



TESTIMONY OF ANDREW FISK
BUREAU OF LAND AND WATER QUALITY
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING IN SUPPORT OF L.D. 330
AN ACT TO CHANGE THE CLASSIFICATION
OF CERTAIN WATERS OF THE STATE

SPONSORED BY REP. EBERLE

BEFORE THE JOINT STANDING COMMITTEE
ON NATURAL RESOURCES

DATE OF HEARING:

FEBRUARY 17, 2007

Senator Goodall, Representative Duchesne, and members of the Committee, I am Andrew Fisk, from the Bureau of Land and Water Quality at the Department of Environmental Protection, speaking in support of L.D. 330.

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Included with my testimony is a large packet of information that has been submitted to you by the Board of Environmental Protection. I will use this packet of information to describe the proposed reclassifications that have come from the Board. The Executive Analyst for the Board, Cynthia Bertocci, is here today and will also be able to serve as a resource during the work session on this bill if there are questions about the Board's deliberations.

In addition to the packet of information, I have attached a draft committee amendment that clarifies the proposed reclassification of one segment on the Kennebec River so the Board's recommendation is clearly spelled out in the proposed legislation. In addition the amendment brings forward one reclassification of an urban stream, Long Creek, that was separately deliberated upon by the Board at a recent meeting and is included in their complete set of recommendations. At the time of bill printing the Board had not yet finished deliberations on that segment so it was held out pending their decision.

I will discuss that amendment when we get to those waterbodies.

Before going through the proposed reclassifications and discussing the Board's recommendations, allow me to present Section 1 of the bill, which is being proposed by the Department. The language in this section makes clear the existing statutory authority of the Legislature to propose upgrades to water quality that become effective at a specific date in the future. As the committee is aware the Clean Water Act provides for "aspirational" upgrades to water quality whereby a water body would be moved from say Class C to Class B despite it not having already reached the actual water quality of Class B. We feel that making this authority explicit and providing requirements for work to be undertaken to meet the higher pending classification creates a clear

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framework of expectations and requirements for both the public and licensed dischargers who will be responsible for the improvements in their treatment system. I do understand there is some concern with this language and you will hear testimony on both sides of it today. The Department welcomes the additional thoughts on this important element of reclassification.

At this point I will walk through each bill section briefly and explain the 17 upgrades that in front of you today. Please refer to the BEP's packet of information that was distributed with my testimony.