STATE OF MAINE
112TH LEGISLATURE
SECOND REGULAR SESSION

WATER RECLASSIFICATION
REPORT OF THE JOINT STANDING COMMITTEE ON ENERGY AND NATURAL RESOURCES
MARCH 1986

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FORWARD

During the First Regular Session of the 112th Legislature, the Department of Environmental Protection submitted LD1503, An Act to Amend the Classification System for Maine Waters and Change the Classifications of Certain Waters. The bill was referred to the Joint Standing Committee on Energy and Natural Resources. Owing to the complexity of the bill and its late submission, the committee voted to hold the bill over until the Second Regular Session and to prepare a new draft during the summer interim.

The subject of water quality and related regulation affects a broad cross-section of Maine interests that includes almost every industry, municipality and citizen in the State. The current water quality classification and regulation system has not been comprehensively reviewed for many years. Recognizing the need for careful consideration of all Maine interests and the value of a consensus effort, the committee established an ad-hoc working group composed of parties interested in the issue. The core working group included representatives of industry, utilities, public interest environmental groups and the Department of Environmental Protection. A broader group monitored the progess of this core group. A mailing list is attached to this report. Every effort was made to create an open process with easy access to all interested parties.

This working group was charged to "achieve consensus on as many issues as possible" recognizing that "the ultimate sucess of the water quality program depends on a widely shared, common understanding of the intent of this legislation". Specific directions were to "report ... its consensus on issues with specific statutory language which:

1. Has been agreed to by the working group;

2. Is accompanied by a statement of intent developed and accepted by the working group;

3. Is consistent with existing state law;

4. Complies with applicable provisions of the Clean Water Act and EPA regulations; and

5. Embodies sound drafting techniques in which the material is arranged and numbered in an organized and useful manner; in which terms and concepts are used consistently throughout, and in which necessary terms are defined.

When agreement on language cannot be reached, the issue should be clearly identified and options developed for subcommittee consideration".

The study group complied with this charge and developed a recommended new draft and accompanying comments of intent. After review by the legisaltive study subcommittee and the full committee, the new draft received a unanimous "ought-to-pass" recommendation from the full committee.

This report incorporates the comments of the working group as revised and approved by the committee. A copy of the draft recommended by the study subcommittee along with changes incorporated by the full committee is attached for reference. Extensive file documentation is also available on the working group's efforts.

INTRODUCTION

This report takes the form of a section by section discussion of the proposed new draft of the LD1503 recommended by unanimous committee vote. Much of this report was originally developed by the ad-hoc working group on water quality classification (see Forward) as a means of documenting its commonly shared understanding of key provisions in the draft. Comments describing additions, deletions or relocations refer to changes from the language of the original text of LD 1503. The committee has ratified the working group report adding its own comments where appropriate.

While recognizing that there is no substitute for clearly drafted statutory language, the committee feels that the report does serve as a useful statement of intent which should be consulted during the implementation of the new water quality classification system particularly during the early rule-making. Beyond this period, the committee feels that, as a record of the committee's decision-making process, this report and the accompanying committee files will be useful to those wishing to review the options considered and rejected by the committee as well as those which were adopted.

DISCUSSION

Section 1 of the proposed committee draft repeals an obsolete definition of the term "coastal stream". Sections 2 and 3 make technical changes in existing definitions and are taken directly from the original LD1503 with adjustments of the appropriate statutory cross-references.

Sections 4 - 7 repeal portions of existing law that will be replaced by the new draft of LD1503.

The next portion of this draft, section 8, is taken from the working group's efforts and has been approved unanimously by the full committee.

§464: Classification of Maine waters

This section provides the general goals and objectives of the water classification system, along with a set of general regulatory and administrative provisions. Procedures for reclassification, departmental reports to the Legislature, general provisions governing discharges and rulemaking requirements are all included in §464.

§464, sub-§1: Findings; objectives; purpose

This subsection states in broad and general terms the Legislature's intent in adopting the new surface water classification system. The adoption of this broad language is meant to reflect the resolve of Legislature to improve, where appropriate, the waters of the State over the course of time. This is an effort which has already yielded important results thanks to efforts by all segments of the economy. It is not the intent of the Legislature that the general language of this section be used by itself to establish a water quality violation. The standards contained in other portions of the bill are the mechanisms by which water quality is to be managed and regulated.

The first paragraph contains findings on the importance of water resources to Maine. The value of water to the economy is pointed out by adding reference to commerce and industry.

The second paragraph defines the State's water quality objective and goals. The language tracks closely that of section 101 of the Federal Clean Water Act by establishing an objective of maintaining and improving water quality and setting goals to achieve that objective. It also recognizes the need for some discharges to surface waters and articulates the policy of requiring treatment of those discharges to protect water quality.

The third paragraph states the Legislature's intent concerning the implementation of the surface water classification system. The system is to be used to protect

and, where a water body is not attaining its classification, to enhance water quality. Water bodies are to be protected by a 2-step classification process. First, a standard is established for each class of water quality which consists of (a) designated uses and related characteristics and (b) water quality criteria which will support those uses and characteristics. Second, each water body will be assigned a specific classification by the Legislature. That classification will serve the dual purposes of establishing water quality goals for the water body and of serving as the basis for establishment of water quality-based conditions attached to State water discharge licenses.

§464, sub-§2: Procedures for reclassification

Paragraph A. In paragraph A, the language allowing "any person" to petition the board for a classification study is not intended to require the board to conduct such a study. This intent is clear from the language retained from LD1503; "the board may...conduct classification studies".

Paragraphs B - D. Paragraphs B and C make provisions for public hearings and recommendations to the Legislature by the DEP. Paragraph D establishes the Legislature as the sole entity with the authority to reclassify water bodies.

§464, sub-§3: Reports to the Legislature

Paragraph A. This paragraph is taken verbatim from LD1503. This biennial report will summarize existing water quality.

Paragraph B. This paragraph includes a procedure to periodically review the adequacy of the classification system (as distinct from the classification of a particular stretch of water). The DEP already undertakes this review to meet EPA requirements.

Paragraph C. This paragraph requires an annual report to the Legislature of the status of existing licensed discharges.

Paragraph D. This paragraph requires a DEP study of nonpoint source pollution problems in the state with recommendations for needed action by the Legislature. The committee's intent is that the study be based on the substantial previous effort under the "208" program conducted by the DEP, LURC and the regional planning commissions.

§464, sub-§4: General provisions

Pargraph A. The general provisions of the bill relating to discharges have been organized in paragraph A. The language prohibiting discharges into Class AA and SA waters has been deleted from this subsection because it is duplicative of provisions found in the Class AA and SA sections. The term "direct" has been added to modify "discharge" in sub¶¶ 1 and 2 to distinguish those discharges from non-point source discharges. See the new definition of direct discharge. Sub¶¶

3 and 4 govern all discharges in order to offer the broadest possible protection to water quality

In sub¶ 1, the prohibition on direct discharges to waters draining 10 sq. miles or less has been limited to new direct discharges to provide for the limited number of discharges which may currently exist in those waters. Existing discharges may continue until practical alternatives exist.

Sub¶ 2 prohibits new direct discharges to great ponds.

In sub¶ 3, language is included regarding discharges to tributaries of GPA waters which is transfered from the GPA classification section. The intent of this transfer is to have all provisions regarding discharges to GPA tributaries in one location. The term domestic pollutant is defined in §466.

In sub¶ 4, the term "pollutant" has been substituted for the phrase, "sewage, industrial waste, heat, hazardous matter or other substance", which was used in LD1503 and existing statutes. The term "pollutant" is defined in existing law.

In sub¶ 5, the phrase used in LD1503, "unsuitable for human consumption", has been changed to "injurious to human health" as defined by the U.S. Food and Drug Administration or the Maine Dept. of Human Services to emphasize the intent to protect public health while allowing for possible differences in personal tastes in fish consumption.

Paragraphs B - D. Paragraphs B, C and D are taken from LD 1503.

Paragraph E. This paragraph is added to place the provisions regarding the status of certain excavations in the general provisions section for clarity. The language is taken verbatim from the GPA classification section of LD1503.

Paragraph F. This paragraph of subsection 4 contains the State's antidegradation policy. A state antidegradation policy is required by the Federal Clean Water Act.

The committee has adopted and recommends an antidegradation policy similar to that proposed by the Speaker (see attached final committee draft). This option incorporates provisions from both the Paper Industry Information Office (PIIO) and Natural Resources Council of Maine (NRCM) proposals. It provides in sub¶ 1 for the protection of specific and significant existing instream uses identified by the BEP while allowing for substitution of uses subject to the minimum requirements of the interim goals of the Federal Clean Water Act. A minority of the study subcommittee objected to the last two sentences of sub¶ 1, which reference the interim goals of the Clean Water Act on the basis that a statutory ambiguity might be introduced into the provisions for protection of existing uses. The subcommittee minority felt that this

language could be read to require the board to approve licenses where "significant, well-established existing uses" would be lost so long as the minimum requirements of the Clean Water Act were met (ie "fishable, swimmable"). The subcommittee majority felt it important that the language not necessarily be read to prohibit activiites which met the interim goals of the Clean Water Act. The full committee has agreed to delete this language from its statutory recommendations. The full committee does intend that, when used in connection with the State's anti-degradation policy, the term, "existing instream use" shall be interpreted broadly to assure that uses consistent with the interim goals of the Clean Water Act, which are protection and propagation of fish, shellfish and wildlife and provision for recreation in and on the water, not necessarily be prohibited and that flexibility be preserved to allow activities so long as those goals are maintained.

Sub¶ 2 of the committee-adopted policy represents a compromise of the PIIO and NRCM positions and insures compliance with both the specific antidegradtion provisions and all other requirements of water quality law. Sub¶ 3 of the committee-adopted policy is identical to PIIO and NRCM positions. Sub¶ 4 of the committee-adopted policy is taken from the NRCM proposal.

Sub¶ 5 of the committee-adopted policy has the same intent as the PIIO sub¶ 2 and NRCM sub¶ 3 options. This sub¶ requires that BEP make findings of statewide social and economic benefit prior to approving any discharge which would result in a reduction of existing water quality. In no instance may the BEP approve a discharge which would cause water quality to be below the standards of the appropriate classification. With respect to increments in water quality which are protected in sub¶ 5 of the committee-adopted policy, it is the intent of the working group and the committee that the increases which are to be protected be not merely transitory improvements which are caused by plant closings, economic swings or other plant operations which are cyclical in nature.

On the entire antidegradation issue, final agreement of the working group was not attained due to disagreement on sub¶¶ 1 and 5 of the PIIO option. PIIO viewed these as necessary to insure that applicants for discharge licenses or other regulated activities affecting water quality are given full consideration and that no application for a hydro facility, bridge, causeway or dredging and filling be denied solely on the basis of the antidegradation provisions. PIIO further felt that its sub¶ 5 is needed to maintain the force of the provisions of 38 MRSA §§633-636 regarding water quality certification in hydro licensing. NRCM and Maine Audubon Society (MAS) object to PIIO sub¶ 5 on the grounds that it could preclude the effective application of the antidegradation policy to discharge applications and other regulated activities. A considerably modified version of PIIO sub¶ 5 was included in the committee-approved policy (see discussion

above). PIIO sub¶ 5 was not included in the final committee draft.

Sub¶¶ 7 and 8 of the NRCM option are opposed by PIIO and Maine Chamber of Commerce and Industry (MCCI). DEP views NRCM sub¶ 7 as unnecessary and sub¶ 8 as ineffective. NRCM sub¶ 8 was not included in the final committee draft.

§464, sub-§5: Rule-making

This subsection is added to explicitly require DEP to adopt rules on certain subjects, most importantly the "biomonitoring" system of regulating water quality. The APA is cross-referenced to ensure the availability of the public participation and legislative oversight provisions of that law. Specific provision is made requiring the board to consider the economic and environmental impact of its rules. The first set of rules must be adopted by January 1, 1987. Legislative review is explicitly provided.

§464, sub-§6: Implementation of biomonitoring

This subsection is added to clarify how enforcement will occur after enactment of the new classification system. After the effective date of rules adopted under this Act, a discharger seeking a new discharge license must comply with the provisions of the new system and rules adopted thereunder. The term, "new discharge license", has been used in working group and committee discussions to include renewals of existing licences. A discharger with a valid water discharge license issued before the effective date of this Act who is found to be not in compliance with the new water quality criteria may have its license modified under §347. A compliance schedule will be established by the board. A discharger seeking a renewal before the adoption of the rules will be treated in the same manner as a discharger with an existing license with respect to compliance with the biological water quality criteria. A discharger seeking renewal after that date shall be treated in the same manner as a new discharge application.

§465: Classification standards for fresh surface waters

This section describes the requirements of each of the four classifications for fresh surface water, not including great ponds. The classes are AA, A, B and C. Each of the 4 classes are described in a separate subsection. Within each subsection, there are 3 paragraphs for designated uses and characteristics, chemical and biological criteria and discharge restrictions.

§465, sub-1: Class AA

Class AA is the highest classification and is applied to waters which are outstanding resources for reasons of ecological, social, scenic or recreational importance. The discharge of pollutants to Class AA waters is prohibited. The habitat of Class AA waters is characterized as "free flowing".

This provision in conjunction with the general provisions for licensing (§464, sub§4) means that activities which would cause Class AA waters to be other than a free flowing habitat for fish and other aquatic life cannot be licensed.

§465, sub-2: Class A

Class A waters have water quality and discharge provisions which are essentially unchanged from present law.

In sub-§2, para. A, the appropriateness of hydroelectric power generation on Class A waters which have been designated for special protection (i.e., no dams) in the 1983 Rivers Bill is clarified by adding a cross reference to 12 MRSA §403.

§465, sub-3: Class B

Class B is the most frequently applied classification for the State's rivers, streams and brooks. Discharges to Class B waters are allowed, provided that they cause no substantial harm to aquatic life and meet bacteriological standards necessary to protect swimmers.

