

## Letters of Support

## AUBURN SEWERAGE DISTRICT

268 COURT ST. - P.O. BOX 414

AUBURN, MAINE 04212-0414

September 17, 2008

Chairman Ernest Hilton  
Maine Board of Environmental Protection  
17 State House Station  
Augusta, ME 04333

**RE: Proposal to reclassify a portion of the Androscoggin River**

Dear Mr. Hilton and Members of the Board,

This letter is written neither in support or opposition to the proposal submitted by the Friends of Merrymeeting Bay (FOMB) to reclassify, from Class C to Class B, the lower Androscoggin River from its mouth in Merrymeeting Bay to the Durham Boat Launch or Worumbo Dam. We strongly believe FOMB should be commended for the interest and efforts to collect water quality data along this section of river with the goal of demonstrating that Class B standards are being met.

We also believe that water quality on sections of the Androscoggin River currently meet or exceed the current classification and meet those of Class B. We also believe the Board of Environmental Protection needs to give strong consideration to reclassifying portions of the Androscoggin River. To this end we believe the Maine Department of Environmental Protection should, at minimum, immediately establish a water quality monitoring program on the Androscoggin River from Merrymeeting Bay to the base of Gulf Island Dam.

The Cities of Lewiston and Auburn have invested millions of dollars in recent years in efforts to improve water quality of the Androscoggin River. In addition millions of public and private dollars have been invested in public access trails, and numerous private investments along the river are also evident. We recognize that clean rivers enhance the local economy and vitality of all communities surrounding them. A clean, healthy river attracts people, new businesses, and increases property value.

The original estimated cost of the separation improvements required in Auburn as detailed in our CSO Master Plan (prepared in 1999) was \$19.2 M. Through December 31, 2007, capital improvements have exceeded \$13M coming from local property taxes and sewer user fees. This investment has separated nearly 25 miles of sewers, or 81% of the projected full separation effort. Completion of the separation work in Auburn is projected for the year 2013.

On behalf of the Trustees of the Auburn Sewerage District we wish to be on record as neither supporting nor opposing the FOMB proposal to reclassify the lower Androscoggin River from Class C to Class B. We strongly urge the MDEP to immediately establish a water quality monitoring program on the Androscoggin River from Merrymeeting Bay to the base of Gulf Island Dam to be prepared with the data to reclassify the Androscoggin River from Class C to Class B in the very near future.

Sincerely,



Normand R. Lamie, P.E.  
General Manager  
Auburn Sewerage District



## Town of Brunswick, Maine

INCORPORATED 1736

OFFICE OF THE TOWN MANAGER

DONALD H. GERRISH, MANAGER

28 FEDERAL STREET  
BRUNSWICK, MAINE 04011  
TELEPHONE 725-8689  
FAX # 725-8663

September 17, 2008

Mr. Ernest Hilton, Chairman  
Maine Board of Environmental Protection  
State House Station 17  
Augusta, ME 04333

Re: Reclassification of the Androscoggin River pursuant to 38 M.R.S.A.  
Sections 464 and 465

Dear Mr. Hilton:

At their meeting on September 15, 2008, the Brunswick Town Council voted unanimously in support of the reclassification of the Androscoggin River from the Durham Boat launch or Norumbo Dam to its mouth at Merrymeeting Bay, from Class C to Class B, as set forth in the petition of the Friends of Merrymeeting Bay (FOMB).

Reclassification will result in the maintenance of Class B standards, which FOMB data clearly show are presently being met in this section of the river. Reclassification will provide the river with increased protection against degradation in the future, which will enable its condition to continue to improve.

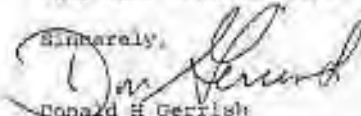
As you know, classification upgrades are appropriate where it is socially or ecologically desirable to attain higher standards and when the technological and financial capacity exists to achieve those higher standards within a reasonable time. Because the river already meets Class B standards (i.e., it is clearly technologically and financially feasible to meet them), and because there is also clear social and ecological benefit from a cleaner river, the requested classification is appropriate.

The experience of other communities around the nation has shown time and again the tremendous potential for social, recreational, environmental and economic benefit from river restorations.

Therefore, on behalf of the Brunswick Town Council, we implore the Board of Environmental Protection to approve the reclassification of the Androscoggin River below Lewiston/Auburn to Class B, at your meeting now scheduled for September 18, 2008.

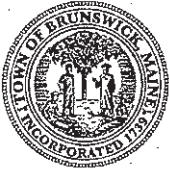
Your kind consideration of this request is sincerely appreciated.

Sincerely,

  
Donald H. Gerrish  
Town Manager

DHG/pf  
cc: Brunswick Town Council





# Town of Brunswick, Maine

INCORPORATED 1739  
OFFICE OF THE TOWN MANAGER

GARY L. BROWN, MANAGER

28 FEDERAL STREET  
BRUNSWICK, MAINE 04011  
TELEPHONE 725-6659  
FAX # 725-6663

March 2, 2010

Honorable Seth Goodall  
Honorable Robert Duchesne  
Natural Resources Committee  
Cross State Office Building, Room 214  
3 State House Station  
Augusta, ME 04333

Dear Senator Goodall, Rep. Duchesne & members of the Natural Resources Committee:

At their meeting on March 1, 2010, the Brunswick Town Council decided unanimously to update their letter of support from September 15, 2008, for reclassification of the lower Androscoggin River between Durham Boat Launch or Worumbo Dam to its mouth in Merrymeeting Bay, from Class C to Class B, as proposed by Friends of Merrymeeting Bay (FOMB).

Last summer, at the request of your committee, FOMB, in cooperation with the DEP, conducted intensive water quality monitoring on this river segment, increasing from their earlier protocols both number of sample sites and sampling frequency. FOMB data gathered in 2009 supports their previous upgrade proposal, which we recommended in our 2008 letter. In that the recent more thorough data set also shows the river in attainment of Class B conditions, we have no hesitation in our continued support of the upgrade.

Reclassification will result in the maintenance of Class B standards, which FOMB data clearly show continue to be met on this river section. Reclassification will bring the river into compliance with the law [38 M.R.S.A. § 464 (F) (4) "*When the actual quality of any classified water exceeds the minimum standards of the next highest classification, that higher water quality must be maintained and protected.*"], providing the river with increased protection against future degradation and enable its condition to continually improve.

As you know, classification upgrades are appropriate where it is socially or ecologically desirable to attain higher standards and when the technological and financial capacity exists to achieve those higher standards within a reasonable time. Because the river already meets Class B standards (i.e., it is clearly technologically and financially feasible to meet them) and because there are also clear social and economic benefits from a cleaner river, the requested classification is appropriate.

The experience of other communities around the nation has shown time and again the tremendous potential for social, recreational, environmental and economic benefit from river restoration.

Therefore, on behalf of the Brunswick Town Council, we implore the Natural Resources Committee to send to the full legislature as soon as possible, legislation proposing a reclassification of this lower Androscoggin river segment from Class C to Class B.

Your kind and prompt consideration of our request is sincerely appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Gary L. Brown".

Gary L. Brown  
Town Manager

cc: Brunswick Town Council  
FOMB



#### OFFICERS

Tom Swindleire, President  
Brad Salmon, Vice President  
Dana Cary, Treasurer  
Hella Dumbal, Secretary

#### DIRECTORS

Ted Allen  
Bob Bickett  
Jerry Golliger  
Megan Hellmich  
Eileen Johnson  
Wells Johnson  
Lorraine Katoora  
Lisa Martin  
Jeff Nelson  
Celia Rensenbrook  
Sarah Rodgers  
Christine Sloan  
Steve Tibbets  
Executive Director  
Angela Twitchell

#### ADVISORY BOARD

Janet Bowdell  
Claude Boring  
Helen Boynton  
Everett "Bromie" Carson  
Jane Crichton  
Martyn Dwyer  
Warren Dwyer  
George Gamore  
Heather Higgins  
Ralph Perry  
Debra Petz  
Charlie Prier  
Richard Pulster  
Millie Stewan  
Brooks Stoddard  
Doreen Stoddard  
Ben Swain  
David Vail  
Rick Wilson

September 16, 2008

Ernest Hilton, Chairman  
Maine Board of Environmental Protection  
17 State House Station  
Augusta, ME 04333

Re: Reclassification of the Androscoggin River pursuant to 38 MRSA  
secs. 464 and 465

Dear Chairman Hilton,

The Board of Directors of the Brunswick-Topsam Land Trust is pleased to advise you of its support for the reclassification of the Androscoggin River from the Durham Boat launch or Worumbo Dam to its mouth at Merrymeeting Bay, from Class C to Class B, as set forth in the petition of the Friends of Merrymeeting Bay (FOMB). The BTLT Board voted in favor of this reclassification at its September 15, 2008 board meeting.

Reclassification will result in the maintenance of Class B standards, which FOMB data show are presently being met in this section of the river. Because the river already meets Class B standards, the BTLT Board of Directors believes the requested reclassification is appropriate and desirable to help ensure that the Androscoggin River's water quality will continue to improve into the future.

The Androscoggin River is a significant natural resource in the communities of Brunswick and Topsham and it is important to the BTLT that its water quality and associated wildlife habitat and recreational resources remain healthy and improve into the future. The BTLT holds two easements on the banks of the Androscoggin River in Brunswick totaling 36 acres as well as 40-acre Cow Island located in the middle of the river between Brunswick and Topsham. Because of this land ownership, we are particularly vested in maintaining and improving the health of the Androscoggin River.

