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*Testimony of Rep. Jan Dodge presenting*

**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*

Good afternoon Senator Carson, Representative Tucker and esteemed members of the Environment and Natural Resources Committee, I am Representative Jan Dodge of Belfast and I am here to present **LD 1287, An Act To Protect the Penobscot River and Penobscot Bay from Mercury Contamination.**

Mercury pollution from the HoltraChem plant in Orrington is now mostly latent under sediment on the floor of the Penobscot River and Bay, and a 13 square mile area is already closed due to confirmed high levels of mercury in lobsters and ducks.

This bill ensures procedures and protections for the future of Penobscot Bay. It provides for a navigable waterway by outlining core sampling procedures prior to dredging, as well as remediation of existing mercury pollution if ordered by the court.

This bill also mandates written notification to commercial fishing organizations and surrounding municipalities prior to dredging or transport of dredged material. The land disposal sites determined to be ecologically and geologically suitable for disposal will reduce the negative effects on wildlife.

I have proposed amendments to the language of this bill to protect the discretion of the Maine Federal District Court to order remediation of mercury contamination in the Penobscot River. The language of the bill as originally drafted appeared to limit that discretion, and this was never the intent of the bill, nor is it the intent to limit efforts to remediate mercury contamination in the Penobscot estuary more generally.

In subsection 3, I added a sentence that makes clear that the requirements LD 1287 would add to subsection 3 do not apply to permits to remediate mercury contamination. Similarly, in subsection 9-A, I added two sentences that acknowledge that environmental dredging to remediate mercury may be necessary, and makes clear that the requirements outlined in subsection 9-A do not apply to permits to remediate mercury contamination. Also, in subsection

9-A, I have added the words “Any other” to the next sentence, and removed the word “However,” in the sentence after that, to avoid any possible interpretation that those sentences modify the first two sentences.

These precautions will protect our lobster and other fishing industries and create a healthier Penobscot Bay. It is unfortunate that we must clean up past environmental mistakes, but fortunate that we have the science and technology to support vital solutions. Cleaning up the mercury contamination in the Penobscot is extremely important and these amendments to LD 1287 are necessary to protect the ability to perform such a cleanup.

Thank you and I will do my best to answer any questions you have.