In sub-§3, para. A, identical language to that discussed above in Class A waters dealing with hydroelectric power generation has been added for Class B waters.

In sub-§3, para. B, special dissolved oxygen criteria are established Class B waters between September 30 and May 15 in identified fish spawning areas in order to protect early stages of salmonid fish life. MCCI opposes this provision because of the potential impact on new discharges.

§465, sub-4: Class C

Class C is applied to rivers and streams which presently receive major discharges. Discharges to Class C waters are allowed, provided they meet bacteriological standards necessary to protect swimmers and are of sufficient quality that all indigenous species of fish and a diverse community of aquatic life are supported.

In sub-§4, para. A, identical language to that discussed above in Class A waters dealing with hydroelectric power generation has been added for Class C waters.

In sub-§4, para. B, the working group understands that, in adopting the 60% saturation standard for DO, Class C waters in the Act will meet their classification under existing conditions and in conjunction with the proposed impoundments provisions.

NRCM and MAS proposed a 6 ppm DO criteria to replace the 5 ppm criteria supported by DEP, PIIO and MCCI. The grounds for their proposal is that 6 ppm is needed to adequately protect fisheries. The committee adopted the 5ppm criteria.

In sub-§4, para. B, DEP proposed language similar to that in sub-§3, para. B establishing special dissolved oxygen criteria for Class B waters to protect spawning areas. The important difference in DEP's proposal for the C class is that the spawning criteria for C class would have to be maintained only if they were being attained at the time of application for a discharge. The committee adopted this proposal after removing the specific numerical standards.

NRCM and MAS proposes that a DO spawning criteria for Class C be identical to that in Class B. This proposal was rejected.

Both PIIO and MCCI have certain philosophical objections to the DO spawning criteria based on the potential impact on new discharges. The committee, however, feels that these criteria are necessary to protect existing salmonid populations.

§465-A: Classification standards for great ponds

This section establishes one class, GPA, for lakes and ponds. To protect and improve lakes and ponds, there are restrictions established for discharges and changes of land use in the watersheds of lakes and ponds. The structure of this section parallels that of §465. There are 3 paragraphs for designated uses and characteristics, chemical and biological criteria and discharge restrictions.

PIIO proposed additional language for the introduction to this section to allow impoundments to become great ponds "by definition". The term "by definition" refers to the statutory definition of "great pond" in the Title 38. DEP, NRCM and MAS object to this proposal because, as was discussed by the group in considering the impoundments provisions (discussed later in this report), some impoundments may fit the hydrologic characteristics of a lake and others, of a river. Thus, classification by arbitrary size definition is inappropriate from a scientific perspective. The committee rejected the proposal.

This section does provide a clear statement on the classification of existing impoundments. Under this section, any impoundment over 30 acres is considered a great pond unless specifically classified under the river classifications (§467). To avoid the problem discussed in the previous paragraph, DEP has reviewed existing impoundments to insure that all are classified in a manner appropriate to their actual hydrologic characteristics.

Comments on §465-B Classification standards for estuatrine and marine waters

This section establishes three classes of estuarine and marine waters. The structure of this section parallels that of

§465 and §465-A. For each classification, there are 3 paragraphs for designated uses and characteristics, chemical and biological criteria and discharge restrictions.

§465-B, sub-§1

Class SA is the highest classification and is applied to waters which are outstanding resources for reasons of ecological, social, economic, scenic or recreational importance. The direct discharge of pollutants to Class SA waters is prohibited. The habitat of Class AA waters is characterized as "free flowing". This provision in conjunction with the general provisions for licensing (§464, sub§4) means that activities which would cause Class AA waters to be other than a free flowing habitat for fish and other aquatic life cannot be licensed.

§465-B, sub-§1

Class SB is the most frequently applied classification for the State's estuarine and marine waters. Discharges to Class SB waters are allowed, provided that they cause no substantial harm to estuarine and marine life, meet bacteriological standards necessary to protect swimmers and do not adversely affect the State's shellfish resources.

§465-B, sub-§1

Class SC is applied to estuarine and marine waters which presently receive major discharges or which may receive such discharges as a result of the State's economic development policy. Discharges to Class SC waters are allowed, provided they meet bacteriological criteria necessary to protect swimmers and are of sufficient quality to support all indigenous species of fish and a diverse community of estuarine and marine life.

A coliform bacteria standard has been added to the SB and SC classifications to protect the state's certification of interstate shellfish shipments. Rather than using specific numerical criteria for bacteria, the standard references the FDA program manual for shellfish sanitation. A designated use of "restricted harvesting of shellfish" has been added to the SC classification recognizing the clam industry's ability to harvest from contaminated areas and sell after depuratation treatment.

§465-C: Classification standards for ground water

This section is taken verbatim from existing law, 38 MRSA §363-B.

§466: Definitions

The definitions included here are derived from language proposed by the DEP and modified following discussion by the

working group including the professional biologist with PIIO. All definitions have been approved by the working group and the committee.

In the definition of indigenous (sub-§ 7), the legislature recognizes that in some waters of the State (e.g. impoundments) habitat in unsuitable to support all indigenous species. The intent of the legislature is that the chemical aspects of water quality not be a limiting factor to the survival of an indigenous species although that species may not occur in a water body for other reasons.

In the definition of "direct discharge" in sub§5, the committee intends that the term "rolling stock" includes all vehicles including trucks and railroad cars.

§467: Classification of major river basins

This section revises the description of classifications of major river basins, currently located in Title 38 MRSA section 368. §467 describes the classification of all rivers, streams and brooks which are in drainages with an area greater than 100 square miles. Several of these river basins are presently contained in Title 38 MRSA section 369. Unlike the present law, §467 describes classifications in standardized outline form to aid readability and subsequent revisions. §467 also differs from the present law by describing the classification of all segments of the main stems of major river basins as well as the main stems of major tributaries. Since most minor drainages described in §467 are Class B, the section is headed by an overall classification of Class B for waters which are not otherwise classified. This aspect of the revision results in a shorter, more understandable text and will aid subsequent revision. §467 also corrects a few geographical inconsistencies and errors in the present law.

§467 changes the classification of certain waters of the State. The following waters are upgraded to Class AA:

1. All rivers, streams, brooks or segments thereof within the boundaries of Baxter State Park; and

2. Outstanding river and stream segments which merit special protection as specified in the Maine Revised Statutes, Title 12, section 403, which are currently Class A in the water quality classification system and which also do not presently receive licensed discharges.

All waters currently classified as B-1 or B-2 are reclassified as "B" except for a few which are upgraded to Class AA and a stretch of the lower Kennebec which is classified as "C", reflecting its existing quality and the major discharges it receives. All waters currently classified as "C" remain assigned to that classification except for a

short stretch of the Kennebec above the Shawmut Dam. This stretch is classified as "B". All waters currently classified as "D" are upgraded to Class C.

Comments on special impoundments language (see proposed §467, sub§1, ¶A, sub¶2 and sub§7, ¶A, sub¶3)

The committee and the working group have agreed that water quality in certain identified impoundments fails to achieve the DO criteria required by their classification which may in turn threaten their designated use as fish habitat. This failure is not primarily the fault of any existing discharges.

The committee and group agree that these specific impoundments provide significant economic and social benefits, primarily related to their use in hydroelectric facilities. Hydropower is a recognized and legitimate use of these river stretches.

The committee and group agree that it is appropriate to make special provisions for these situations so as not to impose unreasonable conditions on the existing, upstream discharges to these river stretches.

It is the intent of the committee and the working group that these provisions apply only to the impoundments specifically identified. The committee and working group do not foresee the need to include other existing impoundments nor any future impoundments in these provisions.

§468: Classification of minor drainages

This section revises the description of classifications of minor drainages. Like those of §467, these revisions are intended to aid public participation in the procedures for reclassification by describing classifications in a shorter, more understandable form.

§468 also changes the classification of certain waters of the State. All streams, brooks or segments thereof within the boundaries of Acadia National Park are upgraded to Class AA. All waters currently classified as "B-1" or "B-2", except for those in Acadia National Park, are reclassified as "B".

§469: Classification of estuarine and marine waters

This section describes the classification of all estuarine and marine waters of the State. This complete revision is necessary for implementation of the standards for classification established in §465-B. §469 is headed by an overall classification of "SB" for estuarine and marine waters which are not otherwise classified. §469 classifies certain areas of the estuarine and marine waters of the State as Class SC waters. These Class SC areas presently receive major

discharges or are likely to receive major discharges as a result of the State's economic development policy. §469 also classifies certain areas of the estuarine and marine waters as Class SA. Waters classified as Class SA in §469 comprise much of the estuarine and marine waters adjacent to lands owned by the State Government or Federal Government

§470: Classification of ground waters

This last section is taken verbatim from existing law, 38 MRSA §371-B.

Section 9 of the proposed committe draft adds a legislative review provision to cover rules adopted for hydroelectric licensing pursuant to 38 MRSA §630 et seq.

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Water Reclassification
Subcommittee Approved
3-4-86
COMMITTEE APPROVED
3-14-86

(New Draft of LD1503)
SECOND REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document No.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY SIX

AN ACT to Amend the Classification System for Maine Waters and Change the Classifications of Certain Waters.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §361-A, sub§1-A is repealed.

Sec. 2. 38 MRSA §361-A, sub§-2, as enacted by PL 71, c.625, §270, is amended to read:

2. Fresh surface waters. "Fresh surface waters" means all waters of the State other than ~~tidal~~ estuarine and marine waters and ground water.

Sec. 3. 38 MRSA §361-A, sub§-5, as enacted by PL 1971, c.470, §1, is amended to read:

5. Estuarine and marine waters. "~~Tidal~~ Estuarine and marine waters" means those portions of the Atlantic Ocean within the jurisdiction of the State, and all other waters of the State subject to the rise and fall of the tide except those sections listed and classified in sections ~~368/and/369~~ 468 and 469.

Sec. 4. 38 MRSA §§363 - 363-B are repealed.

Sec. 5. 38 MRSA §§364 - 365 are repealed.

Sec. 6. 38 MRSA §§367 - 370 are repealed.

Sec. 7. 38 MRSA §371-A - 371-B are repealed.

Sec. 8. 38 MRSA, chapter 3, Article 4-A is enacted to read:

ARTICLE 4-A. WATER CLASSIFICATION PROGRAM

§464. Classification of Maine waters

The waters of the State shall be classified in accordance with the provisions of this article.

1. Findings; objectives; purpose. The Legislature finds that the proper management of the State's water resources is of great public interest and concern to the State in promoting the general welfare, preventing disease, promoting health, providing habitat for fish, shellfish and wildlife, as a source of recreational opportunity and as a resource for commerce and industry.

The Legislature hereby declares that it is the State's objective to restore and maintain the chemical, physical and biological integrity of the State's waters and to preserve certain pristine State waters. The Legislature further declares that in order to achieve this objective the State's goals are: (1) that the discharge of pollutants into the waters of the State be eliminated where appropriate; (2) that no pollutants be discharged into any water of the state without first being given the degree of treatment necessary to allow those waters to attain their classification, and (3) that water quality be sufficient to provide for the protection and propagation of fish, shellfish, and wildlife and provide for recreation in and on the water.

The Legislature intends by passage of this Act to establish a water quality classification system which will allow the State to manage its surface waters so as to protect the quality of those waters and, where water quality standards are not being achieved, to enhance water quality. This classification system shall be based on water quality standards which designate the uses and related characteristics of those uses for each class of water and which also establish water quality criteria necessary to protect those uses and related characteristics. The Legislature further intends by passage of this Act to assign to each of the State's surface water bodies the water quality classification which shall designate the minimum level of quality which the Legislature intends for the body of water. This designation is intended to direct the State's management of that water body in order to achieve at least that minimum level of water quality.

2. Procedures for reclassification. Reclassification of Maine waters shall be governed by the following provisions.

A. Upon petition by any person or on its motion, the board, following public notice, may conduct classification studies and investigations. Information collected during these studies and investigations shall be made available to the public in an expeditious manner. After consultation with other state agencies and, where appropriate, individuals, citizen groups, industries, municipalities and federal and interstate water pollution control agencies, the board may propose changes in water reclassification.

B. The board shall call public hearings in the affected area, or reasonably adjacent to the affected area, for the purpose of presenting to all interested persons the proposed classification for each particular water body and obtaining public input.

C. The board may recommend changes in classification it deems necessary to the Legislature.

D. The Legislature shall have sole authority to make any changes in the classification of the waters of the state.

3. Reports to the Legislature. The board and the department shall periodically report to the Legislature as governed by the following provisions.

A. The board shall submit to the First Regular Session of each Legislature a report on the the quality of the State's waters which describes existing water quality, identifies waters which are not attaining their classification and which states what measures are necessary for the attainment of the standards of their classification.

B. The board shall from time to time, but at least once every three years, hold public hearings for the purpose of reviewing the water quality classification system and related standards and, as appropriate, recommending changes in the standards to the Legislature.

C. The department shall report annually to each regular session of the Legislature on the status of licensed discharges.

D. The department, in cooperation with the Land Use Regulation Commission, shall conduct a study of indirect discharges and the problems posed by such discharges to the waters of the state. The study shall incorporate the results of previous investigations conducted pursuant to section 208 of the Federal Water Pollution Control Act. The study shall include recommendations for land use management and other related techniques designed to mitigate the effects of indirect discharges. The study

shall commence on July 1,1987. The study shall be submitted to the joint standing committee of the Legislature having jurisdiction over natural resources on or before January 1,1988.

4. General provisions. The classification system for surface waters established by this article shall be subject to the following provisions.

A. Notwithstanding section 414-A, the board shall not issue a water discharge license for any of the following discharges:

(1) Direct discharge of pollutants to waters having a drainage area of less than 10 square miles except that discharges into these waters which were licensed prior to January 1,1986 shall be allowed to continue only until practical alternatives exist;

(2) New direct discharge of domestic pollutants to tributaries of class GPA waters.