On a personal note, having grown up on the Androscoggin River in Turner and Auburn in the 1970s and 1980s, I can attest firsthand to how far the health of the river has come; yet, as I continue to live on the river today (now in Topsham), I am often reminded of how far it still has to go. When I am out on

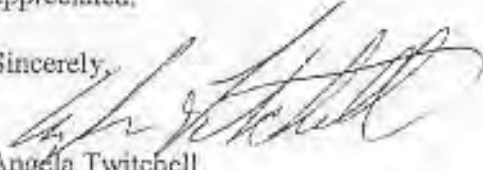
(over)

the river or walking on its banks with my young children, I will frequently get questions like -- "why can't we go swimming in the river" or "why can't we eat that fish". These innocent questions remind me that even though we have come so far in cleaning up this beautiful river, there is still a lot to be done.

Therefore, on behalf of the Brunswick-Topsham Land Trust Board of Directors, I would like to urge the Board of Environmental Protection to approve the reclassification of the Androscoggin River (from the Durham Boat launch or Worumbo Dam to its mouth at Merrymeeting Bay) from Class C to Class B at your meeting scheduled for September 18, 2008.

Please contact me with any questions. Your consideration of this request is sincerely appreciated.

Sincerely,



Angela Twitchell  
Executive Director





# CONSERVATION LAW FOUNDATION

October 2, 2008

Ernest Hilton, Chair  
Maine Board of Environmental Protection  
17 State House Station  
Augusta, ME 04333-0017

Re: Maine Reclassification Initiative

Dear Mr. Hilton,

On behalf of the Conservation Law Foundation (CLF), I am pleased to submit these comments to supplement our testimony from the Sept. 18, 2008 hearing regarding the Maine waters reclassification initiative. CLF is a nonprofit, member-supported organization with offices in five New England states, working to protect the region's people, natural resources and communities. CLF has been involved in protection of water quality in Maine for many years, including several cases involving the waters under consideration for reclassification today.

## Introduction and Legal Standards

State water quality standards are at the heart of the federal Clean Water Act's mandate to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. § 1251(a). This is not simple precatory language: embedded within the Act and its implementing regulations (both state and federal), are a set of core principals that mandate protection of existing good water quality and continuous improvement of impaired waters. Two provisions in particular are integral to the Board of Environmental Protection's consideration of this reclassification initiative.

First is the "*Anti-Degradation*" rule, which requires that existing uses of water and water quality necessary to sustain those uses must be protected and maintained. Thus, both federal and state regulations expressly require that,

"[w]here existing water quality standards specify designated uses less than those which are presently being attained, the state *shall* revise its standards to reflect the uses actually

14 Maine Street, Brunswick, Maine 04011-2026 • 207-729-7733 • Fax: 207-729-7373 • [www.clf.org](http://www.clf.org)

MASSACHUSETTS: 62 Summer Street, Boston, Massachusetts 02110-1016 • Phone: 617-350-0990 • Fax: 617-350-4030

NEW HAMPSHIRE: 27 North Main Street, Concord, New Hampshire 03301-4930 • 603-225-3060 • Fax: 603-225-3059

RHODE ISLAND: 55 Dorrance Street, Providence, Rhode Island 02903 • 401-351-1102 • Fax: 401-351-1130

VERMONT: 15 East State Street, Suite 4, Montpelier, Vermont 05602-3010 • 802-223-5992 • Fax: 802-223-0060



## CONSERVATION LAW FOUNDATION

being attained.” 40 C.F.R. § 131.10(i) (emphasis added). See also id. § 131.6(d); 38 M.R.S.A. § 464(4)(F)(4) (same).<sup>1</sup>

The equally important corollary to this rule is that a state also may not downgrade a water segment’s classification if that would eliminate or impair an existing use.<sup>2</sup> See 40 C.F.R. § 131.10(h)(1).

The second key provision is a strict limitation on downgrading waters to remove designated (but not currently attained) uses. Thus, as a matter of law the Board may not recommend downgrading waters that fail to attain a designated use, where such use is attainable through implementation of effluent limitations or national performance standards.<sup>3</sup> 40 C.F.R. § 131.10(h)(2). Furthermore, the Board may only recommend downgrading of a water segment if, after conducting a Use Attainability Analysis (UAA), the Board determines that attainment is not technically or physically possible, or that more stringent controls would result in “substantial and widespread economic and social impact.” Id. at § 131.10(g).

In summary, if a given water body currently meets a classification higher than its designated uses, the Board must recommend to the Legislature that the classification be upgraded. The Board may not recommend lowering a classification if attainment is possible through implementation of effluent standards or national performance standards, and may only recommend lowering standards after completion of a UAA.

Based on the above provisions and evidence that existing uses and water quality are higher than current water quality standards, CLF supports the proposed recommendations to upgrade water quality classifications of the following waters: the Basin & Narrows, Abbott Brook, Aunt Hanna Brook, the Kennebec River from the Shawmut Dam to Messalonskee Stream, tidal sections of the Kennebec River and its tributaries, Alder Stream and tributaries, Seboeis Stream and tributaries, Mattamiscontis Stream and tributaries, Souadabscook Stream and tributaries, Brown/Reed Brook, Crooked River at Scribner’s Mill, South River and tributaries, Little River and tributaries, Beaver Brook and tributaries, Gardner Brook and tributaries, Violette Stream and tributaries, Pemaquid River and tributaries, Ducktrap River and tributaries, the Grand Falls Flowage, the lower Androscoggin River, and the Aroostock River.

CLF also offers the following specific comments.

---

<sup>1</sup> “Existing uses” are defined as those uses actually attained in the water body on or after Nov. 28, 1978, whether or not they are included in the water quality standards. 40 C.F.R. § 131.3(e). “Designated uses,” in contrast, are those uses specified in water quality standards whether or not they are being attained. Id. at 131.3(f).

<sup>2</sup> Use of water for industrial processes is a legitimate designated use and can be considered in the reclassification initiative. Waste discharge and waste transport, however, are not legitimate uses under either federal or state law and may not be part of the Board’s consideration. 40 C.F.R. § 131.10(a); 38 M.R.S.A. § 464(4)(F)(1)(d).

<sup>3</sup> “Attainable” means standards or uses that can be attained by imposition of either technical- or water-quality-based effluent limits or national performance standards. 40 C.F.R. § 131.10(d).



## CONSERVATION LAW FOUNDATION

### The Lower Androscoggin River:

CLF strongly disagrees with the Department's recommendation and rationale for not upgrading this river segment. The Department has stated that proponents must provide water quality data and modeling showing "the likelihood of attainment of Class B water quality criteria at maximum licensed loads." See Reclassification Memorandum at 29. This makes no logical, legal or economic sense. First, no one operates at maximum licensed loads; rather a large buffer is generally built into all permits to avoid violations. Thus, DEP is requesting an impossible and unnecessary showing.

Second, the Department's recommendation violates the legal standard in the Clean Water Act that a state shall revise its standards to reflect uses and water quality actually being attained. 40 C.F.R. § 131.10(i). See also *id.* § 131.6(d); 38 M.R.S.A. § 464(4)(F). Thus, the Board's analysis must be based on *existing* water quality – not hypothetical modeling with point sources operating at maximum licensed discharge. Indeed, the Board is specifically prohibited from considering maximum licensed loads because both state and federal regulations prohibit consideration of waste discharge or transport as a designated use. 40 C.F.R. § 131.10(a); 38 M.R.S.A. § 464(4)(F)(1)(d).

Third, as many of the dischargers in this watershed have already recognized, water quality upgrades are generally good for surrounding communities. As has been shown over and over again, clean water is an economic boon. Examples abound throughout New England, including the recent revival of Boston Harbor, the Portland Waterfront, the Auburn Riverfront, and the resurgence of Merrymeeting Bay and the Kennebec River. The Androscoggin River deserves the same.

CLF believes that the data, including both dissolved oxygen levels and recreational uses, shows that existing uses in the lower Androscoggin have improved over time and that the river currently attains the higher bacteria and dissolved oxygen standards set forth in the Class B designation. As noted by the Department, it has no reason to question the data; indeed, it has relied upon data supplied by the proponent in prior reclassifications. Therefore, barring a showing that the data is invalid, the Board must recommend upgrading this section.

### Aroostook River

The Department has made the same error regarding the Aroostook River. In this case, as noted in the reclassification memo, the Department has conclusively determined that existing water quality in the Aroostook River meets Class B standards. Therefore, as a matter of law the Board must recommend the upgrade: it cannot require a showing that the river also meets class B at maximum licensed loads. 40 C.F.R. § 131.10(i). See also *id.* §§ 131.6(d), 131.10(a); 38 M.R.S.A. § 464(4)(F). Nor, for the same reasons, can the Board or Department require a showing that the Aroostook River will also meet Class B under some future nutrient standard that has not yet been promulgated. If such a standard is promulgated prior to finalization of this process it may be considered – but, as noted before, only based on existing water quality and not upon hypothesized modeling at maximum licensed loads.

CONSERVATION LAW FOUNDATION

Conclusion

In closing, we wish to convey our appreciation for the opportunity to comment. CLF remains available to answer any further questions or assist as needed.

Sincerely,



Stephen F. Hinchman,  
Staff Attorney, for  
Conservation Law Foundation



To: Ernest Hilton, Chair  
Maine Board of Environmental Protection

From: Board of Selectmen, Durham, Maine

Re: Reclassification of the Androscoggin River pursuant to  
38 MRSA, secs. 464 and 465

Date: September 16, 2008

The Board of Selectmen of the Town of Durham is pleased to advise you of its enthusiastic support of the reclassification of the Androscoggin River from the Durham Boat launch or Worumbo Dam to its mouth at Merrymeeting Bay from Class C to Class B as set forth in the petition of the Friends of Merrymeeting Bay.

