Natural Resources Council of Maine
3 Wade Street • Augusta, Maine 04330 • (207) 622-3101 • Fax: (207) 622-4343 • www.nrcm.org

Testimony in Opposition to LD 1287,
"An Act To Protect the Penobscot River and
Penobscot Bay from Mercury Contamination"
By Nick Bennett

April 11, 2019

Senator Carson, Representative Tucker, and distinguished members of the Environment and Natural Resources Committee:

My name is Nick Bennett, I reside in Hallowell, and I am the staff scientist for the Natural Resources Council of Maine (NRCM). NRCM is Maine's largest environmental advocacy group with more than 20,000 members and supporters. I am testifying in opposition to LD 1287, "An Act To Protect the Penobscot River and Penobscot Bay from Mercury Contamination."

Mercury contamination in the Penobscot River and estuary is a serious environmental problem. There have been cleanup efforts at the Holtrachem site and a nearby section of the river ongoing for more than two decades. There has been a federal court process looking at remediation of a much larger section of the river and estuary for nearly as long. The court is now looking at remedies for this larger section that would likely involve some dredging to remove contaminated sediment. Section 3 of LD 1287 reads as if it would prohibit this dredging, which may prove critical to the stated purpose of this bill: protecting the Penobscot River from mercury contamination.

NRCM also has concerns about Section 1 of the bill, which contains very prescriptive language about sampling and analysis requirements for sediment mercury contamination. This is not appropriate and could cripple the Department's ability to remediate contaminated areas. The Department needs flexibility on what sort of sampling to use because sediment contamination can be highly variable. In some cases composite sampling may also be appropriate as a screening tool.

We strongly support efforts to reduce the threat of mercury contamination in the Penobscot River, but NRCM believes this bill may not help those efforts. We therefore recommend that the Committee vote ought-not-to-pass on this bill.

I would be happy to answer any questions.