(3) Any discharge into a tributary of GPA waters which, by itself or in combination with other activities, cause water quality degradation which would impair the characteristics and designated uses of downstream GPA waters or cause an increase in the trophic state of those GPA waters;

(4) Discharge of pollutants to waters of the State which imparts color, taste, turbidity, toxicity, radioactivity or other properties which cause those waters to be unsuitable for the designated uses and characteristics ascribed to their class; and

(5) Discharge of pollutants to any water of the State which violates the provisions of sections 465, 465-A, and 465-B, except as provided in section 451, causes the "pH' of fresh waters to fall outside of the 6.0 to 8.5 range, causes the "pH" of estuarine and marine waters to fall outside of the 7.0 to 8.5 range or causes fish for human consumption to be injurious to human health as determined by the U.S. Food and Drug Administration under the procedures established by 21 USC §342 or as determined by the Department of Human Services. The Department of Human Services shall establish a protocol for determining risk in such situations. The protocol shall be promulgated as a rule in accordance with the Maine Administrative Procedure Act, 5 MRSA chapter 375.

B. All surface waters of the State shall be free of settled substances which alter the physical or chemical nature of bottom material and of floating substances, except as naturally occur, which impair the characteristics and designated uses ascribed to their class.

C. Where natural conditions, including but not limited to, marshes, bogs and abnormal concentrations of wildlife cause the dissolved oxygen or other water quality criteria to fall below the minimum standards specified in sections 465, 465-A, and 465-B, those waters will not be considered to be failing to attain their classification on account of those natural conditions.

D. For the purpose of computing whether a discharge will violate the classification of any river or stream, the assimilative capacity of the river or stream shall be computed using the minimum 7-day low flow which can be expected to occur with a frequency of once in 10 years.

E. The waters contained in excavations approved by the board for waste water treatment purposes shall be unclassified waters.

The following antidegradation policy has been adopted by the subcommittee except as specifically noted in sub¶ 1.

F. The anti-degradation policy of the state shall be governed by the following provisions:

(1) Existing instream water uses and the level of water quality necessary to protect those existing uses shall be maintained and protected. When used in this paragraph "existing instream water uses" are defined as significant, well-established uses that have actually occurred on a water body on or after November 28,1975. Factual determinations of what constitutes an existing instream water use on a particular water body and the extent of allowable impact on the existing use will be made on a case by case basis by the Board. **(The following two sentences have not been adopted by Rep. Coles and have been deleted from the full committee statutory recommendations)** It is the intent of the Legislature that the term, "existing instream use" be interpreted broadly and means that the interim goals of the United States Clean Water Act PL 92-500, as amended; protection and propogation of fish, shellfish and wildlife and provision for recreation in and on the water be maintained. In determining the extent of allowable impacts on existing uses, the Board may substitute or modify a use as long as the interim goals of the Clean Water Act are maintained.

(2) Where high quality waters of the State constitute an outstanding national resource that water quality shall be maintained and protected. For purposes of this paragraph, the term, "high quality waters" shall mean those water bodies in national and state parks and wildlife refuges, public reserved lands and those river segments listed in 12 MRSA §403.

(3) The board may only issue a discharge license pursuant to section 414-A or approve water quality certification pursuant to section 401 of the United States Clean Water Act PL 92-500, as amended, if the standards of classification of the water body and the requirements of this paragraph will be met.

(4) Where the actual quality of any classified water exceeds the minimum standards of the next highest classification, that higher water quality shall be maintained and protected. The board shall recommend to the Legislature that such water be reclassified in that next higher classification.

(5) The board may only issue a discharge license pursuant to section 414-A or approve water quality certification pursuant to section 401 of the United States Clean Water Act PL 92-500, as amended, which would result in lowering the existing quality of any water body after making a finding, following opportunity for public participation, that such action is necessary to achieve important economic or social benefits to the state and when such action is in conformance with subparagraph 3. That finding shall be made following procedures established by rule of the board.

NRCM OPTION - ANTIDEGRADTION

F. Anti-degradation. It is the intent of this paragraph to comply with the requirements of the Federal Clean Water Act and associated regulations relating to antidegradation when waste discharge licenses, wasteload allocations or water quality certifications are being considered by the department or board.

(1) Existing instream water uses and the level of water quality necessary to protect those existing uses shall be maintained and protected. When used in this paragraph "existing instream water uses" are defined as significant, well-established uses that have actually occurred on a water body and fall within the category of designated uses and related characteristics of the classification of that body of water. Factual determinations of what constitutes an existing instream water use on a particular water body shall be made of a case by case basis by the Board.

(2) The level of water quality necessary to protect the designated uses and related characteristics of each classification shall be maintained and protected.

(3) Any discharge or activity licensed pursuant to section 414-A or requiring water quality certification

pursuant to section 401 of the Clean Water Act shall not lower the existing quality of any water body without a finding by the board, after public participation, of important economic or social benefit to the state. That finding shall be made following procedures established by rule of the board.

(4) Where high quality waters of the State constitute an outstanding national resource, such as waters of national and state parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.

(5) Any discharge license pursuant to section 414-A or any water quality certification pursuant to section 401 of the Federal Clean Water Act PL 92-500, as amended, (33 USC 1251 et seq.) shall be issued only if the standards of classification of the water body and the requirements of this paragraph will be met.

(6) Where the actual quality of any classified water exceeds the minimum standards of the next highest classification, that higher water quality shall be maintained and protected. The board shall recommend to the Legislature that such water be reclassified in that next higher classification.

(7) In any classification or reclassification of an individual water body, that water shall not be assigned a classification with water quality standards which are lower than the existing quality at the time of classification or reclassification if that existing quality meets the standards of a higher classification.

PIIO OPTION - ANTIDEGRADATION

F. Anti-degradation. It is the intent of this paragraph to comply with the requirements of the Federal Clean Water Act and associated regulations relating to antidegradation when waste discharge licenses, wasteload allocations or water quality certifications are being considered by the department or board and to provide the maximum flexibility allowed by federal law to imlement and develop state procedures and to interpret appropriate federal requirements.

(1) Existing instream water uses and the level of water quality necessary to protect those existing uses shall be maintained and protected. When used in this paragraph "existing instream water uses" are defined to be the designated uses of each classification that are actually being attained. The extent of allowable impact on designated uses shall be determined on a

case by case basis in connection with the applicable requirements of state and federal law when a specific application is presented to the board or department.

(2) Any discharge or activity licensed pursuant to section 414-A or requiring water quality certification pursuant to section 401 of the Clean Water Act shall not lower the existing quality of any water body without a finding by the board, after public participation, of important economic or social benefit to the state. That finding shall be made following procedures established by rule of the board.

(3) Where high quality waters of the State constitute an outstanding national resource, such as waters of national and state parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected. For purposes of this section, "high quality waters" shall mean those river segments listed in 12 MRSA §403.

(4) Any discharge license pursuant to section 414-A or any water quality certification pursuant to section 401 of the Federal Clean Water Act PL 92-500, as amended, (33 USC 1251 et seq.) shall be issued only if the standards of classification of the water body and the requirements of this paragraph will be met.

(5) The policy expressed in this paragraph, to the extent possible, is to be carried out through the process of reviewing applications made pursuant to state and federal statutes and is not intended to be used as an independant basis (a) to limit consideration or approval of an application pursuant to the terms of any state or federal statute which allows an applicant upon receipt of a license or permit to affect the uses of a waterbody, including, without limitation, laws relating to dredging and filling, hydroelectric facilities, bridges or causeways or (b) to affect the application of 38 MRSA subarticle 1-B with respect to water quality certification pursuant to section 401 of the Federal Clean Water Act.

SPEAKER'S OPTION - ANTIDEGRADTION

F. The anti-degradtion policy of the state shall be governed by the following provisions:

(1) Existing instream water uses and the level of water quality necessary to protect those existing uses shall be maintained and protected. When used in this paragraph "existing instream water uses" are defined

as significant, well-established uses that have actually occurred on a water body. Factual determinations of what constitutes an existing instream water use on a particular water body and the extent of allowable impact on the existing use will be made on a case by case basis by the Board.

(2) Where high quality waters of the State constitute an outstanding national resource, such as waters of national and state parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected. For purposes of this paragraph, "high quality waters" shall include but not be limited to those river segments listed in 12 MRSA §403.

(3) The board may only issue a discharge license pursuant to section 414-A or approve water quality certification pursuant to section 401 of the Federal Clean Water Act PL 92-500, as amended, (33 USC 1251 et seq.) if the standards of classification of the water body and the requirements of this paragraph will be met.

(4) Where the actual quality of any classified water exceeds the minimum standards of the next highest classification, that higher water quality shall be maintained and protected. The board shall recommend to the Legislature that such water be reclassified in that next higher classification.

(5) The board may only issue a discharge license pursuant to section 414-A or approve water quality certification pursuant to section 401 of the Clean Water Act which would result in lowering the existing quality of any water body after making a finding, following opportunity for public participation, that such action is necessary to achieve important economic or social benefits to the state and when such action is in conformance with subparagraph 3. That finding shall be made following procedures established by rule of the board.

5. Rulemaking. In accordance with the Maine Administrative Procedure Act, the board shall promulgate rules necessary to implement the water quality classification system established by this Act. In promulgating rules, the board shall solicit and consider, in addition to any other materials, information on the economic and environmental impact of those rules.

Rules shall be promulgated by January 1, 1987, and as necessary thereafter, and shall include, but are not limited to, sampling and analytical methods, protocols and procedures for satisfying the water quality criteria, including evaluation

of the impact of any discharge on the resident biological community.

Rules adopted pursuant to this subsection shall become effective upon adoption. Rules adopted pursuant to this subsection shall be submitted to the joint standing committee of the Legislature with jurisdiction over natural resources for review during the next regular session of the Legislature. This committee may report legislation it deems necessary to clarify legislative intent regarding rules adopted pursuant to this subsection. If the committee takes no action the rules shall continue in effect.

6. Implementation of biological water quality criteria. The implementation of water quality criteria pertaining to the protection of the resident biological community shall be governed by the provisions of this subsection.

A. At any time during the term of a valid waste water discharge license which was issued prior to the effective date of this Act, the board may modify that license in accordance with section 347 sub§3 if the discharger is not in compliance with the water quality criteria pertaining to the protection of the resident biological community. When a discharge license is modified under this subsection, the board shall establish a reasonable schedule to bring the discharge into compliance with the water quality criteria pertaining to the protection of the resident biological community.

B. When a discharge license is issued after the effective date of this Act and before the effective date of the rules adopted pusuant to subsection 5, the board shall establish a reasonable schedule to bring the discharge into compliance with the water quality criteria pertaining to the protection of the resident biological communitiy.

C. A discharger seeking a new discharge license following the effective date of the rules adopted under subsection 4 of this section shall comply with the water quality criteria of this article.

§465. Standards for classification of fresh surface waters

The board shall have 4 standards for the classification of fresh surface waters which are not classified as great ponds.

1. Class AA waters. Class AA shall be the highest classification and shall be applied to waters which are outstanding natural resources and which should be preserved because of their ecological, social, scenic or recreational importance.

A. Class AA waters shall be of such quality that they are suitable for the designated uses of drinking water after

disinfection, fishing, recreation in and on the water, navigation and as habitat for fish and other aquatic life. The habitat shall be characterized as free flowing and natural.

B. The aquatic life, dissolved oxygen and bacteria content of Class AA waters shall be as naturally occurs.

C. There shall be no direct discharge of pollutants to Class AA waters.

2. Class A waters. Class A shall be the 2nd highest classification.

A. Class A waters shall be of such quality that they are suitable for the designated uses of drinking water after disinfection, fishing, recreation in and on the water, industrial process and cooling water supply, hydroelectric power generation, except as prohibited under Title 12, section 403 ,navigation and as habitat for fish and other aquatic life. The habitat shall be characterized as natural.

B. The dissolved oxygen content of Class A waters shall be not less than 7 parts per million or 75% of saturation, whichever is higher. The aquatic life and bacteria content of Class A waters shall be as naturally occurs.

C. Direct discharges to these waters licensed after January 1,1986 will be permitted only if, in addition to satisfying all the requirements of this chapter, the discharged effluent will be equal to or better than the existing water quality of the receiving waters. Prior to issuing a discharge license, the board shall require the applicant to objectively demonstrate to the board's satisfaction that the discharge is necessary and that there are no other reasonable alternatives available. Discharges into waters of this classification which were licensed prior to January 1,1986 will be allowed to continue only until practical alternatives exist. There shall be no deposits of any material on the banks of these waters in any manner that transfer of pollutants into the waters is likely.

3. Class B. waters. Class B shall be the 3rd highest classification.

A. Class B waters shall be of such quality that they are suitable for the designated uses of drinking water supply after treatment, fishing, recreation in and on the water, industrial process and cooling water supply, hydroelectric power generation except as prohibited under Title 12, section 403, navigation and as habitat for fish and other aquatic life. The habitat shall be characterized as unimpaired.

B. The dissolved oxygen content of Class B waters shall be not less than 7 parts per million or 75% of saturation, whichever is higher, except that for the period October 1, through May 14, in order to ensure spawning and egg incubation of indigenous fish species, the 7 day mean dissolved oxygen concentration shall not be less than 9.5 parts per million and the 1 day minimum dissolved oxygen concentration shall not be less than 8.0 parts per million in identified fish spawning areas. Between May 15th and September 30th, the number of Escherichia coli bacteria of human origin in these waters shall not exceed a geometric mean of 64 per 100 milliliters or a instantaneous level of 427 per 100 milliliters.

C. Discharges to Class B waters shall not cause adverse impact to aquatic life in that the receiving waters shall be of sufficient quality to support all aquatic species indigenous to the receiving water without detrimental changes in the resident biological community.

4. Class C waters. Class C shall be the 4th highest classification.

A. Class C waters shall be of such quality that they are suitable for the designated uses of drinking water supply after treatment, fishing, recreation in and on the water, industrial process and cooling water supply, hydroelectric power generation except as prohibited under Title 12, section 403, navigation and as a habitat for fish and other aquatic life.