Reclassification will result in the maintenance of Class B standards that are presently being met in this section of the river as well as in other sections. Reclassification will also provide the river with increased protection against degradation in the future that will enable its condition to continue to improve.

As you know, upgrades to reclassification are appropriate where it is socially or ecologically desirable to attain higher standards and when the technological and financial capacity exists to achieve those higher standards within a reasonable time.

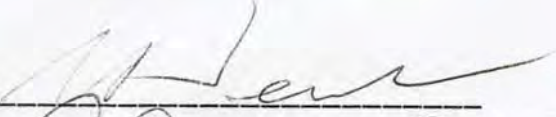
In light of the tremendous potential for social, recreational, environmental and economic benefit to be derived by the entire river valley, and in particular the Town of Durham, from an improved river, and the fact that the data shows the river presently attains Class B status, demonstrating that it is clearly technologically and financially feasible to attain Class B status, the requested reclassification is appropriate.

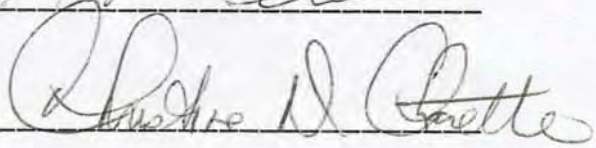
Therefore, on behalf of the Town of Durham, we, the Board of Selectmen, do hereby implore the Board of Environmental Protection to approve the reclassification of the Androscoggin River to Class B at your meeting now scheduled for September 18, 2008.

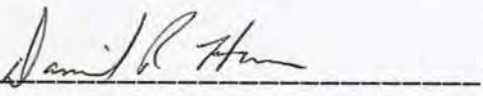


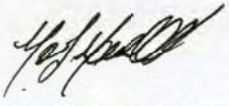
Your kind consideration of this request is sincerely appreciated.

Board of Selectmen  
for the Town of Durham

By: 

By: 

By: 



Chairman Ernest Hilton  
Maine Board of Environmental Protection  
17 State House Station  
Augusta, ME 04333

Wednesday, September 17, 2008

Dear Mr. Hilton and members of the Board,

This letter is written in support of the Friends of Merrymeeting Bay (FOMB) proposal to reclassify, from Class C to Class B, the lower Androscoggin River from its mouth in Merrymeeting Bay to the Durham Boat Launch or Worumbo Dam.

As coordinator of Friends of Casco Bay's Citizen Stewards Water Quality Monitoring Program I have had the pleasure of providing training and technical assistance to FOMB for the past nine years. At Friends of Casco Bay we approach monitoring of water quality to be the backbone of our credibility. Our well trained volunteers have provided vital, credible data to many local, state, and federal agencies since we began in 1993. Our program received EPA certification through the Quality Assurance Project Plan (QAPP) requirements in 1995. Since then we have undergone three revisions (as part of our agreement with EPA) to our QAPP in the past sixteen years thereby ensuring the validity of our data.

FOCB staff has assisted FOMB in providing training and sample collection protocol, kit preparation, and quality assurance measures as well as retraining oversight of FOMB volunteers since we began collaborating in 1999.

FOCB and FOMB volunteer monitors collect DO, pH, temperature, salinity and water clarity. Parameters monitored by FOMB volunteers also include turbidity, and coliform data.

Considering the past upgrades supported by FOMB data, their meticulous sampling and current supportive data, we believe the Board should endorse the Androscoggin proposal and recommend an upgrade of this section from C to B to the legislature. Clean rivers enhance the local economy and vitality of the communities surrounding them. A clean, healthy river attracts people, new businesses, and increases property value. An upgrade of the Androscoggin will not have an adverse impact on current industrial uses along the river since Class B conditions have been met for years, according to FOMB data.

Senator Muskie used the Androscoggin as his poster child for the Clean Water Act. Years later, it remains the poor step-child of all Maine's large rivers when it comes to clean-up efforts. The Board has an opportunity to change this and we ask you to.

Thank you for your time and consideration in this matter.

Sincerely,



Peter Milholland  
Citizen Stewards Coordinator  
Friends of Casco Bay

**Board of Directors**

President  
Malcolm F. Poole, *Scarborough*

Vice President  
Judith Fletcher Woodbury, *Cumberland*

Clerk  
Bradford Bowman, *Yarmouth*

Treasurer  
Peter Dufour, *Portland*

Stanley T. Bennett, *Falmouth*  
John W. Fridlington, *Yarmouth*  
Paul Gregory, *Portland*  
Martin S. Grimnes, *Brunswick*  
Anne Henshaw, *Brunswick*  
Patricia Ianni, *Falmouth*  
Peter C. LeBourdais, *Harpwell*  
Mike LePage, *Cumberland*  
Kathryn Reid, *Portland*  
Joan Benoit Samuelson, *Freeport*  
Janet M. Sortor, *Portland*  
Adam Taylor, *Falmouth*  
Anna Marie Thron, *Portland*  
Nicholas H. Walsh, *Yarmouth*

**Honorary Directors**

Kenneth M. Curtis, *Cape Elizabeth*  
Kevin P. Gildart, *Cape Elizabeth*  
Sherry F. Hüber, *Falmouth*  
Anthony R. Jessen, *Freeport*  
P. Andrews Nixon, *Brunswick*

**Executive Director**

Cathy L. Ramsdell CPA, *Portland*

Casco BAYKEEPER

Joseph E. Payne, *Westbrook*





March 27, 2013

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

This letter is written in support of the Friends of Merrymeeting Bay (FOMB) proposal (LD845) to reclassify, from Class C to Class B, the lower Androscoggin River from its mouth in Merrymeeting Bay to the Durham Boat Launch or Worumbo Dam.

As Coordinator of Friends of Casco Bay's Citizen Stewards Water Quality Monitoring Program, I have had the pleasure of providing training and technical assistance to FOMB for the past 14 years. At Friends of Casco Bay, we consider monitoring of water quality to be the backbone of our credibility. Our well-trained volunteers have provided vital, credible data to many local, state, and federal agencies since we began in 1992. Our program received EPA certification through the Quality Assurance Project Plan (QAPP) requirements in 1995. As part of our agreement with EPA, we have undergone four revisions to our QAPP in the past 21 years, thereby ensuring the validity of our data.

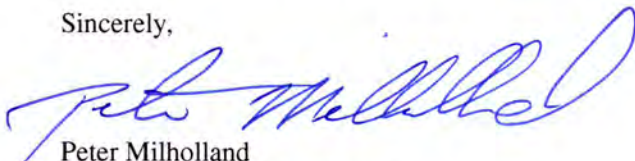
FOCB staff has assisted FOMB in providing training and sample collection protocol, kit preparation, and quality assurance measures, as well as retraining oversight of FOMB volunteers since we began collaborating in 1999. Each spring FOMB volunteers undergo a rigorous quality assurance review by FOCB staff. All volunteers' results are compared to known standards and must be within an acceptable range in order for a volunteer to be allowed to participate in any field collection. I am pleased to report that all FOMB volunteers' results comply with our strict EPA quality assurance protocol for precision and accuracy. The majority of volunteers collecting data for FOMB have been with the program for ten-plus years or more, thereby providing consistency in sample collection for all site locations.

Considering the past upgrades supported by FOMB data, their meticulous sampling and current supportive data, I believe the committee should endorse their proposal for the Androscoggin River and recommend an upgrade of this section from C to B to the legislature. Clean rivers enhance the local economy and vitality of the communities surrounding them. A clean, healthy river attracts recreational users, lures new businesses, and increases property value. An upgrade of the Androscoggin will not have an adverse impact on current industrial uses along the river since Class B conditions have been met for years, according to FOMB data.

Senator Muskie used the Androscoggin River as his poster child for the Clean Water Act. Years later, it remains the poor stepchild of all Maine's large rivers when it comes to clean-up efforts. The Board has an opportunity to change this, and we ask you to.

Thank you for your time and consideration in this matter.

Sincerely,



Peter Milholland  
Citizen Stewards Coordinator  
Friends of Casco Bay

**Board of Directors**

President  
Malcolm F. Poole, *Scarborough*

Vice President  
Judith Fletcher Woodbury, *Cumberland*

Clerk  
Sarah B. Coburn, *Portland*

Treasurer  
Barry S. Sheff, *Cumberland*

Sean Bergen, *Yarmouth*  
Daniel A. Brazeau, *Scarborough*  
Jeff Clements, *Peaks Island*  
AJ Curran, *Cape Elizabeth*  
Peter Dufour, *Portland*  
Paul Gregory, *Portland*  
Martin S. Grimnes, *Brunswick*  
Patricia Ianni, *Falmouth*  
Peter C. LeBourdais, *Harpwell*  
Althea Bennett McGirr, *Falmouth*  
Joan Benoit Samuelson, *Freeport*  
Janet M. Sortor, *Portland*  
Ann W. Thayer, *Yarmouth*  
Jonathan B. Thomas, *Cumberland*  
Peter Van Alstine, *Yarmouth*  
Frederick A. Veitch, *Yarmouth*  
John Wise, *Cape Elizabeth*

**Honorary Directors**

Kenneth M. Curtis, *Cape Elizabeth*  
Kevin P. Gildart, *Cape Elizabeth*  
Sherry F. Huber, *Falmouth*  
Anthony R. Jessen, *Freeport*  
P. Andrews Nixon, *Brunswick*  
Donald W. Perkins, *Westbrook*,  
*Founding President*

**Executive Director**

Cathy L. Ramsdell, CPA, *Portland*

**Casco BAYKEEPER**

Joseph E. Payne, *Westbrook*







**Executive Department**  
Laurent F. Gilbert, Sr.  
Mayor



February 26, 2010

Senator Seth A. Goodall, (Chair)  
Joint Standing Committee on Natural Resources  
100 State House Station  
Augusta, ME 04333-0100

**RE: Reclassification of the Androscoggin River**

Dear Senator Goodall:

I am writing on behalf of the City of Lewiston. In the fall of 2008, the City supported a petition submitted by Friends of Merrymeeting Bay (FOMB) to reclassify the the Androscoggin River from the Durham boat launch or Worumbo Dam to its mouth at Merrymeeting Bay from Class C to Class B.

