

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS
GOVERNOR



MELANIE LOYZIM
COMMISSIONER

MEMORANDUM

To: Board of Environmental Protection

From: Meagan Sims, Division of Environmental Assessment, Bureau of Water Quality

Subject: Briefing presentation on August 21, 2025 on recommendations for changes to Maine's water quality classification system and related standards, and request for a Public Hearing on 9/18/2025

Date: August 21, 2025

Statutory and Regulatory Reference:

38 M.R.S. §§ 464-469 Water Classification Program. §§ 464(2); 464(2-A); 464(3)(B) and 464(4)(F)(4) set forth the procedures governing changes to the water quality classification system and related standards.

Location of Interest:

Statewide

Description:

Title 38, § 464 provides that the Board shall hold public hearings for the purpose of presenting to all interested persons proposed changes to the water quality classification system and related standards and obtaining public input. Following such hearings, the Board may recommend changes it deems necessary to the Legislature. This process is called a Triennial Review. The Legislature has the sole authority to make changes to the water quality classification system. Any changes recommended by the Board will be forwarded to the Legislature for its consideration in the next Legislative session. Once the Legislature makes the final state determination, the U.S. Environmental Protection Agency must also approve any proposed changes to Maine's water quality standards before they become effective.

Department Briefing:

For the current Triennial Review, the Department obtained preliminary proposals through direct solicitation to various agencies and organizations during the winter and spring of 2024. A total of 23 proposals for changes to water quality standards and 11 proposals for water quality classification upgrades were submitted to the Department during this initial comment opportunity. Department staff considered all proposals and produced a set of preliminary draft recommendations, which were made available to the public for comment from May 28 through June 30, 2025. After consideration of all comments received, the Department developed the recommendations in the attached 2025 Triennial Review Department Recommendations for the Board's consideration. At this time, the Department recommends seven proposals for statutory changes and five proposals for water quality classification upgrades, details of which are provided below.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

Statutory changes:

- Revision of dissolved oxygen criteria for Class A, Class B, and Class C waters;
- Clarification of aquatic life criteria for Class AA, Class A, and Class GPA waters;
- Addition of pH criteria for fresh surface waters including Class A, Class B, Class C, and Class GPA waters; and
- Addition of pH criteria for marine surface waters including Class SB and Class SC waters.

Water quality classification upgrades:

- Abbott Brook and Tributary;
- Mount Blue Stream and Tributaries;
- Pleasant River Middle Branch and Tributaries;
- Sandy River Tributaries (partial upgrade); and
- Temple Stream and Tributaries (partial upgrade).

Proposals not recommended by Department staff include those that will be addressed through future rulemaking efforts, those that require further investigation, and those that the Department does not recommend for other reasons that are explained in the 2025 Triennial Review Department Recommendations. The 2025 Triennial Review Department Recommendations provides a summary of the Triennial Review process, a summary of the proposals received to date, and the Department's recommendations concerning those proposals. **The Department requests that the Board vote to authorize a public comment period and a public hearing to be held in Augusta at a later date (possibly on September 18, 2025) on the 2025 Triennial Review Department Recommendations.**

Additional Background Information:

The Department has posted on its website all comments submitted during the initial outreach effort conducted last winter and this spring at <https://www.maine.gov/dep/water/wqs/triennial-review.html>. While the Board may find a review of those preliminary comments informative, members of the public will have an opportunity to submit additional comment and testimony on the 2025 Triennial Review Department Recommendations that staff have presented to initiate the formal Triennial Review proceeding.

To view comments received during the Department's initial comment period, see https://www.maine.gov/dep/water/wqs/TR_DEP-PubComm_MayJune2025.pdf

To view responses to comments received during the Department's initial comment period, see https://www.maine.gov/dep/water/wqs/TR_DEP-PubComm_RTCs_final_08212025.pdf

Estimated Time for Briefing Presentation and Questions:

45 minutes