B. The dissolved oxygen content of Class C water shall be not less than 5 parts per million or 60% of saturation, whichever is higher, except that in identified salmonid spawning areas where water quality is sufficient to ensure spawning, egg incubation and survival of early life stages, that water quality sufficient for these purposes shall be maintained. - Subcommittee has agreed to the preceeding language - NRCM/MAS proposal for the DO standard is as follows - The dissolved oxygen content of Class C water shall be not less than 6 parts per million or 60% of saturation, whichever is higher, except that from the period October 1 through May 14 in order to ensure successful spawning and egg incubation of indigenous fish species, the 7 day mean dissolved oxygen concentration shall not be less than 9.5 ppm and the 1 day mininum dissolved oxygen concentration shall not be less than 8.0 ppm.

the subcommittee-approved subsection continues as follows

Between May 15th and September 30th, the number of Escherichia coli bacteria of human origin in these waters shall not exceed a geometric mean of 142 per 100 milliliters or an instantaneous level of 949 per 100

milliliters. The department shall promulgate rules governing the procedure for designation of spawning areas. Those rules shall include provision for periodic review of designated spawning areas and consultation with affected persons prior to designation of a stretch of water as a spawning area.

C. Discharges to Class C waters may cause some changes to aquatic life, provided that the receiving waters shall be of sufficient quality to support all species of fish indigenous to the receiving waters and maintain the structure and function of the resident biological community.

§465-A. Standards for classification of lakes and ponds

The board shall have one standard for the classification of great ponds and natural lakes and ponds less than 10 acres in size. Impoundments of rivers that are defined as great ponds pursuant to §392 shall be classified as GPA or as specifically provided in sections 467 and 468.

1. Class GPA waters. Class GPA shall be the sole classification of great ponds and natural ponds and lakes less than 10 acres size. Impoundments of rivers that are defined as great ponds pursuant to §392 shall be classified as GPA or as specifically provided in section 467 and 468.

A. Class GPA waters shall be of such quality that they are suitable for the designated uses of drinking water after disinfection, recreation in and on the water, fishing, industrial process and cooling water supply, hydroelectric power generation, navigation and as habitat for fish and other aquatic life. The habitat shall be characterized as natural.

B. Class GPA waters shall be described by their trophic state based on measures of the chlorophyll "a" content, Secchi disk transparency, total phosphorus content and other appropriate criteria. Class GPA waters shall have a stable or decreasing trophic state, subject only to natural fluctuations, and shall be free of culturally-induced algal blooms which impair their use and enjoyment. The number of Escherichia coli bacteria of human origin in these waters shall not exceed a geometric mean of 29 per 100 milliliters or an instantaneous level of 194 per 100 milliliters.

C. There shall be no new direct discharge of pollutants into Class GPA waters. Aquatic pesticide treatments or chemical treatments for the purpose of restoring water quality approved by the board shall be exempt from the no discharge provision. Discharges into these waters which were licensed prior to January 1,1986 shall be allowed to continue only until practical alternatives exist. No materials may be placed on or removed from the shores or banks of a Class GPA water body in such a manner that

materials may fall or be washed into the water or that contaminated drainage therefrom may flow or leach into those waters, except as permitted pursuant to section 391. No change of land use in the watershed of a Class GPA water body may, by itself or in combination with other activities, cause water quality degradation which would impair the characteristics and designated uses of downstream GPA waters or cause an increase in the trophic state of those GPA waters.

§465-B. Standards for classification of estuarine and marine waters

The board shall have 3 standards for the classification of estuarine and marine waters.

1. Class SA waters. Class SA shall be the highest classification and shall be applied to waters which are outstanding natural resources and which should be preserved because of their ecological, social, scenic, economic or recreational importance.

A. Class SA waters shall be of such quality that they are suitable for the designated uses of recreation in and on the water, fishing, aquaculture, propagation and harvesting of shellfish, navigation and as habitat for fish and other estuarine and marine life. The habitat shall be characterized as free-flowing and natural.

B. The estuarine and marine life, dissolved oxygen and bacteria content of Class SA waters shall be as naturally occurs.

C. There shall be no direct discharge of pollutants to Class SA waters.

2. Class SB waters. Class SB waters shall be the 2nd highest classification.

A. Class SB shall be the 2nd highest classification and these waters shall be such quality that they are suitable for the designated uses of recreation in and on the water, fishing, aquaculture, propagation and harvesting or shellfish, industrial process and cooling water supply, hydroelectric power generation, navigation and as habitat for fish and other estuarine and marine life. The habitat shall be characterized as unimpaired.

B. The dissolved oxygen content of Class SB waters shall be not less than 85% of saturation. Between May 15th and September 30th, the numbers of enterococcus bacteria of human origin in these waters shall not exceed a geometric mean of 8 per 100 milliliters or an instantaneous level of 54 per 100 milliliters. The numbers of total coliform bacteria or other specified indicator organisms in samples

representative of the waters in shellfish harvesting areas shall not exceed the criteria recommended under the National Shellfish Sanitation Program Manual of Operations, Part I - Sanitation of Shellfish Growing Areas, United States Food and Drug Administration.

C. Discharges to Class SB waters shall not cause adverse impact to estuarine and marine life in that the receiving waters shall be of sufficient quality to support all estuarine and marine species indigenous to the receiving water without detrimental changes in the resident biological community. There shall be no new discharge to Class SB waters which would cause closure of open shellfish areas by the Department of Marine Resources.

3. Class SC waters. Class SC waters shall be the 3rd highest classification.

A. Class SC waters shall be of such quality that they are suitable for recreation in and on the water, fishing, aquaculture, propagation and restricted harvesting of shellfish, industrial process and cooling water supply, hydroelectric power generation, navigation and as a habitat for fish and other estuarine and marine life.

B. The dissolved oxygen content of Class SC waters shall be not less than 70% of saturation. Between May 15th and September 30th, the numbers of enterococcus bacteria of human origin in these waters shall not exceed a geometric mean of 14 per 100 milliliters or an instantaneous level of 94 per 100 milliliters. The numbers of total coliform bacteria or other specified indicator organisms in samples representative of the waters in restricted shellfish harvesting areas shall not exceed the criteria recommended under the National Shellfish Sanitation Program Manual of Operations, Part I - Sanitation of Shellfish Growing Areas, United States Food and Drug Administration.

C. Discharges to Class SC waters may cause some changes to estuarine and marine life provided that the receiving waters are of sufficient quality to support all species of fish indigenous to the receiving waters and maintain the structure and function of the resident biological community.

§465-C Standards of classification of ground water

The board shall have 2 standards for the classification of ground water.

1. Class GW-A. Class GW-A shall be the highest classification and shall be of such quality that it can be used for public water supplies. These waters shall be free of radioactive matter or any matter that imparts color, turbidity, taste or odor which would impair usage of these waters, other than that occurring from natural phenomena.

2. Class GW-B. Class GW-B, the 2nd highest classification, shall be suitable for all useages other than public water supplies.

§466 Definitions

The following words shall have the following meanings when used in this article.

1. As naturally occurs. "As naturally occurs" means conditions with essentially the same physical, chemical and biological characteristics as found in situations with similar habitats free of measureable effects of human activity.

2. Aquatic life. "Aquatic life" means any plants or animals which live at least part of their life cycle in fresh water.

3. Community function. "Community function" means mechanisms of uptake, storage and transfer of life-sustaining materials available to a biological community which determines the efficiency of use and the amount of export of the materials from the community.

4. Community structure. "Community structure" means the organization of a biological community based on numbers of individuals within different taxonomic groups and the proporation each taxonomic group represents of the total community.

5. Direct discharge. "Direct discharge" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

6. Domestic pollutants. "Domestic pollutants" means any material, including without limitation, sanitary wastes, wastewater from household activities or wastewaters with similar chemical characteristics, which are generated at residential or commercial locations.

7. Estuarine and marine life. "Estuarine and marine life" means any plants or animals which live at least part of their life cycle in salt water.

8. Indigenous. "Indigenous" means supported in a reach of water or known to have been supported according to historical records compiled by state and federal agencies or published scientific literature.

9. Natural. "Natural" means living in, or as if in, a state of nature not measurably affected by human activity.

10. Resident biological community. "Resident biological community" means aquatic life expected to exist in a habitat which is free from the influence of the discharge of any pollutant. This will be established by accepted biomonitoring techniques.

11. Unimpaired. "Unimpaired" means without a diminished capacity to support aquatic life.

12. Without detrimental changes in the resident biological community. "Without detrimental changes in the resident biological community" means no significant loss of species or excessive dominance by any species or group of species attributable to human activity.

§467. Classification of major river basins

All surface waters lying within the boundaries of the State which are in river basins having a drainage area greater than 100 square miles which are not classified as lakes or ponds and are not otherwise classified in this section are Class B waters.

1. Androscoggin River Basin.

A. Androscoggin River, main stem, including all impoundments.

(1) From the Maine - New Hampshire boundary to a line formed by the extension of the Bath-Brunswick boundary across Merrymeeting Bay in a northwesterly direction - Class C.

(2) The Legislature recognizes, however, that at certain times portions of the waters in the impoundments created by Gulf Island, Deer Rips and Lewiston Falls Dams have not and may continue to not meet the Class C requirements for aquatic life and dissolved oxygen due to hydrologic conditions related to the creation of the impoundments, including, but not limited to, impaired mixing of water columns, historical accumulation of sediment and elevated water temperature. The Legislature further recognizes that, for the purposes of this subparagraph, these impoundments constitute a valuable indigenous and renewable energy resource for hydroelectric energy which provide a signif-

icant contribution to the economic development and general welfare of the citizens of the State. Accordingly, the value and importance to the people of the State of hydroelectric energy and the unavoidable consequences to water quality resulting from the existence of these impoundments shall be considered when the board determines the impact of a discharge on the designated uses of the impoundments identified in this subparagraph. These impoundments shall be considered to meet their classification if the department finds that conditions in those impoundments are not preventing their designated uses from being reasonably attained. Nothing in this subparagraph may be construed to limit the board's authority to consider the requirements of section 414-A, subsection 1, paragraphs A to E.

B. Little Androscoggin River Drainage.

(1) Little Androscoggin River, main stem, including all impoundments.

(a) From the outlet of Bryant Pond to a point located 0.25 mile above the bridge at West Paris - Class B.

(b) From a point located 0.25 mile above the bridge at West Paris to its confluence with Andrews Brook - Class C.

(c) From its confluence with Andrews Brook to the Route 26 bridge in South Paris - Class B.

(d) From the Route 26 bridge in South Paris to its confluence with the Androscoggin River - Class C.

(2) Little Androscoggin River, tributaries.

(a) Bird Brook (Norway) - Class C.

(b) Davis Brook (Poland) - Class C.

(c) Outlet of Thompson Lake (Oxford) - Class C.

(d) Pennesseewassee Lake Outlet (Norway) - Class C.

(e) Unnamed Brook (Auburn) which enters the Little Androscoggin River from the north about 1.3 miles east of Minot Village - Class C.

C. Androscoggin River, Upper Drainage; that portion within the State lying above the river's most upstream crossing of the Maine-New Hampshire boundary.

(1) Cupsuptic Stream and its tributaries above its confluence with Cupsuptic Lake - Class A.

(2) Kennebago River and its tributaries above its confluence with Mooselookmeguntic Lake - Class A.

(3) Magalloway River and those tributaries of the Magalloway River which have drainages lying wholly within the State - Class A.

(4) Rapid River, from the outlet of Pond in the River to the Magalloway Plantation - Upton boundary - Class B.

D. Androscoggin River, minor tributaries.

(1) Austin Brook (Mexico) from Fourth Street to its confluence with the Androscoggin River - Class C.

(2) Bean Brook (Rumford) from the dam at the rendering company to its confluence with the Androscoggin River - Class C.

(3) Chapman Brook (Bethel) and its tributaries above the bridge at the highway leading from Bethel to Gilead on the north side of the Androscoggin River - Class A.

(4) Logan Brook (Auburn) - Class C.

(5) No Name Brook (Lewiston) - Class C.

(6) Penley Brook (Auburn) - Class C.

(7) Sabattus River from Sabattus Pond to limits of Lisbon urban area - Class C.

(8) Spears Stream (Peru) from the sawmill dam to its confluence with the Androscoggin River - Class C.

(9) Swift River, from the point at which the Mexico - Rumford boundary leaves the river at Osgood Avenue to its confluence with the Androscoggin River - Class C.

(10) Webb River (Dixfield) from the White Bridge to its confluence with the Androscoggin River - Class C.

(11) Whitney Brook (Canton) and its tributaries - Class C.

2. Dennys River Basin.

A. Dennys River, main stem.

(1) From the outlet of Meddybemps Lake to the Route 1 Bridge - Class AA.

(2) From the Route 1 bridge to tidewater - Class B.

B. Dennys River, tributaries.

(1) All tributaries entering above the Route 1 bridge - Class A.

3. East Machias River Basin.

A. East Machias River, main stem.

(1) From the outlet of Pocomoonshine Lake to a point located 0.25 miles above the Route 1 bridge - Class AA.

(2) From a point located 0.25 miles above the Route 1 bridge to tidewater - Class C.

B. East Machias River, tributaries.

(1) All tributaries entering above the Route 191 bridge in Jacksonville - Class A.

4. Kennebec River Basin.

A. Kennebec River, main stem.

(1) From Moosehead Lake (including East and West Outlet) to its confluence with Indian Pond - Class B.

(2) From Harris Dam to a point located 1,000 feet below Harris Dam - Class B.

(3) From a point located 1,000 feet downstream from Harris Dam to its confluence with the Dead River - Class B.

(4) From its confluence with the Dead River to its confluence with Wyman Lake - Class B.

(5) From Wyman Dam to its confluence with Fall Brook in Solon, including all impoundments - Class B.

