

Withdrawal of Certain Federal Human Health Water Quality Criteria Applicable to Maine

Summary

EPA has finalized an amendment to the federal regulations that withdraws certain federal ambient water quality criteria for Maine. This final agency action follows Maine's adoption of human health criteria that EPA determined are based on sound science and protect the designated uses of the state's water bodies. The withdrawal of these federal criteria enables Maine to implement those EPA-approved human health criteria as part of the state's water quality standards.

Background

Clean Water Act (CWA) Section 101(a)(2) 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.

On December 19, 2016, EPA promulgated a final rule titled "Promulgation of Certain Federal Water Quality Standards Applicable to Maine" at 40 CFR 131.43.¹ 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.

On September 3, 2020, EPA issued a proposed rule to withdraw federal human health criteria for toxic pollutants applicable to Maine. EPA provided 45 days for public comment on its proposal and received eight comments. EPA considered the comments received on the proposal when writing its final withdrawal rule.

This action amends 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 remain in effect for CWA purposes.

Where can I find more information?

To view the Federal Register notice and supporting documents for the rule, visit EPA's Water Quality Standards website at: <https://www.epa.gov/wqs-tech/federal-water-quality-standards-applicable-maine>.

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