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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



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**TESTIMONY OF
BRIAN KAVANAH, DIRECTOR
BUREAU OF WATER QUALITY
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

SPEAKING IN SUPPORT OF L.D. 164

AN ACT TO FUND THE LAKE RESTORATION AND PROTECTION FUND

SPONSORED BY REP. BRIDGEO

**BEFORE THE JOINT STANDING COMMITTEE
ON
ENVIRONMENT AND NATURAL RESOURCES**

DATE OF HEARING:

JANUARY 30, 2023

Senator Brenner, Representative Gramlich, and members of the Committee, I am Brian Kavanah, Director of the Bureau of Water Quality at the Department of Environmental Protection, speaking in support of L.D. 164.

Lakes are an integral part of Maine's landscape. Our 6,000 lakes are vital to the state's fish and wildlife, residents, visitors, and economy. Many of Maine's communities are defined in large measure by their lakes and approximately 28% of our population on public drinking water sources get their drinking water from a Maine lake.

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Despite having some of the cleanest and clearest lakes in the nation, the water quality of many Maine lakes is considered threatened. Polluted runoff from surrounding roads and developed areas carries the nutrient, phosphorus, into lakes, where it feeds algae and decreases water clarity. Climate change impacts including warmer temperatures and increased storm events further harms our lakes' water quality. Currently 170 Maine lakes are listed as threatened on DEP's Nonpoint Source (NPS) Priority list, and another 20 lakes have become so enriched with phosphorus that they experience chronic algae blooms and have been listed as impaired. Some of these blooms have been characterized as Harmful Algal Blooms (or HABs) due to the ability of certain algae to produce toxins that are harmful to humans and animals.

Maine DEP has several programs in place to monitor, protect and restore lake water quality. DEP's Lake Assessment Unit conducts baseline water quality monitoring on 100 lakes per year and provides training and quality assurance oversight for the Lake Stewards of Maine's 450 volunteer lake monitors. Since 1990, DEP's Nonpoint Source Management Program has used federal funds awarded under Clean Water Act Sections 319(h) and 604(b) to support local grant projects to identify and remediate pollution sources. A large percentage of these grants focus on protecting and restoring lake water quality. The Department's work through these and other programs, along with the tireless efforts of many other organizations and citizens across the state have been largely effective. However, additional funds could be used to address priorities that cannot be adequately addressed with existing resources or under current federal funding guidelines.

The Department can identify numerous opportunities for improving lake protection and restoration. However, the following unmet needs are seen as the highest priorities and align with our understanding of the sponsor's intentions.

1. Grant funding for the design, monitoring, and implementation of alum treatments on a small number of impaired lakes. Although federal Clean Water Act funds have been used in the past to partially fund two alum treatments, EPA has signaled that

support for this type of project is unlikely in the future. (Alum treatments are sometimes used to increase the amount of aluminum in the sediments of a lake to bind internal phosphorus. These treatments must be well planned, monitored, and used in conjunction with watershed control projects that control external sources of phosphorus. A one-time treatment may cost as much as approximately one million dollars depending on the size of the area to be treated.)

2. Grant funding for additional lake watershed surveys and planning projects. Federal program guidelines limit the use of Clean Water Act, Section 319 funding for monitoring and watershed planning, both of which are critically important in developing targeted, cost-effective implementation projects, including alum treatments. This planning is also required before groups can apply for DEP's Section 319 implementation grants. Additional funding would remove this bottleneck.
3. Funding to support DEP analytical costs for lake monitoring. DEP conducts baseline monitoring on lakes, including intensive monitoring on blooming lakes. Due to increased lab costs, DEP needs to significantly scale-back this monitoring work, which is critical for identifying impaired lakes. Funding could also be used for sediment chemistry analysis, which is needed to help identify lakes most-at-risk for having phosphorus release from sediments and help determine suitability for alum treatments.

The funding amount and frequency (one-time or ongoing) made available through L.D. 164 will dictate the DEP staff resources needed to oversee and carry out additional work under the Fund. The Department would require additional staff resources to manage grant funds and other implementation work if funding was appropriated for this work.

It is noted that §480-N contains very specific requirements for how any funds shall be used. However, the current requirements of §480-N, for the most part, do not align with current priorities for lake protection and restoration or our understanding of the

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Testimony of: Brian Kavanah - DEP

Public Hearing: 1/30/23

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sponsor's intent of this bill. If the bill sponsors and committee members agree, the Department could provide recommendations for amendments to update the scope of the statutory language in §480-N.

I would be happy to answer any questions you have, now, or at the work session.

Thank you.