(6) From its confluence with Fall Brook in Solon to the head of the island immediately below Great Eddy in Skowhegan, including all impoundments - Class B.

(7) From the head of the island immediately below Great Eddy in Skowhegan to Shawmut Dam, including all impoundments - Class C.

(8) From Shawmut Dam to the Curran Bridge in Augusta, including all impoundments - Class C.

(9) From the Curran Bridge in Augusta to a line drawn across the Tidal Estuary of the Kennebec River due east from Abagadasset Point - Class C.

(10) From a line drawn across the Tidal Estuary of the Kennebec River, due east from Abagadasset Point, and bounded by a line across the southwesterly arm of Merrymeeting Bay formed by an extension of the Brunswick-West Bath town line across the bay in a northwesterly direction to the westerly shore of Merrymeeting Bay and to a line drawn from Chop Point in Woolwich to West Chop Point in Bath - Class C.

B. Carrabassett River Drainage.

(1) Carrabassett River, main stem.

(a) Above its confluence with the West Branch - Class A.

(b) From its confluence with the West Branch to a point located 1.0 mile above the railroad bridge in North Anson - Class B.

(c) From a point located 1.0 mile above the railroad bridge in North Anson to its confluence with the Kennebec River - Class C.

(2) Carrabassett River, tributaries.

(a) All tributaries entering the Carrabassett River above its confluence with the West Branch - Class A.

(b) Gilman Stream (New Portland) from the bridge at New Portland to its confluence with the Carrabassett River - Class C.

(c) Harris Brook (New Portland) below Route 16 in Village of North New Portland to its confluence with Gilman Stream - Class C.

(d) Mill Stream (Anson) from the railroad bridge in North Anson Village to its confluence with the Carrabassett

River - Class C.

(e) Stanley Stream (Kingfield) - Class C.

(f) West Branch of the Carrabassett River and its tributaries - Class A.

C. Cobbosseecontee Stream Drainage.

(1) Cobbosseecontee Stream, main stem.

(a) Above the dam located at latitude 44° - 13.3', longitude 69° - 47.2' (approximately) - Class B.

(b) From the dam located at latitude 44° - 13.3', longitude 69° - 47.2' (approximately) to its confluence with the Kennebec River - Class C.

(2) Cobbosseecontee Stream, tributaries.

(a) Unnamed stream (Manchester) entering Cobbosseecontee Lake through golf course from immediately south of Manchester Village - Class C.

(b) Unnamed brook (Readfield) and its tributaries entering northerly cove of Lake Maranacook at Readfield across Route 17 - Class C.

D. Dead River Drainage.

(1) Dead River, main stem.

(a) From the Long Falls Dam to the upstream limit of Big Eddy in T.3, R.4, B.K.P.W.K.R. - Class B.

(b) From the upstream limit of Big Eddy in T.3, R.4, B.K.P.W.K.R. to its confluence with the Kennebec River - Class B.

(2) Dead River, tributaries.

(a) North Branch of the Dead River and its tributaries above its confluence with Flagstaff Lake - Class A.

E. Messalonskee Stream Drainage.

(1) Messalonskee Stream, main stem.

(a) From the outlet of Messalonskee Lake to its confluence with the Kennebec River - Class C.

(2) Messalonskee stream, tributaries.

(a) Messalonskee Stream entering between the outlet of Messalonskee Lake and its junction with the Kennebec River - Class C.

F. Moose River Drainage.

(1) Moose River, main stem.

(a) Above its confluence with Number One Brook in Beattie Township - Class A.

(b) From its confluence with Number One Brook in Beattie Township to its confluence with Attean Pond - Class B.

(c) From the outlet of Attean Pond to its confluence with Big Wood Pond - Class A.

(d) From the outlet of Big Wood Pond to its confluence with Long Pond - Class C.

(e) From the outlet of Long Pond to its confluence with Brassua Lake - Class B.

(f) From the outlet of Brassua Lake to its confluence with Moosehead Lake - Class B.

(2) Moose River, tributaries.

(a) All tributaries entering above the outlet of Big Wood Pond - Class A.

G. Sandy River Drainage.

(1) Sandy River, main stem.

(a) From the outlet of Sandy River Ponds to the Route 142 bridge in Phillips - Class A.

(b) From the Route 142 bridge in Phillips to the Route 2 bridge in Farmington - Class B.

(c) From the Route 2 bridge in Farmington to its confluence with the Kennebec River - Class C.

(2) Sandy River, tributaries.

(a) All tributaries entering above the Route 142 bridge in Phillips - Class A.

(b) Bean Brook (Strong) between its confluence with Doctor Brook and its confluence with Valley Brook - Class C.

(c) Lemon Stream (Starks) from dam in Starks Village to its confluence with the Sandy River - Class C.

(d) Meadow Brook (Wilton) from Depot Street to its confluence with Wilson Stream - Class C.

(e) Temple Stream, between the bridge in the Village of Temple and its confluence with Sandy River - Class C.

(f) Unnamed stream (Farmington) in urban area, vicinity of Middle Street - Class C.

(g) Unnamed stream (New Sharon) below

former canning factory in New Sharon Village - Class C.

(h) Valley Brook (Strong) between the Route 145 Bridge and its confluence with the Sandy River - Class C.

(i) Wilson Stream, main stem, from outlet of Wilson Pond to the Route 133 crossing - Class C.

(j) Wilson Stream, main stem, from Route 133 crossing to junction with Sandy River - Class C.

H. Sebasticook River Drainage.

(1) Sebasticook River, main stem, including all impoundments.

(a) From the confluence of the East Branch and the West Branch to the most downstream point of the Pittsfield-Burnham boundary - Class C.

(b) From the most downstream point of the Pittsfield-Burnham boundary to a point located 0.5 mile above the highway bridge at Clinton - Class B.

(c) From a point located 0.5 mile above the highway bridge at Clinton to a point located 1.0 mile above the highway bridge at Benton Falls - Class C.

(d) From a point located 1.0 mile above the highway bridge at Benton Falls to the Central Maine Power Company Dam in Winslow - Class B.

(e) From the Central Maine Power Company Dam in Winslow to its confluence with the Kennebec River - Class C.

(2) Sebasticook River, tributaries.

(a) Brackett Brook (Palmyra and Newport) - Class C.

(b) Carlton Stream (Troy) and tributaries - Class C.

(c) China Lake Outlet, from the outlet of China Lake to its confluence with the Sebasticook River - Class C.

(d) Farnham Brook (Pittsfield) below Route 100 - Class C.

(e) Fifteenmile Stream and tributaries below its confluence with Mill Stream in Albion - Class C.

(f) Higgins Brook (Harmony) from the crossing of Route 154 above Harmony to its confluence with the Great Moose Lake - Class C.

(g) Mill Stream from immediately above its crossing of the Albion-Benton Road to its confluence with Fifteenmile Stream - Class C.

(h) Sandy Stream, main stem, from the outlet of Sandy Pond to its confluence with Halfmoon Stream - Class C.

(i) Sandy Stream (Unity) from its junction with Bacon Brook to a point 0.5 mile from the entrance of Mussey Brook - Class C.

(j) Sebasticook River, East Branch main stem, from the outlet of Lake Wassookeag to its confluence with Corundel Lake - Class C.

(k) Sebasticook River, East Branch main stem, from the outlet of Corundel Lake to its confluence with Sebasticook Lake - Class C.

(l) Sebasticook River, East Branch

main stem, from the outlet of Sebasticook Lake to its confluence with the West Branch - Class C.

(m) Sebasticook River, West Branch main stem, from the outlet of Great Moose Lake to its confluence with the East Branch, including all impoundments - Class C.

(n) Small streams and tributaries, direct or indirect, not otherwise specified or classified, entering the Sebasticook River from the east between Twentyfive Mile Stream and Fifteenmile Stream - Class C.

(o) Small streams and their tributaries not otherwise specified entering the Sebasticook River from the east between the outlet of Fifteenmile Stream and the point of discharge of China Lake Outlet - Class C.

I. Kennebec River, minor tributaries.

(1) All tidal portions of tributaries entering above a line drawn across the tidal estuary due east from Abagadasset Point which are not otherwise classified - Class C.

(2) Austin Stream and its tributaries above the highway bridge on Route 201 in the Town of Bingham - Class A.

(3) Bond Brook and its tributaries below the crossing of Route 11 prior to reconstruction of this route in 1955 - Class C.

(4) Currier Brook (Skowhegan) from Fairview Avenue to its confluence with the Kennebec River - Class C.

(5) Fall Brook (Solon) from the dam upstream of Route 201 in Solon Village to its confluence with the Kennebec River - Class

C.

(6) Mill Stream (Norridgewock) below the upstream bridge in the village - Class C.

(7) Twomile Brook (Augusta) from the entrance of the Cushnoc Housing Development sewer to the Kennebec River - Class C.

(8) Unnamed stream (Augusta) and tributaries crossing Bangor Street near the Coca Cola bottling plant - Class C.

(9) Unnamed brook (Bowdoinham) which enters the tidal portion of the West Branch of the Cathance River approximately 0.7 mile above the bridge in Bowdoinham - Class C.

5. Machias River Basin.

A. Machias River, main stem.

(1) From the outlet of Fifth Machias Lake to its confluence with the Whitneyville Mill Pond - Class AA.

(2) From the outlet of the Whitneyville Mill Pond to the site of the low dam opposite the ends of West Street and Hardwood Street in Machias - Class B.

(3) From the site of the low dam opposite the ends of West Street and Hardwood Street in Machias to tidewater - Class C.

B. Machias River, tributaries.

(1) All tributaries entering above the river's confluence with the Whitneyville Mill Pond which are not otherwise classified - Class A.

(2) Mopang Stream, from the outlet of Mopang Second Lake to its confluence with the Machias River - Class AA.

(3) Old Stream, from the outlet of First

Lake to its confluence with the Machias River - Class AA.

(4) West Branch of the Machias River, from the outlet of Lower Sabao Lake to its confluence with the Machias River - Class AA.

6. Mousam River Basin.

A. Mousam River, main stem.

(1) From the outlet of Mousam Lake to a point located 0.5 mile above Mill Street in Springvale - Class B.

(2) From a point located 0.5 mile above Mill Street in Springvale to its confluence with Estes Lake - Class C.

(3) From the outlet of Estes Lake to tidewater - Class B.

B. Mousam River, tributaries.

(1) East Branch of Shaker Brook from the Route 4 bridge to the Alfred-Waterboro boundary - Class C.

(2) Hay Brook (Alfred and Sanford) - Class C.

(3) Unnamed Brook, entering the East Branch of Shaker Brook from the west just below Waterboro Village - Class C.

7. Penobscot River Basin.

A. Penobscot River, main stem.

(1) From the confluence of the East Branch and the West Branch to the Veazie Dam, including all impoundments - Class C.

(2) From the Veazie Dam to a line extended in an east-west direction from the outlet of Reed Brook in the Village of Hampden Highlands - Class C.

(3) The Legislature recognizes, however, that at certain times portions of the waters in the impoundments created by Mattaceunk Dam, also known as Weldon Dam, and Dolby Dam have not and may continue to not meet the Class C requirements for aquatic life and dissolved oxygen due to hydrologic conditions related to the creation of the impoundments, including, but not limited to, impaired mixing of water columns, historical accumulation of sediment and elevated water temperature. The Legislature further recognizes that, for the purposes of this subparagraph, these impoundments constitute a valuable indigenous and renewable energy resource for hydroelectric energy which provide a significant contribution to the economic development and general welfare of the citizens of the State. Accordingly, the value and importance to the people of the State of hydroelectric energy and the unavoidable consequences to water quality resulting from the existence of these impoundments shall be considered when the board determines the impact of a discharge on the designated uses of the impoundments identified in this subparagraph. These impoundments shall be considered to meet their classification if the department finds that conditions in those impoundments are not preventing their designated uses from being reasonably attained. Nothing in the subparagraph may be construed to limit the board's authority to consider the requirements of section 414-A, subsection 1, paragraphs A to E.

B. Penobscot River, East Branch Drainage.

(1) East Branch of the Penobscot River, main stem.

(a) Above its confluence with Grand Lake Mattagamon - Class A.

(b) From the dam at the outlet of Grand Lake Mattagamon to a point lo-

cated 1,000 feet downstream from the dam at the outlet of Grand Lake Mattagamon - Class B.

(c) From a point located 1,000 feet downstream from the dam at the outlet of Grand Lake Mattagamon to its confluence with the West Branch - Class B.

(2) East Branch of the Penobscot River, tributaries.

(a) All tributaries and segments of the East Branch of the Penobscot River entering above the outlet of Grand Lake Mattagamon which are not otherwise classified - Class A.

(b) All tributaries and segments of the East Branch of the Penobscot River entering below the outlet of Grand Lake Mattagamon which are not otherwise classified - Class B.

(c) All tributaries and segments of the East Branch of the Penobscot River which are within the boundaries of Baxter State Park - Class AA.

(d) Sawtelle Brook, from a point located 1,000 feet downstream from the dam at the outlet of Sawtelle Deadwater to its confluence with the Seboeis River - Class B.

(e) Seboeis River, from the outlet of Snowshoe Lake to its confluence with the East Branch - Class B.

(f) Wassataquoik Stream, from the boundary of Baxter State Park to its confluence with the East Branch - Class B.

(g) Webster Brook, from a point located 1,000 feet downstream from the dam at the outlet of Telos Lake to its

confluence with Grand Lake Mattagamon - Class B.

C. Penobscot River, West Branch Drainage.

(1) West Branch of the Penobscot River, Main Stem.

(a) From the dam at the outlet of Seboomook Lake to a point located 1,000 feet downstream from the dam at the outlet of Seboomook Lake - Class B.

(b) From a point located 1,000 feet downstream from the dam at the outlet of Seboomook Lake to its confluence with Chesuncook Lake - Class B.

(c) From Ripogenus Dam to the T.3, R.11, W.E.L.S. - T.3, R.10, W.E.L.S. boundary - Class B.

