

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

The department shall have one standard for the classification both of great ponds and of natural lakes and ponds less than 10 acres in size. Impoundments of rivers that are defined as great ponds pursuant to section 480-B are classified as GPA or as specifically provided in sections 467 and 468. [PL 2017, c. 137, Pt. B, §1 (AMD).]

1. Class GPA waters. Class GPA is the sole classification both of great ponds and of natural lakes and ponds less than 10 acres in size.

A. Class GPA waters must be of such quality that they are suitable for the designated uses of drinking water after disinfection, recreation in and on the water, fishing, agriculture, industrial process and cooling water supply, hydroelectric power generation, navigation and as habitat for fish and other aquatic life. The habitat must be characterized as natural. [PL 2003, c. 227, §5 (AMD); PL 2003, c. 227, §9 (AFF); PL 2005, c. 561, §10 (AFF).]

B. Class GPA waters must 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 must have a stable or decreasing trophic state, subject only to natural fluctuations, and must be free of culturally induced algal blooms that impair their use and enjoyment. The number of *Escherichia coli* bacteria in these waters may not exceed a geometric mean of 29 CFU or MPN per 100 milliliters over a 90-day interval or 194 CFU or MPN per 100 milliliters in more than 10% of the samples in any 90-day interval. [PL 2021, c. 551, §13 (AMD).]

C. There may be no new direct discharge of pollutants into Class GPA waters. Notwithstanding paragraph D, section 466-A or any other provision of law to the contrary, the following are exempt from this provision:

- (1) Chemical discharges for the purpose of restoring water quality approved by the department;
- (2) Aquatic pesticide or chemical discharges approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency for the purpose of restoring biological communities affected by an invasive species;
- (3) Storm water discharges that are in compliance with state and local requirements;
- (4) Discharges of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety using materials and methods that provide for protection of nontarget species. When the department issues a license for the discharge of aquatic pesticides authorized under this subparagraph, the department shall notify the municipality in which the application is licensed to occur and post the notice on the department's publicly accessible website; and
- (5) Discharges of pesticides approved by the department that are:
 - (a) Unintended and an incidental result of the spraying of pesticides;
 - (b) Applied in compliance with federal labeling restrictions; and
 - (c) Applied in compliance with statute, Board of Pesticides Control rules and best management practices.

Discharges into these waters licensed prior to January 1, 1986 are allowed to continue only until practical alternatives exist. Materials may not 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 may flow or leach into those waters, except as permitted pursuant to section 480-C. A change of land use in the watershed of a Class GPA water body may not, by itself or in combination with other activities, cause water quality degradation that impairs the

characteristics and designated uses of downstream GPA waters or causes an increase in the trophic state of those GPA waters. [PL 2019, c. 463, §2 (AMD).]

D. The following waters are subject to a sustenance fishing designated use pursuant to section 466-A: Conroy Lake in Monticello; Grand Lake Matagamon in Trout Brook Township and T.6 R.8 W.E.L.S.; Mattamiscontis Lake in T.3 R.9 N.W.P. and T.2 R.9 N.W.P.; Grand Falls Flowage, Berry Brook Flowage, George Brook Flowage, Huntley Brook Flowage, Lewey Lake, The Basin, The Narrows, Long Lake and Big Lake, adjacent to Indian Township; and Sysladobsis Lake in T.5 N.D. [PL 2019, c. 463, §3 (NEW).]

[PL 2021, c. 551, §13 (AMD).]

SECTION HISTORY

PL 1985, c. 698, §15 (NEW). PL 1989, c. 890, §§A40,B64,65 (AMD). PL 1999, c. 243, §9 (AMD). PL 2003, c. 227, §5 (AMD). PL 2003, c. 227, §9 (AFF). PL 2005, c. 182, §6 (AMD). PL 2005, c. 561, §10 (AFF). PL 2007, c. 291, §5 (AMD). PL 2007, c. 292, §23 (AMD). PL 2013, c. 193, §4 (AMD). PL 2017, c. 137, Pt. B, §§1, 2 (AMD). PL 2017, c. 319, §10 (AMD). PL 2019, c. 463, §§2, 3 (AMD). PL 2021, c. 551, §13 (AMD).

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