Testimony on Behalf of the Belfast City Council
In Opposition to LD 1287
An Act To Protect the Penobscot River and Penobscot Bay from Mercury Contamination
Before the Joint Standing Committee on Environment and Natural Resources
April 11th, 2019

Senator Carson, Representative Tucker, and distinguished members of the Joint Standing Committee on Environment and Natural Resources: my name is Thomas Kittredge, and I am employed by the City of Belfast as their Economic Development Director. At its April 2nd, 2019 meeting, the Belfast City Council voted unanimously to oppose LD 1287 and I am here today to present testimony on their behalf.

We have two issues with LD 1287:

The first one is the geographic area that is described in, and would be subject to, the proposed legislation, as the bill text implies that this area is relatively homogenous in terms of levels of mercury contamination. However, through review of relevant scientific studies, namely the *Penobscot River Mercury Study* (a multi-phase comprehensive study that came out of a lawsuit that was lodged against HoltraChem) one can ascertain that this does not align with reality.

Phase I of this study revealed that the concentration of total mercury found in near-shore surficial sediments at two sampling sites located near Belfast Bay, designated as Estuary 7 and Estuary 8 (0.022 and 0.012 micrograms of mercury per gram of dry weight, respectively) were below both the National Oceanic and Atmospheric Administration's background level for mercury (0.004-0.051 micrograms of mercury per gram of dry weight) and their Threshold Effects Level for marine sediment (0.130 micrograms of mercury per gram of dry weight; which they define as the concentration below which adverse effects are expected to occur only rarely).

In comparison, the first five sampling sites downriver of the HoltraChem site in Orrington (designated in the study as Orrington-Bucksport 1, 2, 3, 4, and 5) had an average concentration of total mercury in sediment (0.743 micrograms of mercury per gram of dry weight) that was more than 33 times higher than Estuary 7 and

more than 61 times higher than Estuary 8. Numerous other mercury-related measures in the study (such as the concentrations of total methylmercury found in sediments and total mercury per unit of carbon in sediments) followed a similar pattern for both groups of sampling sites. The Phase I study concluded "that the most severe contamination does not extend further south than Fort Point Cove or Sears Island . . ."

Phase II of the study included sampling at 5 additional sites located further out in Belfast Bay. Results similar to those in Phase I were found, with the concentrations of total mercury found in sediments at these sites (ranging from 0.211 to 0.347 micrograms of mercury per gram of dry weight) being quite low in comparison to 6 sampling sites located within 2 miles downriver of the HoltraChem site, whose concentrations were more than 3 times to nearly 5 times greater (at least 1.043 micrograms of mercury per gram of dry weight). Phase II of the study "concluded that any active remediation actions should be confined to the upper Penobscot estuary (between Veazie Dam and the southern tip of Verona Island) because the upper estuary is where . . . mercury concentrations in sediments and biota are highest."

Because the *Penobscot River Mercury Study's* data reveals, and its narrative explicitly states, that there exist significant and consistent differences in mercury levels between Belfast Bay and the area downriver of the HoltraChem site in Orrington, we propose that the geographic area that is described in LD 1287 should be amended *to exclude the entirety of Belfast's coastline and the entirety of Belfast Bay.*

The second issue with LD 1287 is the limiting of dredging for only the maintenance of navigation. We argue that this is exceedingly restrictive, excluding typically and historically allowable activities such as the expansion of navigation, environmental remediation, and the maintenance of existing and construction of new infrastructure, such as transportation, utilities, and pipes. Allowing dredging for the construction and maintenance of pipe infrastructure is of particular importance to the City of Belfast because a key component of Nordic Aquafarms' proposed land-based aquaculture facility, water intake and outtake pipes, will likely require dredging. We propose that LD 1287 be amended *to include the range of activities for which dredging has typically and historically been allowed, particularly the construction and maintenance of pipe infrastructure.*

In closing, the Belfast City Council strongly urges this committee to vote ought not to pass on LD1287 as it is currently written, and also to consider our two proposed amendments. Thank you.

Respectfully Submitted on Behalf of the Belfast City Council,

Thomas Kittredge
Economic Development Director, City of Belfast