(d) From the T.3, R.11, W.E.L.S. - T.3, R.10, W.E.L.S. boundary to its confluence with Ambajejus Lake - Class B.

(e) From the outlet of Elbow Lake to the outlet of Ferguson and Quakish Lakes - Class B.

(f) From the outlet of Ferguson and Quakish Lakes to its confluence with the East Branch of the Penobscot River, including all impoundments - Class C.

(2) West Branch of the Penobscot River, tributaries.

(a) All tributaries and segments of the West Branch of the Penobscot River which are within the boundaries of Baxter State Park - Class AA.

(b) All tributaries entering above the dam at the outlet of Seboomook Lake - Class A.

(c) Millinocket Stream, from the railroad bridge near the Millinocket-T.3 Indian Purchase boundary to its confluence with the West Branch of the Penobscot River - Class C.

D. Mattawamkeag River Drainage.

(1) Mattawamkeag River, main stem.

(a) From the confluence of the East Branch and the West Branch to the Kingman-Mattawamkeag boundary - Class B.

(b) From the Kingman-Mattawamkeag boundary to its confluence with the Penobscot River - Class B.

(2) Mattawamkeag River, tributaries.

(a) Baskahegan Stream, from the narrows in Crooked Brook Flowage approximately one mile above the village of Danforth to its confluence with the Mattawamkeag River - Class C.

(b) Fish Stream, from a point 0.25 mile upstream of the Route 11 bridge in Patten to its confluence with the West Branch of the Mattawamkeag River - Class C.

(c) Mattakeunk Stream (Lee) from the outlet of Mattakeunk Pond to its confluence with Dwinal Pond - Class C.

(d) Webb Brook (Patten) and its tributaries - Class C.

(e) West Branch of the Mattawamkeag River (Island Falls) from a point 100 feet upstream of the railroad bridge at Island Falls to its confluence with Upper Mattawamkeag Lake - Class C.

E. Piscataquis River Drainage.

(1) Piscataquis River, main stem.

(a) From the confluence of the East Branch and the West Branch to the Abbot-Guilford boundary - Class B.

(b) From the Abbott-Guilford boundary to its confluence with the Pleasant River - Class C.

(c) From its confluence with the Pleasant River to the dam at Howland - Class B.

(d) From the dam at Howland to its confluence with the Penobscot River - Class C.

(2) Piscataquis River, tributaries.

(a) Carleton Stream (Sangerville) from its mouth to the crossing of Route 23 - Class C.

(b) Davee Brook below North Street, Dunham Brook below Forest Street and Fox Brook below Grove Street in Dover-Foxcroft - Class C.

(c) East and West Branches of the Piscataquis River and their tributaries above their confluence near Blanchard - Class A.

(d) Phillip Brook, Monson, from Lake Hebron to the junction with Monson Stream - Class C.

(e) Pleasant River, East Branch and its tributaries - Class A.

(f) Pleasant River, main stem, from the end of Maple Street in Brownville Junction to its confluence with the Piscataquis River - Class C.

(g) Pleasant River, West Branch, from

the outlet of Fourth West Branch Pond to its confluence with the East Branch - Class AA.

(h) Pleasant River, West Branch tributaries - Class A.

(i) Sebec River, from the dam at Main Street in Milo to its confluence with the Piscataquis River - Class C.

(j) Sebec River and its tributaries above the outlet of Monson Stream - Class A.

F. Penobscot River, minor tributaries.

(1) All minor tributaries entering from the west between Pushaw Stream and the outlet of Reed Brook in Hampden which are not otherwise classified - Class C.

(2) All minor tributaries entering from the east between Blackman Stream and a line extended in an east-west direction from the outlet of Reed Brook in Hampden which are not otherwise classified - Class C.

(3) Alamoosook Lake Tributaries - Class A.

(4) Cambolasee Stream (Lincoln) below the Route 2 bridge - Class C.

(5) Great Works Stream (Bradley) and its tributaries above the Route 178 bridge - Class A.

(6) Kenduskeag Stream (Bangor) and tributaries below the Bullseye Bridge - Class C.

(7) Mattanawcook Stream (Lincoln) below the outlet of Mattanawcook Pond - Class C.

(8) Olamon Stream and its tributaries above the bridge on Horseback Road - Class A.

(9) Passadumkeag River and its tributaries

above Grand Falls - Class A.

(10) Sourdabscook Stream and its tributaries above the dam of the Hampden Water District - Class A.

(11) Sunkhaze Stream and its tributaries - Class A.

8. Pleasant River Basin.

A. Pleasant River, main stem.

(1) From the outlet of Pleasant River Lake to a point located 1,000 feet above tidewater - Class B.

(2) From a point located 1,000 feet above tidewater to tidewater - Class B.

9. Presumpscot River Basin.

A. Presumpscot River, main stem.

(1) From the outlet of Sebago Lake to its confluence with Dundee Pond - Class A.

(2) From the outlet of Dundee Pond to a point located below the Village of South Windham - Class B.

(3) From a point located below the Village of South Windham to tidewater - Class C.

B. Presumpscot River, tributaries.

(1) Little River (Windham) from canning plant on Route 114 to its confluence with the Presumpscot River - Class C.

(2) Stevens Brook (Bridgton) - Class C.

10. Narraguagus River Basin.

A. Narraguagus River, main stem.

(1) From the outlet of Eagle Lake to the

confluence with the West Branch of the Narraguagus River in Cherryfield - Class A.

(2) From the confluence with the West Branch of the Narraguagus River in Cherryfield to tidewater - Class B.

B. Narraguagus River, tributaries.

(1) All tributaries entering above the river's confluence with the West Branch - Class A.

(2) West Branch of the Narraguagus River and its tributaries - Class A.

11. Royal River Basin.

A. Royal River, main stem.

(1) From the outlet of Sabbathday Pond to tidewater - Class B.

B. Royal River, tributaries.

(1) All tributaries of the Royal River which are not otherwise classified - Class C.

(2) Chandler Brook (Pownal) - Class B.

(3) Collyer Brook (Gray) - Class B.

12. Saco River Basin.

A. Saco River, main stem.

(1) From the Maine-New Hampshire boundary to its confluence with the impoundment of the Swan's Falls Dam - Class B.

(2) From its confluence with the impoundment of the Swan's Falls Dam to a point located 1,000 feet below the Swan's Falls Dam - Class B.

(3) From a point located 1,000 feet below

the Swan's Falls Dam to its confluence with the impoundment of the Hiram Dam - Class B.

(4) From its confluence with the impoundment of the Hiram Dam to a point located 1,000 feet below the Hiram Dam - Class B.

(5) From a point located 1,000 feet below the Hiram Dam to its confluence with the Little Ossippee River - Class B.

(6) From its confluence with the Little Ossipee River to its confluence with Thatcher Brook - Class B.

(7) From its confluence with Thatcher Brook to tidewater - Class C.

B. Saco River, tributaries.

(1) Brown Brook (Limerick) main stem, from the outlet of Sokokis Lake to its junction with the Little Ossipee River - Class C.

(2) Kimball Brook (Fryeburg) from a point 0.5 mile above the Route 113 crossing to Charles Pond - Class C.

(3) Little River, from the crossing of Route 5 approximately 1.0 mile above Cornish Village to its confluence with the Ossipee River - Class C.

(4) Ossipee River from a point located 0.5 mile upstream of the Route 25 bridge at Kezar Falls to its confluences with the Saco River - Class C.

(5) Wards Brook (Fryeburg) - Class C.

13. St. Croix River Basin.

A. St. Croix River, main stem.

(1) From the outlet of Chiputneticook Lakes to the Grand Falls Dam, those waters lying within the State - Class B.

(2) From the Grand Falls Dam to its confluence with Woodland Lake, those waters lying within the State - Class C.

(3) From the Woodland Dam to tidewater, those waters lying within the State, including all impoundments - Class C.

B. St. Croix River, tributaries.

(1) All tributaries which have portions of their drainage area in Maine and portions in New Brunswick, those waters lying within the State - Class B.

(2) All tributaries entering upstream from the dam at Calais, the drainage areas of which are wholly within the State - Class A.

14. St. George River Basin.

A. St. George River, main stem.

(1) From the outlet of Lake St. George to tidewater - Class C.

B. St. George River, tributaries.

(1) All tributaries and segments of the St. George River which are not otherwise classified - Class C.

(2) All tributaries entering above the outlet of Lake St. George - Class B.

(3) Crawford Pond Outlet and Crawford Pond tributaries - Class B.

(4) Fuller Brook and its tributaries - Class B.

(5) North and South Pond tributaries and outlet to the St. George River - Class B.

15. St. John River Basin.

A. St. John River, main stem.

(1) From the confluence of the Northwest Branch and the Southwest Branch to a point located one mile above the foot of Big Rapids in Allagash - Class B.

(2) From a point located one mile above the foot of Big Rapids in Allagash to the Frenchville-Madawaska boundary, those waters lying within the State, including all impoundments - Class B.

(3) From the Frenchville-Madawaska boundary to where the international boundary leaves the river in Hamlin, those waters lying within the State, including all impoundments - Class C.

B. Allagash River Drainage.

(1) Allagash River, main stem.

(a) From Churchill Dam to a point located 1,000 feet downstream from Churchill Dam - Class A.

(b) From a point located 1,000 feet downstream from Churchill Dam to its confluence with Gerald Brook in Allagash - Class AA.

(c) From its confluence with Gerald Brook in Allagash to its confluence with the St. John River - Class A.

(2) Allagash River, tributaries.

(a) All tributaries and segments of the Allagash River which are not otherwise classified - Class A.

(b) Allagash Stream, from the outlet of Allagash Pond in T.9, R.15, W.E.L.S. to its confluence with Chamberlain Lake - Class AA.

(c) Chemquasabamticook Stream, from the outlet of Chemquasabamticook Lake

to its confluence with Long Lake - Class AA.

(d) Musquacook Stream, from the outlet of Third Musquacook Lake to its confluence with the Allagash River - Class AA.

C. Aroostook River Drainage.

(1) Aroostook River, main stem.

(a) From the confluence of Millinocket Stream and Munsungan Stream to its confluence with the Machias River - Class AA.

(b) From its confluence with the Machias River to the Sheridan Dam - Class B.

(c) From the Sheridan Dam to its confluence with Presque Isle Stream, including all impoundments - Class B.

(d) From its confluence with Presque Isle Stream to a point located 3.0 miles upstream of the intake of the Caribou water supply, including all impoundments - Class C.

(e) From a point located 3.0 miles upstream of the intake of the Caribou water supply to a point located 100 yards downstream of the intake of the Caribou water supply, including all impoundments - Class B.

(f) From a point located 100 yards downstream of the intake of the Caribou water supply to the international boundary, including all impoundments - Class C.

(2) Aroostook River, tributaries.

(a) All tributaries and segments of

the Aroostook River entering above the confluence with St. Croix Stream which are not otherwise classified - Class A.

(b) Limestone Stream from the Long Road Bridge to the international boundary - Class C.

(c) Little Machias River and its tributaries - Class A.

(d) Little Madawaska River and its tributaries, including Madawaska Lake tributaries above the Route 161 bridge in Stockholm - Class A.

(e) Machias River, from the outlet of Big Machias Lake to the Garfield Plantation-Ashland boundary - Class AA.

(f) Machias River tributaries entering above the Garfield-Ashland boundary - Class A.

(g) Millinocket Stream, from the outlet of Millinocket Lake to its confluence with Munsungan Stream - Class AA.

(h) Munsungan Stream, from the outlet of Little Munsungan Lake to its confluence with Millinocket Stream - Class AA.

(i) Pattee Brook (Fort Fairfield) and its tributaries above the dam just upstream of the Route 167 bridge - Class A.

(j) Presque Isle Stream and its tributaries above its confluence with, but not including, the North Branch of Presque Isle Stream - Class A.

(k) St. Croix Stream from the outlet of St. Croix Lake to its confluence with Hall Brook in T.9, R.5, W.E.L.S. - Class A.

(l) St. Croix Stream from its confluence with Hall Brook in T.9, R.5, W.E.L.S. to its confluence with the Aroostook River - Class AA.

(m) St. Croix Stream tributaries - Class A.

(n) Salmon Brook, from the dam immediately above Washburn to its confluence with the Aroostook River - Class C.

(o) Squapan Stream and its tributaries above the B&A Railroad bridge - Class A.

(p) Unnamed Stream (Presque Isle) near Vining Station on Washburn Road - Class C.

D. Fish River Drainage.

(1) Fish River, main stem.

(a) From the outlet of Mud Pond to its confluence with St. Froid Lake - Class AA.

(b) From the outlet of St. Froid Lake to the Route 11 Bridge - Class A.

(c) From the Route 11 Bridge to the bridge at Fort Kent Mills - Class B.

(d) From the bridge at Fort Kent Mills to its confluence with the St. John River - Class C.

(2) Fish River, tributaries.

(a) All tributaries entering above the Route 11 Bridge - Class A.

E. Meduxnekeag River Drainage.

(1) Meduxnekeag River, main stem.

(a) From the outlet of Meduxnekeag Lake to the international boundary - Class B.

(2) Meduxnekeag River, tributaries.

(a) North Branch of the Meduxnekeag River and its tributaries above the Monticello - T.C, R.2 boundary - Class A.

F. St. John River, minor tributaries.

(1) All tributaries of the St. Francis River, the drainage areas of which are wholly within the State - Class A.

(2) All tributaries and branches of the St. John River above the outlet of Allagash River, the drainage areas of which are wholly within the State, including that portion of the river above the St. John Pond Dam- Class A.

(3) Baker Branch, from a point located 1.5 miles below Baker Lake to its confluence with the Southwest Branch - Class AA.

(4) Big Black River, from the international boundary to its confluence with the St. John River - Class B.

(5) Northwest Branch, from the outlet of Beaver Pond in T. 12, R. 17, W.E.L.S. to its confluence with the St. John River - Class AA.

(6) Southwest Branch, from a point located 5 miles downstream of the international boundary to its confluence with the Baker Branch - Class AA.

