

Androscoggin River Alliance

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February 15, 2005

Mr. Andrew Fisk
Bureau of Land And Water Resources
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333

Dear Mr. Fisk:

I am Dr. Gregory D'Augustine, chairman of the Androscoggin River Alliance, a citizen's group dedicated to promoting the health of the Androscoggin River and the communities that surround it. This letter constitutes the Alliance's formal comments on the draft TMDL for Gulf Island Pond.

In general, as I communicated earlier via email to Paul Mitnik, we are concerned about the DEP's reluctance to set license limits when it currently has the authority to do so. Given that these licenses are already years late, allowing the mills to bicker and bargain among themselves to allocate those limits seems an abrogation of the state's responsibility, and yet another way to drag out this process. We would urge DEP to exercise its authority, use the information that it has generated through this TMDL, and set license limits.

Secondly, the focus of much of the ARA's work over the last nine months has been the issue of dissolved oxygen in Gulf Island Pond. Thus, we were confused, frankly, when we saw that the 6.5 ppm 30 average criterion at 22 degrees was used in the DEP's calculations for the draft TMDL. As we understand it, the legislature did not pass this particular standard last year, so how is it legal for the DEP to use it? Indeed, given the assertions by your own agency scientist, Barry Mower, regarding the use of the 22 degree standard, we cannot understand how DEP could assert that discharges at this standard could be protective of indigenous species, which the law requires. This is from an email sent by Mower to you on May 11, 2004:

“Selection of the 22 C limit essentially prevents application of the 6.5 ppm monthly average for most of the summer at Gulf Island Pond, the only time it is not met now and when it is most needed. That means the only criterion we can use is the survival criterion of 5 ppm. In a meeting to solicit the advice of fishery biologists from the other agencies, as you asked me to do, they all agreed that 5 ppm was not enough to support a cold water fish population. Therefore, we don't agree that the new statute will allow attainment of the narrative criteria, i.e.

FOUNDING MEMBERS

Gregory D'Augustine, M.D., Chairman; Neil Ward, Edward Walworth, M.D., Curtis Bohlen, Chick Carroll, Jenny Orr, Anne Morin, Ingrid Eriksson, M.D., Andrew G.W. Carter, DeWitt John, Churchill Barton, Austin Conrad, Molly Saunders, Beverly Johnson, Greg Ponte, John Yindra, M.D., Kathryn Davis, Elaine Makas

support of indigenous species of fish. The 22C temperature limit has no basis in biology or EPA ambient water quality criteria.”

Finally, we are concerned that the phosphorus limits proposed in the draft TMDL are not adequate to protect Gulf Island Pond from algae blooms. We do not understand how it is possible for the large amount of phosphorus discharged by upstream mills to virtually disappear by the time it would arrive in Gulf Island Pond.

Thank you for considering our comments.

Sincerely,

Gregory D'Augustine, MD
Chairman, Androscoggin River Alliance