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To: via e-mail: Clerk Susan Pinette (JUD@legislature.maine.gov)

Senator Anne Carney, Chair
Representative Thom Harnett, Chair
Committee on Judiciary
100 State House Station, Room 438
Augusta, ME 04333

Re: LD 1568 and LD 1626 Tribal Sovereignty

Dear Sen. Carney and Rep Harnett:

My name is Margaret (Peggy) Daigle and I have worked as a Town and City manager in 9 different communities in Maine during my career. I am now retired. I am currently serving as an elected Selectman in my hometown of East Millinocket and also serving on the Executive Committee of the Forest Opportunity Roadmap (FOR/Me) for the State of Maine.

I am writing this letter express my concerns for the State giving consideration to relinquish its jurisdiction on the rivers and tributaries in Maine over to the Tribal Nations. For the Towns and its residents, it is important to have a predictable water quality classification and requirements for these water bodies along with uniform jurisdictional controls for administering the specified water quality standards. This reliable determination assists the Towns in understanding its current operational requirements for residential, commercial and industrial wastewater treatment effluent and stormwater discharges into a water body. It also assists a Town in determining its ability to support any growth and expansion of its' residential, commercial and/or industrial opportunities within the current parameters of water quality classification for its particular water body that receives effluent and stormwater discharges.

For the first time in over 100 years, the Penobscot River has only one operating paper mill when in the 1970's and 1980's there were at least 6 mills that were fully operational. With each mill, a community was created to provide workforce housing and supporting commercial activity. The Penobscot River was the Interstate 95 of its' day with numerous other communities including the paper mill communities locating along its' river banks.

In the late 70's and early 80's most communities constructed wastewater treatment facilities to treat sanitary and industrial wastewater generated and to appropriately discharge treated effluent to the river per DEP requirements and per the operating permit issued and enforced by the DEP. Over the course of several years, proposed changes to the river classification have always been a concern for many Maine communities because of potential negative impacts to the municipal treatment facilities ability to operate per the plant design including concerns of the industrial wastewater treatment facilities ability to operate as well. Increased river water quality classification could negatively impact discharge permits for many wastewater treatment facilities as well as stormwater discharge permits. The industries in most of these communities played a large part in the successful operation of the community as they were a major taxpayer that supported the communities. During this era, the Penobscot River in the Katahdin area held a Class C water quality threshold.

However, since the massive mill closures that occurred before and after 2010, the Penobscot River was reclassified to a "B" water quality threshold about 2020. While the new river classification was a concern, it seemed reasonable to expect that the class B requirements will satisfy those who sought a more stringent classification and will still allow the Towns to continue to discharge treated effluent within the Class B requirements with little impacts to water quality. Discussions were held to consider whether this new classification would negatively impact the Town's ability to successfully develop a multi-industrial complex on the former East Millinocket mill site and on other former mill sites such as Lincoln, Millinocket, Bucksport, Old Town and Brewer. The probability of a new industry with a wet process and discharge requirements similar to a paper mill is unlikely and therefore a new river classification still would not restrict most developments.

However, many, if not all towns in Maine generally discharge its' wastewater treatment effluent and its' stormwater to a water body and while I have referred to examples on the Penobscot River, there are similar examples throughout Maine. As communities see their economy shift with ageing and struggling industries within their border, their goal will be to work to re-energize the idled or under-utilized mill and industrial sites with an eye toward emerging, natural resource industries and new innovative industries as a means to reinvent themselves. This applies to communities such as Ashland, Madawaska, Jay, Madison, Rumford, Skowhegan or in any other industrial community in Maine. Revitalizing the communities with new or expanded industrial opportunities is as critical to the State as it is to each community and having a consistent State policy on river water quality helps to marshall in those opportunities.

Over my years as a Town and City Manager, I have seen communities step up to create unique areas that celebrate and appreciate the value of its water resources. This is not to exclude other uses such as wastewater effluent and stormwater discharges, but to do so responsibly and within the best management practices set up by Maine DEP. We all enjoy the water and will continue to make it a place for all to enjoy and to use conservatively.

My concern is if Tribal Sovereignty extends to the rivers and tributaries of the State of Maine, future changes to the water classification could restrict current discharges now emptying into the water bodies and new opportunities for community growth will be negatively impacted. Critical to my concerns is the opportunities to redevelop closed mill sites could be restricted and potentially eliminated. Currently, Maine DEP oversees the wastewater treatment facilities in Maine and they regulate operations and effluent discharges into the rivers. DEP also oversees stormwater management and discharges and other permitting for large industrial sites as they redevelop and operate. DEP also oversees the river classification and have a detailed, public process for changes to the water quality rating. Removing jurisdiction from DEP takes away a predictable uniform jurisdiction from the State, removing a long relied upon source for each community and industry in the State of Maine.

Thank you for your time and consideration on this issue. I strongly urge the Committee on Judiciary to consider my concerns and to support keeping all jurisdictional responsibilities with the Maine Department of Environmental Protection.

Respectfully submitted,



Margaret N. (Peggy) Daigle