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GROW L+A RIVER GROUP
LD 2187

1. Introduction

LD 2187, An Act To Update Certain Water Quality Standards and To Reclassify Certain

Waters of the State reflects the triennial review of and amendments to water quality classifications in state statute 38 MRSA. Unfortunately this year neither the Department of Environmental Protection nor Board of Environmental Protection recommended any of the eight citizen water body proposals for an upgrade in classification including a segment of the Androscoggin where we performed actual data sampling and analysis demonstrating a basis for classification upgrade. When the actual quality of the water exceeds that of its classification, this leaves room to pollute while still meeting the lower existing classification. This is the situation on the upper lower Androscoggin River from Worumbo dam in Lisbon Falls to Gulf Island Pond dam (GIP) in Auburn. Please support an amendment to include this section of river for a classification upgrade to Class B since the actual data easily surpass Class B minimums.

We need you to please appear and testify in support of an amended LD 2187 at the Environment & Natural Resources Committee Public Hearing on Wednesday, February 25 at 1:00 p.m. and or submit written testimony electronically in favor of the amended bill. Support should be with the caveat that a lower Androscoggin amendment be included in the bill. For ideas on what to say for testimony, you can use these talking points below. It will be easier if write your

comments in a Word document before starting the electronic submission process and then you can either attach the Word or PDF document or if short, copy/paste into the comment box. Scroll down for How to Testify. Comments should be addressed to Senator Tepler, Representative Doudera and members of the ENR Committee. You can use material from Sections 2 or 4 below to help with your testimony.

2. The short version of “Why an Upgrade Amendment?”

Clean rivers improve and enhance local economies and strengthen surrounding communities. A clean, healthy river attracts people and new businesses to riverfront areas, increasing property values, environmental health, and local quality of life. An upgrade of the Androscoggin will lock in decades of water quality improvement along the river, ensuring that the current balance between industrial use and environmental protection is maintained into the future.

Why Upgrade?

1. It's the law! Actual Class B water quality conditions have been met in the

Androscoggin

below GIP for years, and Maine statute requires that they be upgraded and maintained.

2. Anti-degradation language in the Clean Water Act prohibits backsliding in water quality.

3. A cleaner river has well-documented economic, ecological and quality of life benefits.

4. Besides aquatic species, 70-80% percent of terrestrial wildlife species inhabit or utilize river

corridors and benefit from high water quality.

Goal-Based Reclassification

“Maine’s Water Quality Classification System is goal-based. When proposing an upgrade in

classification, recommend waters that either presently attain or with reasonable application of

improved treatment or Best Management Practices (BMPs), could reasonably be expected to

attain, the standards and criteria of a higher proposed class.” [DEP 2024 Triennial Review

Submission Guidelines]

Classification Must Be Based on Actual Water Quality

“When the actual quality of any classified water exceeds the minimum standards of the next

highest classification, that higher water quality must be maintained and protected. The board

shall recommend to the Legislature that water be reclassified in the next higher classification.”

[38 M.R.S.A. § 464 (4) (F)(4)]. Our actual field data, taken during a record drought year, shows

the Androscoggin segment below GIP in attainment of Class B Dissolved Oxygen and E. Coli

standards triggering this statutory mandate. The last sampling for aquatic life standards (2021)

also showed compliance with Class B.