LD 330 Section 24 passed in 2009, required additional water quality data be collected on the lower Androscoggin to substantiate and support the classification upgrade. We understand from April-October of 2009 this additional data was collected. This Friends of Merrymeeting Bay (FOMB) effort was done in cooperation with DEP partly under the auspices of their Volunteer River Monitoring Program (VRMP). We also understand a report will be presented to the Natural Resources Committee next week outlining the results of the effort. FOMB reports results of the intensive monitoring supports the previous request to upgrade this section of the Androscoggin River from Class C to Class B. More than one hundred samples were taken during the period in 2009 and the water quality results statistically support the recommendation to upgrade this section of the river.


As stated in the October 1, 2008 letter to Ernest Hilton (then Chair of the Board of Environmental Protection), The taxpayers of the City of Lewiston have invested millions of dollars into the effort to clean up the river. These investments have occurred at a time when every dollar paid by the public is increasingly difficult to part with. Those investments have come through the City's aggressive combined sewer overflow (CSO) program and the sewer user fees going directly to our jointly owned wastewater treatment plant. Not only does the City of Lewiston value the river and understand the potential benefit of this request, we have demonstrated our financial commitment to the same. It is gratifying to see the data results demonstrate our efforts are working!

Again, as stated in 2008, we further understand classification upgrades are appropriate where it is socially or ecologically desirable to attain higher standards and when the

technological and financial capacity exists to achieve those higher standards within a reasonable time. Given that the river already meets Class B standards and because there is also clear social and ecological benefit from a cleaner river, the requested classification appears appropriate. The experience other communities around the nation has shown time and again the tremendous potential for social, recreational, environmental and economic benefit from river restorations.

We understand that such an upgrade request, given the current conditions that have been measured, would not require any additional financial impact, now or in the future, on the citizens of our community. If that understanding is correct on behalf of the City, we encourage the Committee to move forward with the reclassification of the Androscoggin River below Lewiston/Auburn to Class B.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laurent F. Gilbert Sr.", written in a cursive style.

Laurent F. Gilbert Sr.  
Mayor



Lewiston



Executive Department

James A. Bennett  
City Administrator

Deputy City Administrator  
Phil Nadeau  
Assistant to the City Administrator  
Lincoln Jeffers



October 1, 2008

Mr. Ernest Hilton, Chair  
Maine Board of Environmental Protection  
State House Station 17  
Augusta, ME 04333

**RE: Reclassification of the Androscoggin River Pursuant to 38 MRSA, Sections 464 and 465**

Dear Mr. Hilton:

I am writing on behalf of the Lewiston City Council. At a recent meeting, the City was asked to support the reclassification of the Androscoggin River from the Durham boat launch or Worumbo Dam to its mouth at Merrymeeting Bay, from Class C to Class B, as set forth in the petition of the Friends of Merrymeeting Bay (FOMB).

As we understand it, reclassification will result in the maintenance of Class B standards, which FOMB data clearly show are presently being met in this section of the river. Reclassification will provide the river with increased protection against degradation in the future, which will enable its condition to continue to improve.

The taxpayers of the City of Lewiston have invested millions of dollars into the effort to clean up the river. These investments have occurred at a time when every dollar paid by the public is increasingly difficult to part with. Those investments have come through the City's aggressive combined sewer overflow (CSO) program and the sewer user fees going directly to our jointly owned wastewater treatment plant. Not only does the City of Lewiston value the river and understand the potential benefit of this request, we have demonstrated our financial commitment to the same.

We further understand that classification upgrades are appropriate where it is socially or ecologically desirable to attain higher standards and when the technological and financial capacity exists to achieve those higher standards within a reasonable time. Given that the river already meets Class B standards and because there is also clear social and ecological benefit from a cleaner river, the requested classification appears to be appropriate. The experience of other communities around the nation has shown time and again the tremendous potential for social, recreational, environmental, and economic benefit from river restorations.

It is further our understanding that such an upgrade request, given the current conditions that have been measured, would not require any additional financial impact, now or in the future, on the citizens of our community. If that assumption is correct, I, therefore, on behalf of the Lewiston City Council, encourage the Board of Environmental Protection to approve the reclassification of the Androscoggin River below Lewiston/Auburn to Class B.

Sincerely,

A handwritten signature in black ink that reads "James A. Bennett".

James A. Bennett  
City Administrator

c: Lewiston Mayor & City Council

*file: AndroRiverReclassification*

## Board of Selectmen

100 Main Street  
Topsham, Maine 04086

## Town of Topsham

Town office: (207) 725-5821  
Fax: 207-725-1731

September 18, 2008

Mr. Ernest Hilton, Chair  
Maine Board of Environmental Protection  
#17 State House Station  
Augusta, Maine 04333-0017

Re: Reclassification of the Androscoggin River pursuant to 38  
MRSA, secs. 464 and 465

The Board of Selectmen of the Town of Topsham is pleased to advise you of its enthusiastic support of the reclassification of the Androscoggin River from the Durham Boat launch or Worumbó Dam to its mouth at Merrymeeting Bay from Class C to Class B as set forth in the petition of the Friends of Merrymeeting Bay. Reclassification will result in the maintenance of Class B standards which are presently being met in this section of the river as well as in other sections. Reclassification will also provide the river with increased protection against degradation in the future which will enable its condition to continue to improve.

As you know, upgrades to reclassification are appropriate where it is socially or ecologically desirable to attain higher standards and when the technological and financial capacity exists to achieve those higher standards within a reasonable time.

The Town of Topsham has experienced major and welcome development along the river, and we look forward to more. In light of the tremendous potential for social, recreational, environmental and economic benefit to be derived by the entire river valley, and in particular the Town of Topsham, from an improved river, and the fact that the data shows the river presently attains Class B status, demonstrating that it is clearly technologically and financially feasible to attain Class B status, the requested reclassification is appropriate.



Therefore, on behalf of the Town of Topsham, we, the Board of Selectmen, do hereby implore the Board of Environmental Protection to approve the reclassification of the Androscoggin River to Class B at your meeting now scheduled for September 18, 2008.

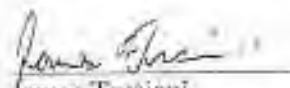
Your kind consideration of this request is sincerely appreciated.

Sincerely,

Topsham Board of Selectmen



Michelle Jones, Chair




James Trusiani



Sandra Consolini



Ron Riendeau, Vice Chair



Steve Edmondson

RESOLUTION OF THE BOARD OF SELECTMEN  
OF THE TOWN OF TOPSHAM

Whereas, since 1750 Topsham has benefited from the wild power of the Androscoggin; and

Whereas, due to his love for the Androscoggin, Senator Muskie saw the need for, and is generally recognized as the Congressman most responsible for the drafting and passage of the Federal Clean Water Act; and

Whereas, sadly, the Androscoggin has not been accorded the protections of the Clean Water Act and fails to meet minimal environmental standards; and

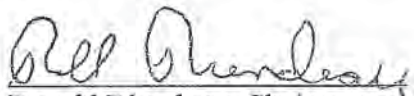
Whereas, it is in the clear social, recreational, environmental and economic interest of the State of Maine and of the communities which are situated near to it that the Androscoggin be accorded all of the benefits and entitlements of the Clean Water Act and that the provisions of the Act be strictly enforced on behalf of the River.

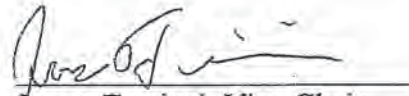
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SELECTMEN OF THE TOWN OF TOPSHAM AS FOLLOWS:

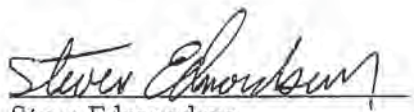
The State of Maine should take all necessary actions to ensure that the Androscoggin River receives the same protection as that accorded to the other rivers in the State of Maine.

The Board of Selectmen shall support the Androscoggin River Alliance in its efforts to restore the Androscoggin to a condition which will enable the citizens of Topsham to enjoy all of the benefits which the River can provide to them. The Board shall offer this Resolution to demonstrate such support.

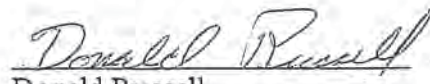
Adopted by the Board of Selectmen of the Town of Topsham by the vote of its members on this 4<sup>th</sup> day of February, 2010.

  
Ronald Riendeau, Chairman

  
James Trusiani, Vice Chair

  
Steve Edmondson

  
Sandra Consolini

  
Donald Russell





**Office of the Town Manager**  
100 Main Street  
Topsham, ME 04086

**James L. Ashe**  
**Town Manager**  
Phone: 207-725-5821  
Fax: 207-725-1731  
jashe@topshammaine.com

March 5, 2010

Senator Seth Goodall  
Representative Robert Duchesne  
Natural Resources Committee  
Cross State Office Building, Room 214  
3 State House Station  
Augusta, ME 04333

Dear Sen. Goodall, Rep. Duchesne & members of the Natural Resources Committee,

At their meeting on March 4, 2010, the Topsham Selectmen decided unanimously to update their letter of support from September 18, 2008 for reclassification of the lower Androscoggin River between Durham Boat Launch or Worumbo Dam to its mouth in Merrymeeting Bay, from Class C to Class B, as proposed by Friends of Merrymeeting Bay (FOMB).

