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A new class for the Androscoggin?

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LD 154, An Act to Change the Classification of the Lower Androscoggin River, is turning out to have as many twists and turns in its progress through the 125th Legislature as the river itself has en route to its merger with five other rivers in Merrymeeting Bay.

Sponsored by Sen. Seth Goodall, D-Richmond, the bill in its initial wording called for an upgrade in the lower river's classification from Class C to Class B. The upgrade would extend from "the Worumbo Dam in Lisbon Falls to a line formed by the extension of the Bath-Brunswick boundary across Merrymeeting Bay."

Environmental groups such as Friends of Merrymeeting Bay and the Androscoggin River Alliance strongly supported the upgrade, citing independent water quality tests that consistently have shown the lower Androscoggin has been meeting Class B standards for several years. A number of municipalities along that stretch of river also endorsed the upgrade.

But the classification upgrade hit a major snag, when the Maine Department of Environmental Protection released a "modeling report" showing that while the lower Androscoggin in some sections and conditions met the Class B standards, in other sections and conditions it remained at the Class C standards for dissolved oxygen and aquatic life.

The DEP concluded that the lower Androscoggin doesn't quite meet Class B standards.

Ed Friedman, chairman of Friends of Merrymeeting Bay, has challenged that finding on the grounds that DEP's mathematical modeling created a "worst-case scenario" of low water flow, hot temperatures and maximum discharges from upriver paper mills in Jay and Rumford and local sewage treatment plants.

Since the goal of the Clean Water Act is to improve water quality, Friedman asks why not set the classification at Class B and then work to make sure that even under that worst-case scenario the water quality doesn't degrade to the lesser Class C level?

The DEP, perhaps reflecting the "business-friendly" mandate of the LePage administration, wouldn't budge.

The impasse set the stage for a compromise, of sorts: Why not give the lower Androscoggin an intermediate grade? "C-plus" or "B-minus" ... take your pick.

In an April 3 e-mail sent to the DEP's Susan Davies, Goodall, and the Republican co-chairmen of the Environment and Natural Resources Committee, Sen. Tom Saviello of Wilton and Rep. Jim Hamper of Oxford, Friedman laid out his concerns:

"By creating a special class, we will be bidding adieu to the practical application of a goal-based standard as intended by the Clean Water Act, Maine statute and DEP submission guidelines," Friedman wrote. "It is truly sad that when maybe less than 1 percent of field measurements are less than Class B, there is not more support on the committee for an upgrade. It begs the question: If 99 percent compliance doesn't justify application of a goal-based standard, what would?"

Absolutely, it's the right question to raise.

But politically the likely answer is that the DEP's model-based finding only supports a Class C designation at this time, end of discussion — unless there's a compromise.

Friedman knows that — which is why his e-mail expresses a willingness to support "locking in existing field-data-based results as an incremental upgrade." Doing so, he says, would provide some impetus to efforts along the lower Androscoggin to continue improving its water quality.

But if the newly created intermediate category (B- or C+, or B-2 as the bill is now worded) is simply to protect status quo discharges along the lower river, he wants no part of it. "We don't believe it reasonable to hold steady and pretend we are advancing," he wrote. "That's lipstick on a pig."

Stay tuned.

Or, better yet, tell Goodall and the other members of the Environment and Natural Resources Committee: We want a standard that ensures Class B water quality for the lower Androscoggin will be the norm, not the exception.

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