(7) Martin Brook (Madawaska) downstream of the bridge on the Back Settlement Road - Class C.

(8) Negro Brook (Allagash Plantation) and

its tributaries - Class A.

(9) Thibodeau Brook (Grand Isle) from Route 1 to the St. John River - Class C.

(10) Violette Brook (Van Buren) below the railroad to its confluence with Violette Stream - Class C.

(11) Violette Stream (Van Buren) below Champlain Street to its confluence with the St. John River - Class C.

16. Salmon Falls River Basin.

A. Salmon Falls River, main stem.

(1) From the outlet of Great East Lake to tidewater, those waters lying within the State - Class B.

17. Sheepscot River Basin.

A. Sheepscot River, main stem.

(1) From its origin in Montville to tidewater - Class B.

B. Sheepscot River, tributaries.

(1) West Branch of the Sheepscot River, main stem, from the outlet of Branch Pond to its confluence with the Sheepscot River - Class B.

18. Union River Basin.

A. Union River, main stem

(1) From the outlet of Graham Lake to the Route 1A bridge in Ellsworth Falls - Class B.

(2) From the Route 1A bridge in Ellsworth Falls to tidewater - Class C.

§468. Classifications of minor drainages

All surface waters lying within the boundaries of the State which are in basins having a drainage area less than 100 square miles which are not classified as lakes or ponds and which are not otherwise classified in this section are Class B waters.

1. Cumberland County. Those waters draining directly or indirectly into tidal waters of Cumberland County, with the exception of the Androscoggin River Basin, the Presumpscot River Basin, the Royal River Basin and tributaries of the Androscoggin River Estuary and Merrymeeting Bay, entering above the Chops.

A. All minor drainages of Cumberland County which are not otherwise classified - Class C.

B. Brunswick.

(1) Unnamed Stream entering tidewater of New Meadows River at Middle Bay - Class A.

C. Cape Elizabeth.

(1) Alewife Brook - Class A.

D. Falmouth.

(1) Mill Creek and its tributaries - Class B.

E. Freeport.

(1) Harvey Brook - Class B.

(2) Frost Gully Brook - Class A.

(3) Merrill Brook and its tributaries entering below the Maine Central Railroad crossing - Class B.

(4) Collins Brook and its tributaries - Class B.

(5) Mill Stream and its tributaries - Class B.

(6) Little River and its tributaries - Class B.

F. Portland.

(1) Stroudwater River from its origin to its confluence with Indian Camp Brook - Class B.

G. Scarboro.

(1) Finnard Brook - Class B.

(2) Stuart Brook - Class B.

H. South Portland.

(1) Red Brook and its tributaries from the Rye Pond outlet dam to its origin - Class B.

I. Yarmouth.

(1) Pratts Brook - Class B.

2. Hancock County. Those waters draining directly or indirectly into tidal waters of Hancock County, with the exception of the Union River Basin.

A. All brooks, streams and segments of those brooks and streams which are within the boundaries of Acadia National Park - Class AA.

B. All minor drainages entering tidewater between the Bucksport-Orrington boundary and a point located due east from Fort Point - Class C.

C. Blue Hill.

(1) Carleton Stream, main stem, between First Pond and Second Pond - Class C.

(2) Carleton Stream, main stem, from the outlet of First Pond to tidewater at Salt Pond - Class C.

(3) Unnamed Stream at edge of Blue Hill Village entering tidewater near "Big Rock" -

Class C.

(4) Unnamed Stream flowing from near "Old Cemetery" to the Town Wharf - Class C.

(5) Unnamed Stream about 100 yards east of Mill Brook Stream - Class C.

D. Brooksville.

(1) Shepardson Brook (or Mill Brook), main stem, from Route 176 to its outlet at tidewater - Class C.

E. Bucksport.

(1) All minor drainages which enter tidewater between the head of tide on Marsh Stream and the head of tide on the Orland River which are not otherwise classified - Class C.

(2) Silver Lake Outlet, above the village limits of Bucksport - Class B.

F. Ellsworth.

(1) Unnamed Stream south of Laurel Street in Ellsworth - Class C.

G. Franklin.

(1) Unnamed Stream flowing near railroad station in Franklin Village to Hog Bay - Class C.

H. Gouldsboro.

(1) All coastal streams, direct and indirect segments, discharging to tidewater on the easterly mainland of Gouldsboro - Class C.

I. Lamoine.

(1) Spring Brook below washer at Grindle's gravel pit - Class C.

J. Penobscot.

(1) Winslow Stream, main stem, from tidewater to dam at the sawmill of S.C. Condon - Class C.

K. Sedgewick.

(1) Sargent Brook at Sargentville Village, main stem, from tidewater to a point 300 feet upstream of the highway - Class C.

(2) Three Unnamed Streams entering tidewater immediately north of Sedgewick Village - Class C.

L. Trenton.

(1) Stony Brook from Route 3 crossing to tidewater - Class C.

M. Winter Harbor.

(1) Coastal streams, brooks and segments of those streams and brooks between the Winter Harbor-Gouldsboro boundary and the boundaries of Acadia National Park - Class C.

3. Knox County. Those waters draining directly or indirectly into tidal waters of Knox County, with the exception of the St. George River Basin.

A. Friendship.

(1) Goose River, main stem, from tidewater to the dam at the Herbert Tibbetts' sawmill - Class C.

B. Owls Head.

(1) All coastal streams, direct and indirect segments of those streams, draining to tidewater in the Town of Owls Head - Class C.

C. Rockland.

(1) All coastal streams, direct and indirect segments of those streams, draining to tidewater in the City of Rockland - Class C.

D. Rockport.

(1) All coastal streams, direct and indirect segments of those streams, draining to tidewater in the Town of Rockport, unless otherwise described or classified - Class C.

(2) Goose River and its tributaries - Class B.

(3) Lily Pond Outlet - Class B.

E. St. George.

(1) All coastal streams, direct and indirect segments of those streams, draining to tidewater in the Town of St. George, unless otherwise described or classified - Class C.

F. South Thomaston.

(1) All coastal streams, direct and indirect segments of those streams, draining to tidewater in the Town of South Thomaston - Class C.

G. Thomaston.

(1) Mill River, main stem, from tidewater to a point 0.5 mile above tidewater - Class C.

(2) Oyster River, main stem, from tidewater to a point 200 feet upstream of Packard's Mill - Class C.

H. Warren.

(1) Unnamed Stream to St. George River tidewater near Warren-Cushing boundary between a point 500 feet above the South Warren-North Cushing Road to tidewater - Class C.

4. Lincoln County. Those waters draining directly or indirectly into tidal waters of Lincoln County, with the exception of the Sheepscot River Basin and tributaries of the Kennebec River Estuary and Merrymeeting Bay, entering above the Chops.

A. Bristol.

(1) Pemaquid River, main stem, from dam upstream of Bristol Village to the entrance of Boyd Pond - Class C.

B. Waldoboro.

(1) Goose River, main stem, from tidewater to the dam at Herbert Tibbetts' sawmill - Class C.

C. Westport.

(1) All coastal streams and segments of those streams draining to tidewaters in the Town of Westport - Class C.

5. Penobscot County. Those waters draining directly or indirectly into tidal waters of Penobscot County, with the exception of tributaries of the Penobscot River Estuary entering north of a line extended in an east-west direction from the outlet of Reed Brook in the Village of Hampden Highlands.

A. Minor drainages of Penobscot County which are not otherwise classified - Class C.

B. Reed Brook (Hampden) - Class C.

6. Sagadahoc County. Those waters draining directly or indirectly into tidal waters of Sagadahoc County, with the exception of tributaries of the Androscoggin River Estuary, the Kennebec River Estuary and Merrymeeting Bay, entering above the Chops.

A. All minor drainages of Sagadahoc County which are not otherwise classified - Class C.

7. Waldo County. Those waters draining directly

or indirectly into tidal waters of Waldo County.

A. All minor drainages of Waldo County which are not otherwise classified and which enter tidewater between head of tide on the Goose River and head of tide on Marsh Stream in Frankfort - Class C.

B. Belfast.

(1) Goose River, below the upstream crossing of Route 141 - Class C.

C. Searsport.

(1) Mill Brook and its tributaries upstream of a bridge site on an abandoned road about 1.5 miles northerly of Searsport Village - Class B.

(2) Unnamed Stream and its tributaries entering tidewater at the northwest corner of Long Cove - Class B.

8. Washington County. Those waters draining directly or indirectly into tidal waters of Washington County, with the exception of the Dennys River Basin, the East Machias River Basin, the Machias River Basin, the Narraguagus River Basin and the Pleasant River Basin.

A. Calais.

(1) Unnamed Stream entering tidewater portion of St. Croix River between Beech and Union Streets - Class C.

B. Columbia.

(1) Dyke Brook, East Branch, from tidewater to the crossing of the Maine Central Railroad - Class C.

C. Columbia Falls.

(1) Unnamed Stream, from the Maine Central Railroad Bridge near the Pleasant River Can-

ning Company plant to tidewater - Class C.

D. Harrington.

(1) Unnamed Stream passing through the village, from a point immediately upstream of the school sewer to tidewater - Class C.

E. Jonesboro.

(1) Chandler River and its tributaries above the Highway Bridge on Route 1 - Class A.

F. Robbinston.

(1) Unnamed Stream entering northerly end of Brooks Cove - Class C.

(2) Unnamed Stream immediately north of Schoolhouse Lane - Class C.

G. Stuben and T.7, S.D.

(1) Whitten Parrin Stream - Class C.

H. Trescott.

(1) Wiggins Brook at South Trescott, main stem, between Route 191 and tidewater - Class C.

I. Whiting.

(1) Orange River and its tributaries above the highway bridge on Route 1 - Class A.

9. York County. Those waters draining directly or indirectly into tidal waters of York County, with the exception of the Saco River Basin, the Salmon Falls River Basin and the Mousam River Basin.

A. All coastal streams above tidewater between Roaring Rock Point (York) and the head of tide on Branch River (Wells), except as otherwise specified or classified - Class C.

B. All coastal streams and their tributaries not otherwise specified between Walker Point (Kennebunkport) and Fletchers Neck in Biddeford - Class C.

C. Biddeford.

(1) Moors Brook and its tributaries - Class C.

(2) West Brook and its tributaries - Class C.

D. Saco.

(1) Goosefare Brook from its origin to head of tide - Class C.

(2) Milliken Brook - Class C.

§469. Classifications of estuarine and marine waters

All estuarine and marine waters lying within the boundaries of the State and which are not otherwise classified are Class SB waters.

1. Cumberland County.

A. Cape Elizabeth.

(1) Tidal waters lying westerly of a line beginning at Portland Head Light and running northerly to the southernmost point of land on Cushing Island - Class SC.

B. Cumberland.

(1) Tidal waters located within a line beginning at a point located on the Cumberland-Portland boundary at approximately latitude 43°41'-18"N., longitude 70° - 05'-48"W. and running northeasterly to a point located on the Cumberland-Harpswell boundary at approximately latitude 43° - 42'-57"N., longitude 70° - 03'-50" W.; thence running southwesterly along the Cumberland-Harpswell boundary to a point

where the Cumberland, Harpswell and Portland boundaries meet; thence running northeasterly along the Cumberland-Portland boundary to point of beginning - Class SA.

C. Falmouth.

(1) Tidal waters located within a line beginning at a point located on the shore at latitude 43° - 42'-03"N. longitude 70° - 15'-22" W. and running southwesterly along the Falmouth-Portland boundary to the shore of Mackworth Island; thence running northerly along the western shore of Mackworth Island and the Mackworth Island Causeway to a point located at latitude 43° - 41'-42" N., longitude 70° - 14'-25" W.; thence running along the shore of the Presumpscot River Estuary to point of beginning - Class SC.

D. Harpswell.

(1) Tidal waters located within a line beginning at a point located on the Cumberland-Harpswell boundary at approximately latitude 43° - 42'-57" N., longitude 70° - 03'-50" W. and running northeasterly to a point located at latitude 43° - 43'-08" N., longitude 70° - 03'-36"W.; thence running southeasterly to a point located at latitude 43° - 42'-02" N., longitude 70° - 00'-00" W.; thence running due south to the Harpswell-Portland boundary; thence running northwesterly along the Harpswell-Portland boundary to a point where the Cumberland, Harpswell and Portland boundaries meet; thence running northwesterly along the Cumberland-Harpswell boundary to point of beginning - Class SA.

E. Portland.

(1) Tidal waters located within a line beginning at a point located on the Cumberland-Portland boundary at approximately latitude 43° - 41'-18" N., longitude 70° - 05'-48" W. and running southeasterly along

the Cumberland-Portland boundary to a point where the Cumberland, Harpswell and Portland boundaries meet; thence running southeasterly along the Harpswell-Portland boundary to longitude 70° - 00'-00" W.; thence running due south to a point located at latitude 43° - 38'-21" N., longitude 70° - 00'-00" W.; thence running due west to a point located at latitude 43° - 38'-21" N., longitude 70° - 09'-06" W.; thence running northeasterly to point of beginning - Class SA.

(2) Tidal waters lying northwesterly of a line beginning at Portland Head Light and running northerly to the southernmost point of land on Cushing Island; thence running northerly along the western shore of Cushing Island to the northernmost point of land on Cushing Island; thence running northerly to the southernmost point of land on Peaks Island; thence running northerly along the western shore of Peaks Island to a point located at latitude 43° - 40'-10" N., longitude 70° - 11'-34" W.; thence running northwesterly to the southernmost point of land on Great Diamond Island; thence running northwesterly along the westerly shore of Great Diamond Island to a point located at latitude 43° - 40'-36" W., longitude 70° - 11'- 34" W.; thence running northwesterly for 0.7 mile to a point where the Falmouth-Portland boundary forms a right angle; thence running northwesterly along the Falmouth-Portland boundary to a point located at latitude 43° - 42'-03" N., longitude 70° - 15'-22" W. - Class SC.

