

## NEWS

### Bill to upgrade Androscoggin River water quality draws scrutiny

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BRUNSWICK — Some summers during the 1970s, snow seemed to fall over the Androscoggin River in Lewiston. As the chemical-laden water evaporated in the heat, solidified pollutants fell in white flakes back onto the river thought by many to have inspired Sen. Edmund Muskie to fight for the Clean Water Act .

Decades later, tests conducted for years by Bowdoinham-based Friends of Merrymeeting Bay consistently have shown cleaner river water on the lower Androscoggin. Based on those test results, Friends of Merrymeeting Bay and other environmental groups argue that the stretch of the Androscoggin from the Worumbo Dam in Lisbon to Merrymeeting Bay merits a water quality reclassification from Class C to Class B.

However, Ed Friedman, a longtime leader of Friends of Merrymeeting Bay, said Tuesday that those arguments have yet to sway state lawmakers and environmental officials to push for the upgrade.

This year, state Sen. Seth Goodall, D-Richmond, is convinced a reclassification is due. The second-term state senator, whose district includes all of Sagadahoc County and Dresden, has sponsored legislation designed to do just that.

Environmentalists and some municipalities lining the lower river enthusiastically endorse the bill. They have composed letters urging the Legislature to upgrade the Androscoggin from Class C to Class B.

However, legislators and town officials in one affected town — and sewer districts in two — remain concerned about the potential costs of such an upgrade.

#### The reclassification of

Maine waters is governed by state statute that requires the Department of Environmental Protection to conduct water quality studies, and the volunteer Board of Environmental Protection to hold hearings and propose changes to the water classification

Meanwhile, lobbyists for two paper mills farther up the river — Verso Paper Corp. in Jay and NewPage Corp. in Rumford — said this week that they will pay close attention to Tuesday's hearing on Goodall's LD 154, "An Act To Change The Classification Of The Lower Androscoggin River From Class C To Class B From The Worumbo Dam In Lisbon Falls To A Line Formed By The Extension Of The Bath-Brunswick Boundary Across Merrymeeting Bay."

#### Building a case

In 2009, Friends of Merrymeeting Bay (FOMB) presented river samples to the Committee on Environment and Natural Resources — at the time co-chaired by Goodall — and were told conditions on the river had been



Luke Thiboutot of Topsham augers a hole in the ice on the Androscoggin River in Brunswick on Thursday before setting his fish trap. A lifelong resident of the area, Thiboutot remembers the overpowering stench of raw sewage that used to come from the river. "We never fished the river back then," he said.

(Troy R. Bennett / The Times Record)

system to the Legislature for final approval.

“too wet” for reliable testing. Data collected the following year was thought to have been taken when conditions were too hot and water levels too low, Friedman wrote in an e-mail Tuesday to members of the Committee on Environment and Natural Resources.

Legislation to reclassify a river is forwarded to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

The Maine Department of Environmental Protection (DEP) also “intensively monitored” the river that year, according to Andrew Fisk, director of the DEP’s Bureau of Land and Water Quality.

“Our test was to see, is the river performing as a Class B river at these critical conditions?” Fisk said Tuesday. “What we found was, in some instances it was performing as a B river, but in other instances and locations, it was only performing as a C river.”

But Friedman said data collected by FOMB showed “very occasional” dips below Class B standards. He claims that a mathematical model developed by the DEP created a “worst-case scenario ... of low water flow, hot temperatures and maximum discharge” — in part from the Verso and NewPage mills and local sewer plants — that would never occur.

“That’s not the intent of the Clean Water Act,” Friedman wrote to legislators. He, and others, argue that the federal act is designed to encourage states to strive for cleaner water.

“Say the river gets upgraded and we do have one of those days in 2015 and there was a violation,” Neil Ward of the Androscoggin River Alliance said Wednesday. “Let’s face it, the communities are still going to be better off with Class B with one day of violation than with (years) of Class C.”

Fisk, however, argues that the Legislature must consider the implications of upgrading the river on dischargers when making a policy decision because, “We have to write a license under those conditions by law, and what that means is reductions for those facilities, and (that) can mean significant dollars.”

### **Local impact**

Reclassifying the Androscoggin appeals to many towns on the lower Androscoggin. In fact, town councils and boards of selectmen from a number of communities along the river sent letters supporting the upgrade. But for sewage treatment plants in Lisbon and Brunswick, the change could prove costly.

Brunswick Sewer District General Manager Leonard Blanchette said that while the district “has no issue” with reclassifying the river, potential upgrades to mitigate phosphorus discharge could cost into the millions of dollars.

