

Dear Senator Brenner, Representative Tucker and members of the Joint Standing Committee on Environment and Natural Resources:

I am Dean Gilbert and I am providing testimony in opposition to L.D. 676, *An Act to Reclassify parts of the Androscoggin River to Class B* on behalf of the I.B.E.W. (International Brotherhood of Electrical Workers) representing hundreds of workers up and down the Androscoggin river. We oppose this bill because it ignores Maine's existing triennial water reclassification regulatory process and asks the Legislature to make a political decision to upgrade the classification of the lower Androscoggin River, whether or not the DEP experts think it qualifies for such an upgrade. The DEP's experience and technical expertise should be the primary evaluation of whether water reclassifications should become law.

The bill ignores DEP's past and present work in assessing the water quality of the lower Androscoggin River. In 2019, the DEP said that "there is no feasible approach to ensure attainment of Class B dissolved oxygen criteria in the lower Androscoggin River." The proponents of LD 676 have known for years what is required to receive a DEP recommendation for a river upgrade. The failure of the lower Androscoggin to repeatedly fail to receive such a recommendation is based on DEP's best science and the Legislature should not ignore that science and replace DEP's judgement with its own.

Some supporters of this bill will say that the bill is aspirational and that there will be no meaningful impacts. The DEP disagrees and points out that they are required to regulate all discharges to achieve and maintain the applicable water quality classification. Reclassifying the lower river by this bill would put the entire lower river, much of the upper river, and all associated dischargers into non-compliance. DEP has informed affected parties that if this bill passes, upstream dischargers will be required to take significant and expensive steps to ensure compliance with the Class B standard – but DEP has also said there is no level of reduction from any facility upstream or downstream that will achieve Class B standards at all times in the lower river. If nearly the entire river is in noncompliance, how can ANY new or expanded discharges be allowed? This bill represents an effort by affluent southern and coastal Mainers to impose unnecessary and unwarranted restrictions on poorer rural Mainers and our communities. We hear a lot of statements about environmental and economic justice. Where is that justice evident in this bill?

We urge the Committee to uphold Maine's existing regulatory processes and vote this bill Ought Not to Pass.