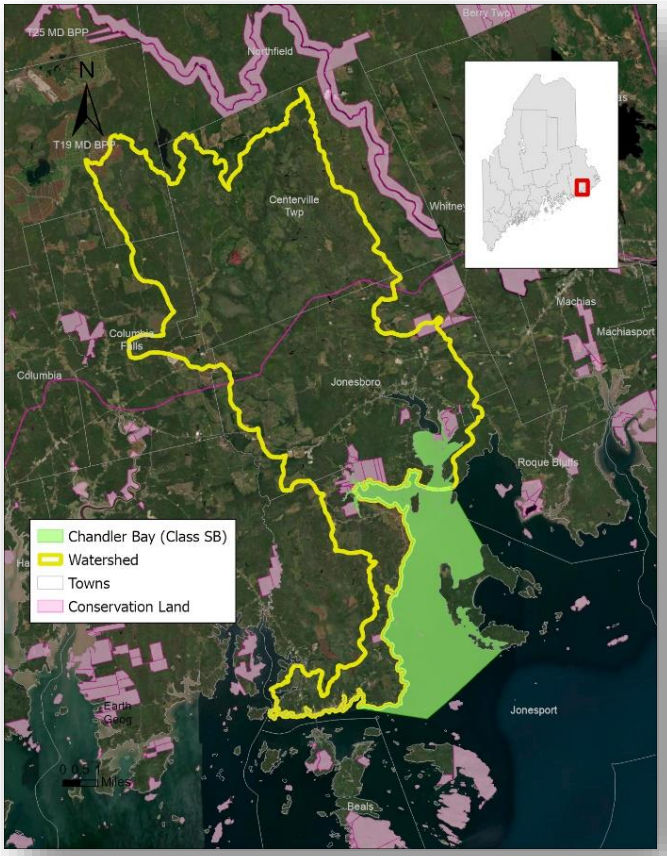
Lower Presumpscot River

- Considerations and recommendations:
  - Several pollution sources and stressors
  - Water quality does not always attain Class B (without discharges)
  - Existing discharges: consider permitting ramifications
  - Additional data needed incl. nutrients
  - Potential impairments if upgraded

Class SB to Class SA

Chandler Bay, Jonesport

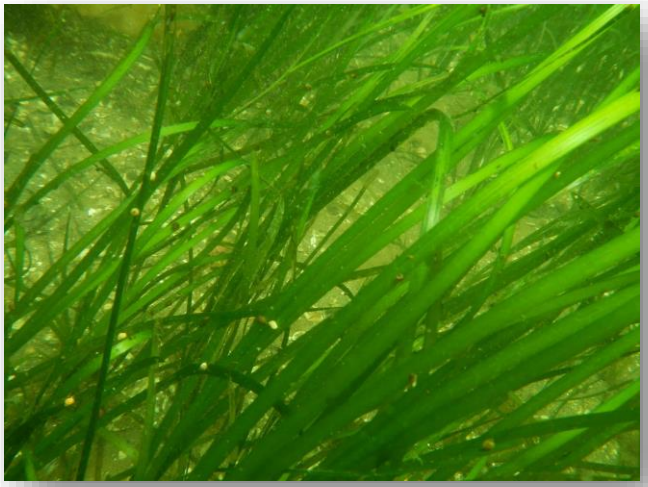
- Proposed by: Eastern Maine Conservation Initiative (EMCI)



Upgrade Proposals

Class SA:

- Ecological, social, scenic or recreational importance
- Aquatic life – as naturally occurs
- No direct discharges
- Habitat – free flowing and natural
- DO & Enterococcus – as naturally occurs, 8 GM/54 STV
- Total coliform – not to exceed shellfish harvesting criteria



Shaw Institute

Not Recommended Class SB to SA

Chandler Bay

- Basis for proposal:
  - WQ attainment
  - Ecological, social, scenic, or recreational importance
- Considerations and recommendations:
  - Data evaluation, watershed land uses
  - Licensed discharge (Kingfish)

Kelley Point, Chandler Bay

Timeline

Summer 2024	Received proposals
Winter 2024 to Spring 2025	Prepared DEP draft Triennial Review package
Spring/Summer 2025	Public review of proposed changes, including virtual public meeting
Fall 2025	Board of Environmental Protection (BEP) public hearing/comment phase, work session
Winter 2025	BEP final vote on Triennial Review package
Winter 2025/2026	Submit statutory changes for Legislative approval
Winter/Spring 2026	Legislative vote on Triennial Review package

Submittal to EPA for approval

For More Information

Triennial Review

www.maine.gov/dep/water/wqs/triennial-review.html

Opportunity for Comment

www.maine.gov/dep/comment/index.html

Water Quality Standards

www.maine.gov/dep/water/wqs/index.html

Classification maps(current and historical)

www.maine.gov/dep/gis/datamaps/

Contact:
Meagan Sims
Meagan.Sims@maine.gov
207-508-8776

Comments may be sent to:

TRComments.DEP@maine.gov

www.maine.gov/dep