F. South Portland.

(1) All tidal waters - Class SC.

G. Yarmouth.

(1) Tidal waters of the Royal River and its tidal tributaries lying westerly of longitude 70° - 09'-00" W. - Class SC.

2. Hancock County.

A. Bar Harbor.

(1) Tidal waters, except those lying within 500 feet of privately owned shoreline, lying northerly of latitude 44° - 16'-36" N., southerly of latitude 44° - 20'-27" N., and westerly of longitude 68° - 09'-28" W. - Class SA.

B. Bucksport.

(1) All tidal waters - Class SC.

C. Cranberry Isles.

(1) Tidal waters, except those lying within 500 feet of privately owned shoreline, lying within 0.5 mile of the shore of Baker Island - Class SA.

D. Mount Desert.

(1) Tidal waters, except those lying within 500 feet of privately owned shoreline, lying northerly of latitude 44° - 16'-36" N. and easterly of longitude 68° - 13'-08" W. - Class SA.

(2) Tidal waters of Somes Sound lying northerly of a line beginning at a point located at latitude 44° - 18'-18", longitude 68° - 18'-42" N. and running northeasterly to a point located at latitude 44° - 18'-54" N., longitude 68° - 18'-22" W. and lying southerly of a line beginning at a point located at latitude 44° - 19'-37" N., longitude 68° - 18'-52" W. and running northeasterly to a point located at latitude 44° - 19'-45", longitude 68° - 18'-23" W. - Class SA.

E. Orland.

(1) Tidal waters lying northerly of the southernmost point of land on Verona Island

- Class SC.

F. Southwest Harbor.

(1) Tidal waters lying northerly of latitude 44° - 12'-44" N., southerly of latitude 44° - 14'-13" N. and westerly of longitude 68° - 18'-27" W. - Class SA.

(2) Tidal waters of Somes Sound lying northerly of a line beginning at a point located at latitude 44° - 18'-18" N., longitude 68° - 18'-42" W. and running northeasterly to a point located at latitude 44° - 18'-54" N., longitude 68° - 18'-22" W. - Class SA.

G. Tremont.

(1) Tidal waters lying northerly of latitude 44° - 12'-44" N., southerly of latitude 44° - 14'-13" N. and easterly of longitude 68° - 20'-30" W. - Class SA.

H. Verona.

(1) Tidal waters lying northerly of the southernmost point of land on Verona Island - Class SC.

3. Knox County.

A. Isle Au Haut.

(1) Tidal waters, except those lying within 500 feet of privately owned shoreline, lying northerly of latitude 44° - 00'-00" N., southerly of latitude 44° - 03'-06" N., easterly of longitude 68° - 41'-00" W. and westerly of longitude 68° - 35'-00" W. - Class SA.

B. Owls Head.

(1) Tidal waters lying westerly of a line running between the southernmost point of land on Jameson Point and the northernmost

point of land on Battery Point - Class SC.

C. Rockland.

(1) Tidal waters lying westerly of a line running between the southernmost point of land on Jameson Point and the northernmost point of land on Battery Point - Class SC.

4. Penobscot County.

A. Hampden.

(1) Tidal waters lying southerly of a line extended in an east-west direction from the outlet of Reed Brook in the Village of Hampden Highlands - Class SC.

B. Orrington.

(1) Tidal waters lying southerly of a line extended in an east-west direction from the outlet of Reed Brook in the Village of Hampden Highlands - Class SC.

5. Sagadahoc County.

A. Georgetown.

(1) Tidal waters located within a line beginning at a point on the shore located at latitude 43° - 47'-16" N., longitude 69° - 43'-09" W. and running due east to longitude 69° - 42'-00" W.; thence running due south to latitude 43° - 42'-52" N.; thence running due west to longitude 69° - 44'-25" W.; thence running due north to a point on the shore located at latitude 43° - 46'-15" N., longitude 69° - 44'-25" W.; thence running northerly along the shore to point of beginning - Class SA.

6. Waldo County.

A. Frankfort.

(1) All tidal waters - Class SC.

B. Prospect.

(1) All tidal waters - Class SC.

C. Searsport.

(1) Tidal waters located within a line beginning at the southernmost point of land on Kidder Point and running due east to the Searsport-Stockton Springs boundary; thence running southerly along the Searsport-Stockton Springs boundary; to latitude 44° - 25'-25" N.; thence running due west to latitude 44° - 25'-25" N., longitude 68° - 54'-30" W.; thence running due north to the shore of Mack Point at longitude 68° - 54'-30" W.; thence running along the shore in an easterly direction to point of beginning - Class SC.

D. Stockton Springs.

(1) Tidal waters lying northerly of the southernmost point of land on Verona Island - Class SC.

E. Winterport.

(1) All tidal waters - Class SC.

7. Washington County.

A. Calais.

(1) Tidal waters of the St. Croix River and its tidal tributaries lying westerly of longitude 67° - 09'-48" W. - Class SC.

B. Eastport.

(1) Tidal waters lying southerly of latitude 44° - 54'-50" N., easterly of longitude 67° - 02'-00" W. and northerly of latitude 44° - 53'-15" N. - Class SC.

C. Lubec.

(1) Tidal waters, except those lying within 500 feet of West Quoddy Head Light, located within a line beginning at a point located on the northern shore of West Quoddy Head at latitude 44° - 49'-08" N., longitude 66° - 57'-30" W. and running due north to the international boundary; thence running southeasterly and southwesterly along the international boundary to latitude 44° - 47'-00" N.; thence running due west to longitude 66° - 58'-45" W.; thence running due north to a point located in Carrying Place Cove at latitude 44° - 48'-36", longitude 66° - 58'-45" W.; thence running along the shore of West Quoddy Head to point of beginning - Class SA.

D. Trescott.

(1) Tidal waters located within a line beginning on the shore at latitude 44° - 45'-02" N., longitude 67° - 04'-16" W., and running due east to longitude 67° - 03'00" W.; thence running due south to latitude 44° - 43'-30" N.; thence running due west to longitude 67° - 05'-14" W.; thence running due north to a point located on the shore at latitude 44° - 44'-28" N., longitude 67° - 05'-14" W.; thence running along the shore of Eastern Head to point of beginning - Class SA.

8. York County.

A. Biddeford.

(1) Tidal waters of the Saco River and its tidal tributaries lying westerly of longitude 70° - 22'-54" W. - Class SC.

B. Kennebunk.

(1) Tidal waters of the Kennebunk River and its tidal tributaries lying northerly of latitude 43° - 20'-50" N. - Class SC.

C. Kennebunkport.

(1) Tidal waters of the Kennebunk River and its tidal tributaries lying northerly of latitude 43° - 20'-50" N. - Class SC.

D. Kittery.

(1) Tidal waters of the Piscataqua River and its tidal tributaries lying westerly of longitude 70° - 42'-52" W.; southerly of Maine Route 103 and easterly of Interstate Route 95 - Class SC.

E. Old Orchard Beach.

(1) Tidal waters of Goosefare Brook and its tidal tributaries lying westerly of longitude 70° - 22'-55" W. - Class SC.

F. Saco.

(1) Tidal waters of Goosefare Brook and its tidal tributaries lying westerly of longitude 70° - 22'-55" W. - Class SC.

(2) Tidal waters of the Saco River and its tidal tributaries lying westerly of longitude 70° - 22'-54" W. - Class SC.

§470. Classification of ground water

All ground water shall be classified as not less than Class GW-A, except as otherwise provided in this section. The board may recommend to the Legislature the reclassification of any ground water, after careful consideration, public hearings and in consultation with other state agencies and the municipalities and industries involved, and where the board finds that it is in the best interests of the public that the waters be so classified.

Sec. 1. 38 MRSA §637 is enacted to read:

§637. Review of rules

Rules adopted by the board pursuant to this subarticle shall be immediately submitted to the joint standing committee of the Legislature having

jurisdiction over natural resources for review and may not become effective until 91 days after the adjournment of the next regular session of the Legislature which adjourns after their submission. This committee may report out legislation it deems necessary to clarify legislative intent regarding rules adopted pursuant to this subarticle.

STATEMENT OF FACT

Section 1 of the new draft repeals an obsolete definition of the term "coastal stream." Sections 2 and 3 are technical corrections of definitions taken directly from the original bill with adjustments of the appropriate cross references. Sections 4 to 14* repeal portions of existing water quality law that will be replaced by this new draft. Section 15* of the new draft enacts a new article 4-A, in the Maine Revised Statutes, Title 38, chapter 3, subchapter I. This article contains the main body of the new water quality classification system. Its individual sections are described in the following paragraphs. The study report of the Joint Standing Committee on Energy and Natural Resources provides additional material describing the intent of the new language.

Title 38, section 464 provides the general goals and objectives of the water classification system, along with a set of general regulatory and administrative provisions. Procedures for reclassification, departmental reports to the Legislature, general provisions governing discharges and rule-making requirements are all included in this section.

Title 38, section 465 describes the requirements of each of the 4 classifications for fresh surface water, not including great ponds. The classes are AA, A, B and C. Class AA is the highest classification and is applied to waters which are outstanding resources for reasons of ecological, social, scenic or recreational importance. The discharge to Class AA waters of domestic or industrial waste waters is prohibited. Activities which would cause Class AA waters to be other than a free flowing and natural habitat for fish and other aquatic life are prohib-

* These are the section numbers of the printed new draft (LD 2283). The corresponding section numbers in this report are 4 to 7 and 8 respectively.

ited. Class A waters have water quality and discharge provisions which are essentially unchanged from present law. Class B is the most frequently applied classification for the State's rivers, streams and brooks. Discharges to Class B waters are allowed, provided that they cause no substantial harm to aquatic life and meet bacteriological standards necessary to protect swimmers. Class C is applied to rivers and streams which presently receive major discharges. Discharges to Class C waters are allowed, provided they meet bacteriological standards necessary to protect swimmers and are of sufficient quality that all indigenous species of fish and a diverse community of aquatic life are supported.

Title 38, section 465-A establishes one class, GPA, for lakes and ponds. To protect and improve lakes and ponds, there are restrictions established for discharges and changes of land use in the watersheds of lakes and ponds.

Title 38, section 465-B establishes 3 classes of estuarine and marine waters. Class SA is the highest classification and is applied to waters which are outstanding resources for reasons of ecological, social, economic, scenic or recreational importance. The discharge to Class SA waters of domestic or industrial waste waters is prohibited. Activities which would cause Class SA waters to be other than a natural and free flowing habitat for fish and other estuarine and marine life are prohibited. Class SB is the most frequently applied classification for the State's estuarine and marine waters. Discharges to Class SB waters are allowed, provided that they cause no substantial harm to estuarine and marine life, meet bacteriological standards necessary to protect swimmers and do not adversely affect the State's shellfish resources. Class SC is applied to estuarine and marine waters which presently receive major discharges or which may receive such discharges as a result of the State's economic development policy. Discharges to Class SC waters are allowed, provided they meet bacteriological criteria necessary to protect swimmers and are of sufficient quality to support all indigenous species of fish and a diverse community of estuarine and marine life.

Title 38, section 465-C is taken verbatim from existing law, Title 38, section 363-B.

Title 38, section 466 provides definitions for 12 terms which are used in the new water quality classification system.

Title 38, section 467 revises the description of classifications of major river basins, currently located in Title 38, section 368. It describes the classification of all rivers, streams and brooks which are in drainages with an area greater than 100 square miles. Several of these river basins are presently contained in Title 38, section 369. Unlike the present law, Title 38, section 467 describes classifications in standardized outline form to aid readability and subsequent revision. Title 38, section 467 also differs from the present law by describing the classification of all segments of the main stems of major river basins as well as the main stems of major tributaries. Since most minor drainages described in that section are Class B, the section is headed by an overall classification of Class B for waters which are not otherwise classified. This aspect of the revision results in a shorter, more understandable text and will aid subsequent revision. The section also corrects a few geographical inconsistencies and errors in the present law.

Title 38, section 467 changes the classification of certain waters of the State. The following waters are upgraded to Class AA:

1. All rivers, streams, brooks or segments thereof within the boundaries of Baxter State Park; and

2. Outstanding river and stream segments which merit special protection as specified in the Maine Revised Statutes, Title 12, section 403, which are currently Class A in the water classification system and which also do not presently receive licensed discharges.

All waters currently classified as B-1 or B-2 are reclassified as "B" except for a few which are upgraded to Class AA and a stretch of the lower Ken-

nebec which is classified as "C," reflecting its existing quality and the major discharges it receives. All waters currently classified as "C" remain assigned to that classification except for a short stretch of the Kennebec above the Shawmut Dam. This stretch is classified as "B." All waters currently classified as "D" are upgraded to Class C.

Title 38, section 468 revises the description of classifications of minor drainages. Like those of Title 38, section 467, these revisions are intended to aid public participation in the procedures for reclassification by describing classifications in a shorter, more understandable form.

Title 38, section 468 also changes the classification of certain waters of the State. All streams, brooks or segments thereof within the boundaries of Acadia National Park are upgraded to Class AA. All waters currently classified as "B-1" or "B-2," except for those in Acadia National Park, are reclassified as "B."

Title 38, section 469 revises the classification of all estuarine and marine waters of the State. This complete revision is necessary for implementation of the standards for classification established in Title 38, section 465-B. Title 38, section 469 is headed by an overall classification of "SB" for estuarine and marine waters which are not otherwise classified. This section classifies certain areas of the estuarine and marine waters of the State as Class SC waters. These Class SC areas presently receive major discharges or are likely to receive major discharges as a result of the State's economic development policy. The section also classifies certain areas of the estuarine and marine waters as Class SA. Waters classified as Class SA comprise much of the estuarine and marine waters adjacent to lands owned by the State Government or Federal Government.

Title 38, section 470 is taken verbatim from existing law, Title 38, section 371-B.

Section 16* of the new draft includes a provision requiring legislative review of hydroelectric licensing rules prior to their adoption.

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* Section 9 in this draft.

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