

# Proposed Withdrawal of Certain Federally Promulgated Human Health Water Quality Criteria Applicable to Maine

## Summary

On August 13, 2020, EPA proposed to withdraw existing federal water quality criteria -- clearing the way for Maine to implement its human health water quality criteria for toxic pollutants. EPA will accept public comments on the proposal for 45 days upon its publication in the Federal Register and will also host two online public hearings. This proposed action follows Maine's adoption of human health criteria that EPA determined are based on sound science and protective of the State's designated uses. The withdrawal of existing federal criteria would enable Maine to implement those EPA-approved human health criteria.

## Background

Section 101(a)(2) of the CWA establishes the national goal that water quality should provide for the protection and propagation of fish, shellfish, and wildlife, and recreation in and on the water. To protect people from cancer and non-cancer effects from pollutants in public water supplies and in fish and shellfish, states must establish human health criteria for their waters that are designated for such uses. EPA periodically publishes ambient water quality criteria recommendations under CWA section 304(a) for states to consider adopting into their water quality standards to protect these uses.

CWA section 303(c)(2)(B) requires states to adopt numeric water quality criteria for all priority toxic pollutants for which EPA has published CWA section 304(a) criteria recommendations.

On December 19, 2016, EPA promulgated a final rule titled "Promulgation of Certain Federal Water Quality Standards Applicable to Maine" at 40 CFR 131.43.<sup>1</sup> This rule revised certain water quality standards applicable to Maine waters, including human health criteria for toxic pollutants applicable to tribal waters in Maine. EPA promulgated the December 2016 rule after its 2015 disapproval of human health criteria and other water quality standards the state had submitted to EPA.

In June 2020, EPA approved the state's submission of revised human health criteria for toxic pollutants that protect designated uses in all the waters covered by the federal human health criteria.

This action proposes to amend the federal regulations to withdraw all federal human health criteria for toxic pollutants promulgated for Maine in December 2016. All other federal water quality standards for Maine waters at 40 CFR 131.43 will remain in effect for Clean Water Act purposes.

## Public Hearings and Soliciting Comments on EPA's Proposed Rule

EPA welcomes comments concerning the proposed rule and requests any additional information for consideration by the Agency.

In addition to accepting written comments from the public for 45 days, EPA is offering two online public hearings on the proposed rule so that interested parties may provide oral comments. The first hearing will be on September 30, 2020 from 10 am to 12pm Eastern Daylight Time. The second hearing will be on

---

<sup>1</sup> *Promulgation of Certain Federal Water Quality Standards Applicable to Maine*, 81 FR 92466 (December 19, 2016).

October 1, 2020 from 3 pm to 5 pm Eastern Daylight Time.

### **Where can I find more information?**

Contact Jennifer Brundage at (202) 566-1265, [brundage.jennifer@epa.gov](mailto:brundage.jennifer@epa.gov) or Erica Fleisig at (202) 566-1057, [fleisig.eric@epa.gov](mailto:fleisig.eric@epa.gov). To view the Federal Register notice and supporting documents for the proposed rule, visit EPA's Water Quality Standards website at: <https://www.epa.gov/wqs-tech/federal-water-quality-standards-applicable-maine>.

---