Last summer at the request of your committee, FOMB in cooperation with the DEP conducted intensive water quality monitoring on this river segment increasing from their earlier protocols both number of sample sites and sampling frequency. FOMB data gathered in 2009 supports their previous upgrade proposal which we recommended in our 2008 letter. In that the recent more thorough data set also shows the river in attainment of Class B conditions, we have no hesitation in our continued support of the upgrade.

Reclassification will result in the maintenance of Class B standards, which FOMB data clearly show continue to be met on this river section. Reclassification will bring the river into compliance with the law [38 M.R.S.A. § 464 (F) (4) "*When the actual quality of any classified water exceeds the minimum standards of the next highest classification, that higher water quality must be maintained and protected.*"], providing the river with increased protection against future degradation and enable its condition to continually improve.

As you know, classification upgrades are appropriate where it is socially or ecologically desirable to attain higher standards and when the technological and financial capacity exists to achieve those higher standards within a reasonable time. Because the river already meets Class B standards (i.e., it is clearly technologically and financially feasible to meet them) and because there are also clear social and economic benefits from a cleaner river, the requested classification is appropriate.

The experience of other communities around the nation has shown time and again the tremendous potential for social, recreational, environmental and economic benefit from river restoration.

Therefore, on behalf of the Topsham Board of Selectmen, we implore the Natural Resources Committee to send to the full legislature as soon as possible, legislation proposing a reclassification of this lower Androscoggin river segment from Class C to Class B.

Your kind and prompt consideration of our request is sincerely appreciated.

Sincerely,

James Ashe  
Town Manager

Cc: Topsham Board of Selectmen  
FOMB



## CITY OF LEWISTON

**Mark A. Cayer**  
**Mayor**

March 26, 2020

Mark Draper  
Chair, Maine Board of Environmental Protection  
17 State House Station  
Augusta, ME 04333

Dear Mr. Draper and Members of the Board:

The Androscoggin River is a National Success Story.

Fifty years ago when the first Earth Day was celebrated, it was one of the most polluted rivers in the country. Today, it meets Class B standards, although still classified as C.

It deserves reclassification under Maine's goal based Water Quality Classification System.

*"When proposing an upgrade in classification, recommend waters that either presently **attain or with reasonable application of improved treatment or Best Management Practices (BMPs), could reasonably be expected to attain<sup>1</sup>**, the standards and criteria of a higher proposed class."*

Data shows that the Androscoggin has been meeting Class B standards since 2010, largely due to Representative John Nutting's 1990 Color, Odor, Foam Bill; a Dioxin Bill passed 1996; a Phosphorus Bill passed in 2006; sewer system upgrades by the cities of Lewiston and Auburn and others addressing storm overflow protection; and the Gulf Island Pond Oxygenation Project.

This letter is written on behalf of the City Council of the City of Lewiston in support of the proposal from the Friends of Merrymeeting Bay (FOMB), the Grow L+A River Working Group, Trout Unlimited (TU), Maine Rivers, and more to reclassify the lower Androscoggin River from its mouth in Merrymeeting Bay to Gulf Island Dam to Class B. Since 1999, FOMB has consistently recorded water quality data along this section demonstrating Class B standards are met nearly all the time. FOMB's trained volunteers, operating under EPA and/or DEP quality assurance plans, previously collected data that supported a similar upgrade on the lower Kennebec River from Augusta to the Bay.

---

<sup>1</sup> Emphasis added.



This request is also supported by the State's anti-degradation policy:

38 M.R.S.A. § 464 (F) (4)

*"When the **actual quality** of any classified water exceeds the minimum standards of the next highest classification, **that higher water quality must be maintained and protected**. The board **shall recommend**<sup>2</sup> to the Legislature that water be reclassified in the next higher classification."*

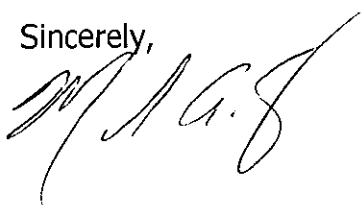
Clean rivers enhance the local economy and vitality of the surrounding communities. A clean, healthy river attracts people, new businesses, and increases property values. An upgrade of the Androscoggin will not have an adverse impact on current industrial uses along the river, since Class B conditions have been met for years in the course of "business as usual." While higher (than current actual) discharge limits exist for a number of licensees, these artificially high numbers should not be used to create a ceiling on water quality improvements that prevents reclassification where higher water quality levels already exist. We believe that industrial discharge licenses along the river can be adjusted through cooperative efforts between permittees and DEP without impacting employment or our regional industrial economy.

Considering the past upgrades supported by FOMB data, their meticulous sampling, and the current supportive data, we urge the Board to recommend to the legislature that this section of the river be moved to class B. Access to clean waterways is a right for those who live near them, whether human or animal. Upgrading the Androscoggin will lock-in improved water quality conditions, a result that is consistent with Lewiston's comprehensive plan.

Senator Muskie used the Androscoggin as his poster child for the Clean Water Act. Years later, it remains the poor step-child of Maine's large rivers. The Board has an opportunity to change this. We ask you to do so. The Androscoggin's time has come.

Thank you for your time and consideration.

Sincerely,



Mark A. Cayer  
Mayor

---

<sup>2</sup> Emphasis added.

March 30, 2020

**Submitted via e-mail**

Susanne Meidel, Water Quality Standards Coordinator  
Maine Department of Environmental Protection  
SHS 17  
Augusta, Maine 04333



Dear Ms. Meidel:

On behalf of its chapters and their nearly 2,000 members, Maine Council of Trout Unlimited would like to express support for the upgrade of the waters of the lower Androscoggin River from Water Quality Classification C to Water Quality Classification B.

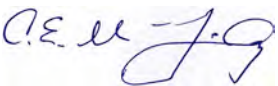
Information we have received working with the Grow L+A Working group indicates that Class B standards are being met the vast majority of the time on the lower river. Upgrading the water quality classification would help preserve these standards, and encourage greater recreational use and enjoyment of the resource by both our membership and Maine's general public.

Additionally, Maine TU has been active in its support of efforts by the Maine Department of Marine Resources, the Maine Department of Inland Fisheries and Wildlife, the National Maine Fisheries Service, and the U.S. Fish and Wildlife Service to restore anadromous fish runs to the lower Androscoggin, Sabattus River, and Little Androscoggin River. Upgrading the classification of the lower Androscoggin could only serve to enhance the effectiveness of this effort, contribute to the health of resident fish, and improve the health of the ecology of the greater watershed.

Accordingly, we strongly recommend that the Water Quality Classification be upgraded from C to B as soon as possible.

Thank you for your consideration of these comments.

Sincerely and respectfully,



C. E. McGinley  
Chair, Maine TU Council



Date: April 2, 2020

Chairman Mark Draper  
Maine Board of Environmental Protection  
17 State House Station  
Augusta, ME 04333

Dear Mr. Draper and members of the Board,

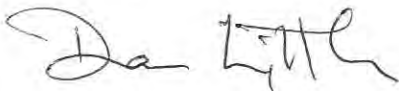
Androscoggin Land Trust (ALT) submits this letter in support of Friends of Merrymeeting Bay (FOMB), Grow L+A River Working Group, Trout Unlimited (TU) and cities on the Androscoggin and more, for the proposal to reclassify, from Class C to Class B, the lower Androscoggin River from its mouth in Merrymeeting Bay to Gulf Island Dam .

ALT has worked for the last thirty years to conserve and steward critical land in perpetuity for Androscoggin River watershed protection, wildlife habitat, natural resources, and outdoor recreational opportunities. We currently conserve approximately 6,000 acres of land from Jay to Durham, including over ten miles of riverfront along the Androscoggin River in both rural and urban areas. In our formative years we worked with the state to conserve land that became Riverlands State Park. This park featuring the Androscoggin River is within 50 miles of 40% of the state's population.

We promote recreation along and in the river including fishing, boating, canoeing, kayaking, hiking and other outdoor pursuits. For over ten years we have sponsored an annual fun river race for the local communities. This race allows people to experience the beauty and health of Androscoggin River which still suffers from the historical image of a dirty river.

We do not want an upgrade to be a financial hardship for our local communities or industries. We believe that preparations have been sufficient to allow this upgrade without significant harm. Extensive water testing has already documented that we now meet Class B standards. We believe it is time to recognize how our river has improved and to continue to protect its health.

Sincerely,

A handwritten signature in black ink that reads "Dana Little". The signature is written in a cursive, flowing style.

Dana Little, Board President  
Androscoggin Land Trust.



PO Box 201  
Columbia Falls, ME 04623  
(207) 483-4336  
dsf@mainesalmonrivers.org  
[www.mainesalmonrivers.org](http://www.mainesalmonrivers.org)

---

April 9, 2020

Chairman Mark Draper  
Maine Board of Environmental Protection  
17 State House Station  
Augusta, ME 04333

RE: Friends of Merrymeeting Bay et al petition to reclassify the Androscoggin River.

Dear Mr. Draper and members of the Board,

The Downeast Salmon Federation supports the proposal to reclassify the Androscoggin River from Class C to Class B. Not only would this reclassification be in the spirit of Maine's anti-degradation policy ("When the **actual quality** of any classified water exceeds the minimum standards of the next highest classification, **that higher water quality must be maintained and protected**"), but it would ensure that the extraordinary work that the state, the communities along the river, and the public have done to improve the Androscoggin's water quality will not be lost.