“The question becomes, will we need to do capital improvements — add a building or make improvements,” Blanchette said Thursday. “Or it may simply be that we already meet the limits and don’t have to do anything.”

Currently, phosphorus discharge is not limited, but Blanchette said a DEP letter recommended that the sewer district evaluate what it would cost if the district were required to reduce output to less than one-tenth the maximum discharge tested since 2003. That could trigger potential costs of between \$20,000 and \$70,000 for an additional chemical treatment, or up to \$3 million for a new clarifier, pump building and chemical storage building.

Blanchette said he’ll attend Tuesday’s hearing, but “we certainly won’t contest the bill. We just want to make sure (the decision is) science-based, and that they give us reasonable time to achieve what they want.” He said he’s confident the Legislature will consider the financial impact on municipalities when they review Goodall’s bill.

In Lisbon, selectmen voted 5-0 on Tuesday not to send a letter supporting the legislation, Town Clerk Twila Lycette said Thursday.

“We are the gatekeepers of the Androscoggin and we’ve done a good job,” Gerald Kamke, operations manager for Lisbon Water Pollution Control Facility, said, in part. “It isn’t that the town is against the reclassification, but rather it doesn’t want to take a position until we know what it might mean as far as costs.”

Sen. Garrett Mason and Rep. Dale Crafts, Republicans who represent Lisbon, said Thursday that they share those cost concerns, even as they look forward to a cleaner Androscoggin.

"If that's what it's going to trigger, then I probably at this time wouldn't support it because of the timing," Crafts said of any necessary sewer upgrades. "I certainly would like to see the river up to a B — I'm certainly in support of that ... I'm not sure how we get there."

But Ward, of the Androscoggin River Alliance, said that if local sewer districts "have been meeting standards — and the data is looking really good — they really shouldn't be awfully worried ... It's met class B standards now for four or five years. I understand everybody's budget is stretched to the absolute breaking point, but it's in the citizens' best interest to do this."

Goodall said Thursday that "what has been represented to me and to others, is that under the current standards, sewer districts are meeting Class B level, therefore there wouldn't be any additional costs to the sewer districts."

### **Paper mills' perspective**

Above Lewiston-Auburn, the Verso and NewPage paper mills also discharge wastewater into the river.

On Tuesday, Verso spokesman Bill Cohen said the company is proud of its environmental record, and said "point and non-point pollution" are both factors in any discussion of upgrading the river.

"Based on science and understanding of river use, any upgrades are a worthwhile goal," Cohen said in a voice-mail message to The Times Record. "But we also need to be sure that science and understanding of a river — because they're very long and complex in Maine — are understood."

Citing a pending application by Verso for a wastewater discharge permit, Cohen declined to comment further on Goodall's bill.

Tony Lyons, government affairs spokesman for NewPage, said company officials are concerned that "the upgrade of a lower segment tends to have an impact on what can happen in the upper segments." He pointed specifically to a sewage treatment plant in Lewiston-Auburn as "one of the major reasons for the lower section of the Androscoggin continuing to be a class C."

Among the co-sponsors of Goodall's bill are Sen. Tom Saviello, R-Wilton, Senate chairman of the Committee on Environment and Natural Resources. Saviello is retired from Verso Paper Corp.

"If the criteria meets the criteria, we should reclassify it as B," Saviello said Thursday. "I'm supporting it. There are things we actually agree on."

Saviello said he also looks forward to the committee discussion, and a presentation prior to Tuesday's hearing in which the DEP will report on the status of the entire Androscoggin River, which he said will be educational for his committee.

By co-sponsoring the bill, Saviello said, "I'm supporting Seth's promise to bring the bill forward this session," and in doing so to ask the DEP to report on the status of the reclassification earlier than the department would otherwise have done so. "I believe the conversation should take place, and in this case, I support the bill."

Goodall said he also looks forward to hearing all the data and learning about "potential differences of opinion."

A healthier Androscoggin River translates into increased water quality and habitat, but also more economically healthy and vibrant communities along its riverbanks," Goodall said. "An extremely important point is that the Androscoggin was the reason for Sen. Muskie's efforts, and that's something we must keep working toward."

Friedman said Thursday that he's worried that "many current Republicans — and Democrats as well — still are not understanding how a clean environment is good for the economy and good for business ... the Androscoggin is still dirtier than any river in Maine, but it's way cleaner than it ever was, and clean enough that communities are turning to face the river, and having riverwalks and bike paths. Imagine the potential if salmon could get back up and jump through great Falls in Lewiston and people could walk up and watch them migrate?"

The Legislature's Committee on Environment and Natural Resources is scheduled to hold a public hearing on LD 154 at 1 p.m. Tuesday in Room 216 of the Cross Building at the State House.

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