

Chapter 582: REGULATIONS RELATING TO TEMPERATURE

SUMMARY: These rules provide safeguards for fresh and salt water fauna in lakes and rivers of the state, by establishing instream limits on temperature resulting from thermal discharges.

1. Freshwater Thermal Discharges. No discharge of pollutants shall cause the ambient temperature of any freshwater body, as measured outside a mixing zone, to be raised more than 5 degrees Fahrenheit or more than 3 degrees Fahrenheit in the epilimnion (upper mixed layer) of any lake or pond. In no event shall any discharge cause the temperature of any freshwater body to exceed 85 degrees Fahrenheit at a point outside a mixing zone established by the Board, nor shall such discharge cause the temperature of any waters to exceed the U.S. Environmental Protection Agency's national ambient water quality criteria established to protect all species of fish that are indigenous to the receiving waters at any point outside a mixing zone established by the Board. Site specific criteria, generated from a study conducted according to DEP approved methods for indigenous species of fish as defined in 38 M.R.S.A. Sec. 466, may be substituted for national ambient water quality criteria, so long as the site specific criteria are no less protective of species found to be indigenous to those waters, and so long as the public participation requirements of federal and state law, including those found at 40 CFR Part 25, have been met. When the ambient temperature of any body of water naturally exceeds the limits set forth in this section, no thermal discharge may be allowed which alone or in combination with other discharges would raise the ambient temperature of the receiving water more than 0.5 Degrees Fahrenheit above the temperature which would naturally occur outside a mixing zone established by the Board.

2. to 4. Reserved

5. Tidal Water Thermal Discharges. No discharge of pollutants shall cause the monthly mean of the daily maximum ambient temperatures in any tidal body of water, as measured outside the mixing zone, to be raised more than 4 degrees Fahrenheit, nor more than 1.5 degrees Fahrenheit from June 1 to September 1. In no event shall any discharge cause the temperature of any tidal waters to exceed 85 degrees Fahrenheit at any point outside a mixing zone established by the Board.

AUTHORITY: 38 M.R.S.A., Sec. 343-A, 464(5)

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