DSF's mission is to restore the now endangered Atlantic salmon to Maine's rivers and streams. The Androscoggin was once known for its massive salmon runs—today, the fish has been extirpated from the watershed. Many factors led to its disappearance, not the least was the Androscoggin's polluted waters. Having the river run clean and clear once again is just as important as dam removal to the successful restoration of the species. DSF is committed to making it happen.

Reclassifying the river would honor the hard work that has made this water cleaner than it has been in generations. This action would also honor Senator Muskie—one of the champions of the Clean Water Act. The CWA has provided the legal structure for the restoration of so many of our nation's waterways—including the Androscoggin.

Clean waterways mean better public health, better quality of life, economic revitalization along rivers that were once abandoned industrial facilities. Reclassification will be a win all around.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dwayne Shaw', is written over a light blue circular stamp.

Dwayne Shaw  
Executive Director



April 9, 2020

Susanne Meidel, Water Quality Standards Coordinator  
Maine Department of Environmental Protection  
SHS 17  
Augusta, ME 04333  
207-441-3612  
[Susanne.K.Meidel@maine.gov](mailto:Susanne.K.Meidel@maine.gov)

Re: Friends of Casco Bay letter of support for the proposal to upgrade the Lower Androscoggin River from Class C to Class B

Dear Ms. Meidel,

Friends of Casco Bay writes this letter in support of Friends of Merrymeeting Bay's (FOMB) proposal to upgrade multiple segments of the lower Androscoggin River (from Gulf Island Pond to Merrymeeting Bay) from Class C to Class B. We support this proposal because its submission is based on sound science and because the waters from the Androscoggin River ultimately drain into the Gulf of Maine and influence conditions in eastern Casco Bay. The Androscoggin River converges with the Kennebec River in Merrymeeting Bay. The Kennebec then runs to its mouth in Phippsburg, where it discharges into the Gulf of Maine and curls south into eastern Casco Bay.

For thirty years, Friends of Casco Bay has worked to improve and protect the environmental health of Casco Bay. Based on our scientific monitoring and other available data, we know that the Kennebec plume is a major influence on hydrodynamics in eastern Casco Bay. To better understand this influence, we intend to deploy a continuous monitoring station in Cundy's Harbor in the next year.

In the meantime, we support the upgrade petition. The data submitted by FOMB demonstrate that the lower Androscoggin is meeting Maine's Class B water quality standard, rather than its current Class C standard. The river truly exemplifies the intent and spirit of the Clean Water Act (CWA). The CWA envisioned that all waters would be restored to more natural water quality. Although that lofty goal has not been met, we should recognize successes such as the major improvements to the health of the lower Androscoggin River. In fact, the CWA intends that such upgrades must occur.

**Board of Directors**

President  
Malcolm F. Poole, *Scarborough*

Vice President  
Derek Pelletier, *Portland*

Clerk  
Patricia Ianni, *Falmouth*

Treasurer  
Jonathan B. Thomas, *Cumberland*

Stephen Bushey, *South Portland*  
George L. Higgins III, *Peaks Island*  
David Kaufman, *South Freeport*  
Peter C. LeBourdais, *Harpswell*  
Andrew V. Marsters, *Portland*  
Althea Bennett McGirr, *Falmouth*  
Sebastian Milardo, *Little Diamond Island*  
Tollef Olson, *South Portland*  
Joan Benoit Samuelson, *Freeport*  
Ann W. Thayer, *Yarmouth*  
Lori Thayer, *Portland*

**Honorary Directors**

Kenneth M. Curtis, *Cape Elizabeth*  
Kevin P. Gildart, *Cape Elizabeth*  
Sherry F. Huber, *Falmouth*  
Anthony R. Jessen, *Freeport*  
P. Andrews Nixon, *Brunswick*  
Donald W. Perkins, *Cape Elizabeth*  
*Founding President*

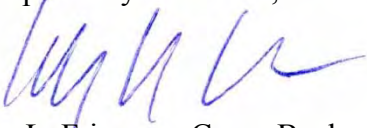
Casco BAYKEEPER  
Ivy Frignoca, *Cumberland Center*

Casco BAYKEEPER, **Emeritus**  
Joseph E. Payne, *Westbrook*

**Executive Director**  
Cathy L. Ramsdell, CPA, *Portland*

Under federal and Maine law, a water quality standard is composed of narrative or quantitative criteria, designated uses, and an anti-degradation provision. The anti-degradation provision mandates that “[w]hen the actual quality of any classified water exceeds the minimum standards of the next highest classification, that higher water quality must be maintained and protected. 38 M.R.S. § 464(4)(F)(4); 40 C.F.R. § 131.20(i) (Where existing water quality standards specify designated uses less than those which are presently being attained, the State shall revise its standards to reflect the uses actually being attained.). Pursuant to this law, because the data demonstrate that the lower Androscoggin River exceeds the minimum standards of Maine’s Class B water quality standard, we join the request that the Maine Board of Environmental Protection recommend to the legislature that the river be upgraded to Class B.

Respectfully submitted,



Ivy L. Frignoca, Casco Baykeeper  
Friends of Casco Bay  
43 Slocum Drive  
South Portland, ME 04106  
Office: (207) 799-8574 ext. 202  
Cell: (207) 831-3067  
ifrignoca@cascobay.org





April 15, 2020

Ms. Susanne Meidel  
Water Quality Standards Coordinator  
Bureau of Water Quality  
Maine Department of Environmental Protection  
State House Station 17  
Augusta, ME 04333

Re: Support for Androscoggin River Reclassification Proposal

Dear Ms. Meidel:

I am writing to express the support of the Atlantic Salmon Federation (ASF) for the proposed river reclassification upgrade to the lower mainstem of the Androscoggin River. The Friends of Merrymeeting Bay (FOMB) have proposed upgrading this section of the Androscoggin from Class C to Class B. FOMB has built tremendous support for this proposal from within the local communities that the Androscoggin runs through from Lewiston Falls to the tidal waters of Merrymeeting Bay and they have provided a large amount of data to support their upgrade proposal.


ASF is an international non-profit organization dedicated to the conservation and restoration of wild Atlantic salmon and their ecosystems. The lower Androscoggin River has been designated as critical habitat for the recovery of endangered Atlantic salmon, and the Androscoggin still support a very small population of this highly imperiled species. Atlantic salmon require good water quality and diverse habitats in order to survive and this upgrade proposal will help ensure that salmon, as well other ecologically and economically important sea-run fish species, like alewives, American shad, and American eel, will have the conditions necessary to carry-out their lifecycles in the Androscoggin.

The State of Maine has been working for more than 35 years to restore self-sustaining populations of diadromous fish species to the Androscoggin River and millions of private and public dollars have been spent improving fish passage at hydroelectric dams on the river and removing small dams and replacing culverts on tributaries like the Sabattus River and Little River. These habitat connectivity efforts are ongoing and we are within a few years of getting fish to be able to swim all the way up to Sabattus Pond instead of being driven there in stocking truck. This effort will restore a large, self-sustaining population of this keystone ecological species and will also provide for a commercial alewife harvest in the Androscoggin in the future. This effort – a long-standing goal of the State of Maine – will only be aided by upgrading the water quality classification of the lower Androscoggin River.



ASF strongly encourages the Department to recommend the proposed Class B upgrade to the Androscoggin in the package you submit to the Board of Environmental Protection and the Legislature.

If you have any questions, please feel free to contact me at [john@asf.comcastbiz.net](mailto:john@asf.comcastbiz.net) or by cell phone at (207) 415-6637.

 Sincerely,

John Burrows  
Executive Director, U.S. Operations  
Atlantic Salmon Federation



April 19, 2020

Susanne Meidel  
Water Quality Standards Coordinator  
ME Department of Environmental Protection  
Augusta, ME 04333

Dear Ms Meidel,

I am writing this letter as President of the Friends of Sebago Lake (FOSL) in support of upgrading the water quality classification of the Lower Androscoggin River from Class C to Class B. As a longtime summer visitor to Maine and as a 34 year citizen of Maine, I and other FOSL members have witnessed the rebirth of Maine's Rivers.

From my own youth in the 1960's, I can remember the Presumpscot and Androscoggin Rivers were open sewers. At that time, I remember a neighbor of ours in Standish, Maine, was a civic leader for the City of Westbrook. We would complain to this neighbor about the smell of the Presumpscot River as my parents drove over this whitish colored waterway. Our neighbor would respond that the stench was "the smell of money".

The City of Westbrook opposed all efforts to clean up the river citing that the costs would bring economic ruin to the area. Thanks to the Clean Water Act, the Presumpscot River is now being restored after many battles over the years.

The tables are turned now in that the "non smell" of the river is the "smell of money". Businesses have flocked to Westbrook because the river is so much cleaner. Westbrook has become a very desirable place to live. Its fishing and recreational potential is great.

The entire Lower Androscoggin from Gulf Island Pond to Merrymeeting Bay has the opportunity to enjoy an economic stimulus from improved water quality classifications that could provide the region with benefits the Presumpscot River from Sebago to Westbrook is already enjoying. It just makes good economic sense.



Maine is unique in its river assets. There are no rivers and river estuaries in the United States that compare to those in Maine in regards to water quality, potential fisheries, and adequate year round flows . Dams with excessive flow regulation, water extraction, irrigation, diversion and pollution have rendered other rivers especially in their lower reaches, to be inferior to those in Maine.

