

Jane Davidian-Yurko
Freeport
LD 2187

To: Senator Tepler, Representative Doudera, and members of the ENR Committee,
I am Jane Davidian-Yurko and I'm testifying a request that you support LD 2187 with the caveat that a reclassification UPGRADE amendment of the upper lower Androscoggin River be included. Clean rivers are the life blood of Maine and water quality upgrades whenever possible to reflect and lock in actual improved conditions benefit all of us, providing a healthy environment and economy, overall, improving quality of life in Maine.

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)].

(FOMB) Friends of Merry Meeting Bay's 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.

RELATED POINTS

- Use of the water body to receive waste water discharges is not a permissible consideration in establishing appropriate classification.
- Naturally occurring conditions cannot be used as evidence of non-attainment of water quality standards
- The Clean Water Act dictates a state shall revise its standards to reflect uses and water quality actually being attained.
- Upstream conditions must be ameliorated rather than used as an excuse to avoid protecting downstream water quality.

Please support an Androscoggin amendment reclassifying the section from Worumbo to Gulf Island Pond from C to B and then vote "Ought to Pass on LD 2187 as amended" ensuring the Lower Androscoggin Upgrade remains a part of the bill and locking in existing water quality.

Sincerely,
Jane Davidian-Yurko