It is a fact of life our state depends upon summer visitor commerce including out of state residents who own second homes here in Maine. They invest in Maine because of quality of life and the environment. The property taxes these second homes generate are vital for funding Maine schools. In other regions of the country, just close proximity to a recreational and protected waterway increases the value of a property and the taxes it pays to support municipalities.

Maine has potential superlatives in its river assets so help us take advantage to the fullest of these attributes. We are in competition with other states for summer visitor dollars and by locking in improved water quality conditions and striving for complete river restorations we can out- compete other states for tourist income while providing Maine citizens with the highest quality of life experience possible.

Please, I hope the Department of Environmental Protection will see the wisdom in upgrading the Lower Androscoggin classification from Class C to Class B and make this recommendation to the BEP and legislature.

Sincerely,  
*Roger Wheeler*  
President, Friends of Sebago Lake

Roger Wheeler  
President, Friends of Sebago Lake  
10 Ryan Ave.  
Ipswich, Ma.  
01928

Tel: 207-256-7525  
Email: [friendsofsebago@yahoo.com](mailto:friendsofsebago@yahoo.com)



City of Auburn, Maine

Office of the City Manager

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

**EMAIL TO: Meidel, Susanne K <Susanne.K.Meidel@maine.gov>**

April 28, 2020

Chairman Mark Draper  
Maine Board of Environmental Protection  
17 State House Station  
Augusta, ME 04333

Dear Mr. Draper and members of the Board,

**The Androscoggin River is a National Success Story!** It was one of the top ten polluted rivers in the country 50 years ago on the first Earth Day Celebration and remains Class C. Data shows that it currently meets Class B and reclassification to B won't allow it to slip backwards,

As you know, Maine's Water Quality Classification System is **goal-based**. When proposing an upgrade in classification, recommend waters that either presently attain or with reasonable application of improved treatment or Best Management Practices (BMPs), could reasonably be expected to attain, the standards and criteria of a higher proposed class.

The Maine legislature has passed the following bills to require industry and municipalities to meet these standards. Data shows that the Androscoggin has been meeting Class B standards since 2010, largely due to Senator John Nutting's Color, Odor, Foam Bill, 1990, Dioxin Bill passed 1996, and Phosphorus Bill passed in 2006; sewer system upgrades by the cities of Lewiston and Auburn and others, providing storm overflow protection; and the Gulf Island Pond Oxygenation Project

This letter is written in support of Friends of Merrymeeting Bay (FOMB), Grow L+A River Working Group, Trout Unlimited (TU) and cities on the Androscoggin and more, for the proposal to reclassify, from Class C to Class B, the lower Androscoggin River from its mouth in Merrymeeting Bay to Gulf Island Dam. Since 1999, FOMB has consistently recorded water quality data along this section of river demonstrating actual Class B standards are being met nearly all of the time. FOMB trained volunteers operating under EPA and or DEP quality assurance plans have in the past collected data used to support a similar upgrade on the lower Kennebec River from Augusta to the Bay.

The water quality of the Androscoggin sections proposed for an upgrade, exceed the current classification and meet those of Class B. This request to upgrade from C to B is supported by the State antidegradation policy as quoted below:

38 M.R.S.A. § 464 (F) (4)

*“When the **actual quality** of any classified water exceeds the minimum standards of the next highest classification, **that higher water quality must be maintained and protected**. The board **shall recommend** to the Legislature that water be reclassified in the next higher classification.”*



# City of Auburn, Maine

Office of the City Manager

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

Clean rivers enhance the local economy and vitality of the communities surrounding them. A clean, healthy river attracts people, new businesses, and increases property value. An upgrade of the Androscoggin will not have an adverse impact on current industrial uses along the river since Class B conditions have been met for years in the course of “business as usual.” While higher (than current actual) discharge limits exist for a number of licensees, these artificially high numbers can not be used to create a ceiling on water quality improvements that prevents reclassification to higher levels already obtained. Our goal is to lose not one job in the paper mills and adjust their licenses for maximum effluents to meet Class B modeling with the DEP and to allow them to continue manufacturing as we all improve the River.

Considering the past upgrades supported by FOMB data, their meticulous sampling and current supportive data, the City of Auburn believes the Board should endorse the Androscoggin proposal, recommending an upgrade of this section from C to B to the legislature. It is a public right to have access to clean water ways for the surrounding communities, people, and creatures. If the water quality of this river meets a higher classification we should be working hard to preserve its integrity as state and federal laws intend and dictate. Upgrading the Androscoggin to lock in improved water quality conditions is also consistent with our most recent comprehensive plan.

Senator Muskie used the Androscoggin as his poster child for the Clean Water Act. Years later, it receives less State support compared to Maine’s other large rivers when it comes to clean-up efforts. The Board has an opportunity to change this and we ask you to do so. The Androscoggin’s time has come and the future of recreation in the corridor, including the Riverlands State Park depends on it.

Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Levesque".

Jason Levesque  
Mayor of Auburn

A handwritten signature in blue ink, appearing to read "Peter J. Crichton".

Peter Crichton  
Auburn City Manager





# Town of Brunswick, Maine

INCORPORATED 1739

OFFICE OF THE TOWN MANAGER

85 UNION STREET

BRUNSWICK, MAINE 04011-2418

TELEPHONE 207-725-6659

FAX 207-725-6663

May 15, 2020

Chairman Mark Draper  
Maine Board of Environmental Protection  
17 State House Station  
Augusta, ME 04333

Re: Androscoggin River Reclassification

Dear Mr. Draper:


This letter is written in support of the Friends of Merrymeeting Bay ("FOMB") proposal to reclassify the lower Androscoggin River from its mouth in Merrymeeting Bay to the Worumbo Dam in Lisbon Falls from Class C to Class B. We have been advised that years of data collection provided by FOMB demonstrate that the water quality of the Androscoggin sections proposed for an upgrade exceed the current classification and meet those of Class B. The Town of Brunswick supported a similar reclassification request in 2008 and is pleased to continue its support for this reclassification. We join with all the other communities from this section of the Androscoggin who ask you to help secure the improvements that have been made in the river's health and quality.

Clean rivers enhance the local economy and vitality of the communities surrounding them. We understand that an upgrade of the Androscoggin will not have an adverse impact on current industrial uses along the river since Class B conditions have been met for years in the course of "business as usual."

The Androscoggin River and the communities on it have changed tremendously since Senator Ed Muskie held it up as his inspiration for his work on the Clean Water Act. Brunswick, in particular, has a long history of supporting efforts aimed at protecting and improving the environment. We have participated in the MDEP's stream crossing program and are currently working with the department to close our municipal solid waste landfill.

Thank you for considering our support and for carefully examining the reclassification request.

Sincerely,

  
John S. Eldridge  
Town Manager

TOWN OF TOPSHAM, MAINE



100 Main Street  
Topsham, Maine 04086  
Telephone: (207) 725-5821 FAX: (207) 725-1731  
Website: www.topshammaine.com

June 3, 2020

Chairman Mark Draper  
Maine Board of Environmental Protection  
17 State House Station  
Augusta, ME 04333-0017

Dear Mr. Draper and members of the Board,

The Topsham Board of Selectmen offer their support of the Grow L/A and Friends of Merrymeeting Bay goals to reclassify, from Class C to Class B, the lower Androscoggin River from its mouth in Merrymeeting Bay to Worumbo Dam in Lisbon Falls.

The Town of Topsham continues to work with regional agencies and organizations to better the water quality of the Androscoggin and its many tributaries within Topsham. This is evidenced through the Town's partnership with MDEP on improving water quality in the built area of Topsham, as well as supporting the conservation work of many local organizations in the Town's rural areas. Topsham's recently adopted Comprehensive Plan also identifies this as an ongoing priority, especially as it relates to the recreational resurgence along the Androscoggin River for the enjoyment of its residents.

The Town of Topsham, as a continually growing community, has experienced welcomed development along the river, and we anticipate more. Considering the tremendous potential for social, recreational, environmental, and economic benefits to be derived by an improved river, and the fact that the most recent data shows this improvement trend, we support a goal for the reclassification of the Lower Androscoggin River to a Class B status, however upon receiving and reviewing recent MDEP correspondence on this matter we recognize that there is a process undertaken to come to a determination on this reclassification.

Therefore, on behalf of the Town of Topsham, we, the Board of Selectmen, while supporting the goals of the Friends of Merrymeeting Bay for the reclassification of the Androscoggin River to Class B status, defer judgement of this reclassification to the MDEP and Legislature as we recognize the complexity of the process being undertaken.

Sincerely,

Topsham Board of Selectmen

A handwritten signature in black ink, appearing to read "David Douglass".

David Douglass, Chair

A handwritten signature in black ink, appearing to read "Roland Tufts".

Roland Tufts, Vice-Chair

A large, stylized handwritten signature in black ink, appearing to read "Ruth Lyons".

Ruth Lyons

A handwritten signature in black ink, appearing to read "Matt Nixon".

Matt Nixon

A handwritten signature in black ink, appearing to read "Marie Brillant".

Marie Brillant



Native Fish Coalition  
PO Box 10  
Pownal, ME 04069

June 24, 2020

Chairman Mark Draper  
Maine Board of Environmental Protection  
17 State House Station  
Augusta, ME 04333

Dear Mr. Draper and members of the Board,

I am writing on behalf of the Maine chapter of Native Fish Coalition (NFC) to express our support for the Grow L/A and Friends of Merrymeeting Bay (FOMB) proposal to reclassify the lower Androscoggin River from its mouth in Merrymeeting Bay at least to Worumbo Dam in Lisbon Falls, if not all the way to Great Falls or Gulf Island Pond Dam, from Class C to Class B.

Native Fish Coalition (NFC) is a non-profit conservation organization whose mission is to protect, preserve and restore wild native fish. We are a 501(c)(3) national organization with a Board of Directors and Advisory Council and members, partners, volunteers, and chapters in ME, NH, VT, and MA.

The water quality of the Androscoggin River sections proposed for an upgrade exceed the current classification and meet those of Class B. This request to upgrade from C to B is meant to lock in current ambient water quality conditions and is supported by the State antidegradation policy as cited below:

38 M.R.S.A. § 464 (F) (4)

*“When the **actual quality** of any classified water exceeds the minimum standards of the next highest classification, **that higher water quality must be maintained and protected**. The board **shall recommend** to the Legislature that water be reclassified in the next higher classification.”*

Since 1999, FOMB-trained volunteers operating under EPA and or DEP quality assurance plans have consistently recorded water quality data along the river, and actual Class B standards are being met nearly all of the time. If possible, we’d also like to see the upgrade extend to Gulf Island Pond dam although less actual data are available for this section.

The Androscoggin River is home to several native fish species, including wild native brook trout, a focal species for NFC. The Androscoggin River is also critically important in the recovery of the nation’s last remaining endangered Atlantic salmon, as in 2009 it was added to the Gulf of Maine Distinct Population Segment (GOM DPS) under the federal Endangered Species Act (ESA). In listing the Atlantic salmon as a federally endangered species, the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) determined that the GOM DPS is in danger of extinction throughout its range.

If the water quality of this river meets a higher classification we should be working hard to preserve its integrity as state and federal laws intend and dictate. The Department’s own submission guidelines state:

“Maine’s Water Quality Classification System is goal-based.

*When proposing an upgrade in classification, recommend waters that either presently attain or with reasonable application of improved treatment or Best Management Practices*



*(BMPs), could reasonably be expected to attain, the standards and criteria of a higher proposed class."*

Senator Muskie used the Androscoggin as his poster child for the Clean Water Act. Years later however, it is sadly lacking relative to Maine's other large rivers when it comes to clean-up efforts and native fish restoration efforts. The Board has an opportunity to change this. The Androscoggin's time has come.

Thank you for the opportunity to submit comments.

Sincerely,

Emily Bastian, National Vice Chair, Native Fish Coalition

CC: Bob Mallard, NFC Executive Director  
Ted Williams, NFC National Chair  
NFC Maine Board of Directors



Lewiston Auburn  
METROPOLITAN  
CHAMBER of COMMERCE

July 16, 2020

Chairman Mark Draper  
Maine Board of Environmental Protection  
17 State House Station  
Augusta, ME 04333

Dear Mr. Draper and members of the Board,

This letter is written in support of the Friends of Merrymeeting Bay (FOMB), Grow L/A, Trout Unlimited (TU) and Maine Rivers' proposal to reclassify, from Class C to Class B, the lower Androscoggin River from its mouth in Merrymeeting Bay to Gulf Island Dam. Since 1999, FOMB has consistently recorded water quality data along this section of river demonstrating actual Class B standards are being met nearly all of the time. FOMB trained volunteers operating under EPA and or DEP quality assurance plans have in the past collected data used to support a similar upgrade on the lower Kennebec River from Augusta to the Bay.

As the President + CEO of the Lewiston Auburn Metropolitan Chamber of Commerce, we see the impact of recreational use of the Androscoggin River. We know that clean rivers enhance the local economy and vitality of the communities surrounding them. A clean, healthy river attracts people to nearby businesses and creates a community space for events and activities that serve as economic drivers for the area as a whole. This type of activity depends on the perception and the reality of the quality of the river, and the recirculation of dollars in the local economy means the impact reaches beyond the banks of the Androscoggin. More importantly, an upgrade of the Androscoggin will not have an adverse impact on current industrial uses along the river since Class B conditions have been met for years in the course of "business as usual." While higher (than current actual) discharge limits exist for a number of licensees, these artificially high numbers can not be used to create a ceiling on water quality improvements that prevents reclassification to higher levels already obtained.

The water quality of the Androscoggin sections proposed for an upgrade, exceed the current classification and meet those of Class B. This request to upgrade from C to B is supported by the State antidegradation policy as quoted below:

38 M.R.S.A. § 464 (F) (4)

*"When the **actual quality** of any classified water exceeds the minimum standards of the next highest classification, **that higher water quality must be maintained and protected.** The board **shall recommend** to the Legislature that water be reclassified in the next higher classification."*



Lewiston Auburn  
METROPOLITAN  
CHAMBER of COMMERCE

In the Department's own submission guidelines, they state:

"Maine's Water Quality Classification System is **goal-based**.

*When proposing an upgrade in classification, recommend waters that either presently attain or with reasonable application of improved treatment or Best Management Practices (BMPs), could reasonably be expected to attain, the standards and criteria of a higher proposed class."*

Considering the past upgrades supported by FOMB data, their meticulous sampling and current supportive data, we believe the Board should endorse the Androscoggin proposal, recommending an upgrade of this section from C to B to the legislature. It is a public right to have access to clean water ways for the surrounding communities, people, and creatures. If the water quality of this river meets a higher classification we should be working hard to preserve its integrity as state and federal laws intend and dictate. Upgrading the Androscoggin to lock in improved water quality conditions is also consistent with our most recent comprehensive plan.

Senator Muskie used the Androscoggin as his poster child for the Clean Water Act. Years later, the opportunity to reflect the efforts to address water quality still exists. The Board has an opportunity to recognize the clean-up efforts and positively impact communities along the river. The Androscoggin's time has come.

Thank you for your time and consideration in this matter.

Sincerely,

Shanna Cox  
President + CEO  
Lewiston Auburn Metropolitan Chamber of Commerce





10 PINE TREE ROAD  
BRUNSWICK, MAINE 04011  
[www.brunswicksewer.org](http://www.brunswicksewer.org)  
[www.facebook.com/brunswicksewer](http://www.facebook.com/brunswicksewer)

TELEPHONE (207) 729-0148

FAX (207) 729-0149

Board of Trustees

Charles R. Priest, Chair  
Earle F. Harvey, Vice Chair  
Thomas S. Green, Treasurer  
Douglas A. Rice, Asst. Treasurer  
Jacqueline A. Sartoris, Clerk

Management

Leonard Blanchette, General Manager  
Robert A. Pontau, Jr., P.E., Asst. General Manager  
Lorrain M. Caron, Financial Manager

---

October 03, 2017

Maine Department of Environmental Protection  
State House Station 17  
Augusta, Maine 04333

Attn: Ms. Susanne Meidel  
Water Quality Standards Coordinator

Re: Re-Classification Proposal

Dear Ms. Meidel:

The Brunswick Sewer District has received the Submission Guidelines for 'Proposals to Change the Water Quality Classification of Maine Waters'.

The District wishes to be on record with MDEP noting its support for the reclassification of the lower Androscoggin River. Geographically this section is defined as "...the section of the Androscoggin River from Worumbo Dam in Lisbon Falls to the line formed by the extension of the Bath-Brunswick boundary across Merrymeeting Bay in a northwesterly direction...".

In 2010 MDEP completed river sampling for the lower Androscoggin River. In March 2011 MDEP released its 'Lower Androscoggin River Basin Water Quality Study Modeling Report'.

The report noted the following:

- dissolved oxygen concentrations below the Class B criterion of 7.0 parts per million in several segments during July;
- aquatic life criteria at two of the three biomonitoring sample sites did not attain Class B;
- expect dissolved oxygen conditions during critical periods of
  - low flow
  - high temperatures
  - and allowable effluent loadsto be as provided in current discharge licenses.

October 03, 2017  
Ms. Susanne Meidel  
Page 2

- Model noted that with the loads from LAWPCA and the Lisbon POTW completely removed, the river segment would not attain Class B dissolved oxygen criteria during critical periods.

Though not part of the river modeling, MDEP noted the tidal segments from the Topsham-Brunswick Dam to the Bath-Brunswick town line in Merrymeeting Bay were evaluated separately for the impact of the licensed load from the Brunswick Sewer District. It concluded that the 'mass balance analysis showed little influence from the Brunswick Sewer District.' And that the low DO readings were attributed to biological oxygen demand (BOD) from upstream sources and incoming tides from Merrymeeting Bay and that the sediment oxygen demand in the lower portion of Merrymeeting Bay '...a likely contributor to these low DO readings.'

In essence, the POTW's in Lewiston, Lisbon, and Brunswick could stop their licensed discharges and the Androscoggin River would barely notice. Basically, no matter how well we treat the effluent at our POTW- even to drinking water standards- we are not going to positively impact the Androscoggin River to affect a classification change above the current Class C. In other words, these three POTW's are not the primary source for the low DO and high BOD during critical periods.

All this information was presented in March 2017 to our Board of Trustees by Brian Kavanah, Director, Division of Water Quality Management. The presentation was requested pursuant to a 2017 goal of my Board to actively pursue the reclassification of the lower Androscoggin River to Class B.

While we now recognize that we alone cannot influence a classification change for the lower Androscoggin River, we have revised our goal to operate our POTW in a manner to obtain the best effluent quality we can reasonably produce.

We write this letter to note that while a Class B classification for the lower Androscoggin River is currently unattainable, we wish to be on record as supporting all efforts and measures that will lead to a Class B classification for the lower Androscoggin River.

Sincerely,  
On behalf of the BRUNSWICK SEWER DISTRICT Board of Trustees



Leonard Blanchette  
General Manager

Copy: Brian Kavanah, Director, Div. of Water Quality Management, MDEP