Andy Fisk
LWQ

Maine Senate
122nd Legislature

3 State House Station
Augusta, ME 04333-0003
(207) 287-1540

Fyi

February 1, 2005

Dawn Gallagher, Commissioner
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

Dear Commissioner Gallagher:

Please accept these comments on the DEP's draft Androscoggin River Total Maximum Daily Load, submitted on behalf of the undersigned legislators. As you may know, many of us attended the public meeting on the TMDL in Rumford last month. We are extremely disappointed that the more than 100 people who attended the Rumford public meeting, and the many who commented during that meeting, are seemingly dismissed with a brief paragraph on page 4 of the summary section. This paragraph does not summarize the concerns raised at the meeting, nor is it apparent from the rest of the document whether DEP took these concerns into account in preparing this draft. We suggest that common courtesy, if not the letter and spirit of Maine law, requires that DEP provide some acknowledgement of the concerns raised by the citizens who took time to attend and comment. We also request that DEP attempt to address these concerns before finalizing the TMDL.

We reiterate the concerns expressed by legislators attending the meeting. While all of us support environmental protection, we are equally concerned that such efforts provide meaningful benefits while minimizing socio-economic costs. The upper Androscoggin River Valley, and Oxford, Franklin, and northern Androscoggin Counties are heavily dependent on the natural resource-based economy. More than 2,500 Maine residents work at the three Maine paper mills in this area (in Rumford, Jay, and Livermore Falls), and more than 10,000 fulltime jobs are dependent on the continued viability of these mills. Given the precarious nature of the industry, as demonstrated by recent closures and machine downtime, it is imperative that the DEP look for creative ways to work with the mills to ensure that any additional regulation is accomplished without making the mills less competitive.

The DEP must also allow adequate time for mills to incorporate change into their processes without jeopardizing jobs for Oxford County residents. We believe that simple fairness requires DEP to grant the mills similar compliance times as DEP has granted the Lewiston-Auburn Sanitary District. One algae bloom and a few grams of hypothetical fish growth pale in significance to 330 million gallons of raw sewage being dumped into the river by the District. If Lewiston-Auburn gets as much as 15 years to fix its problem, why can't the mills have a similar timeframe?

We heard plenty of testimony in December that DEP needs to consider other sources of impact in developing this TMDL. We suggest that DEP cannot finalize requirements for the mills without also finalizing requirements for all other sources of impact. One commenter in December mentioned the erosion occurring in various parts of the watershed, while several commenters asked about the dam itself. When DEP admits that the water quality problems would still exist if the mills shut down, but would disappear if the dam did not exist, we believe that it is critical for DEP to let everyone know in the final TMDL what requirements will be put in place for the dam.

Finally, we are concerned that since there was no draft TMDL available prior to the December public meetings, the public did not have an opportunity to provide comments on all of the potential issues. Specifically, the issue of aquatic life standards in the Livermore Falls impoundment. We have been informed that although this issue has been discussed for some time with International Paper, there was no indication that a formal TMDL would be included for this impoundment with proposed license limits for all three paper mills. Now, the affected facilities have little or no opportunity to obtain additional information to better understand this issue. A quick review of the draft TMDL does not enlighten us as to why this is an issue for inclusion in the TMDL at all. DEP needs to provide more information on this issue for both the other mills and for the public before issuing a final TMDL.

We are also concerned that the draft TMDL contains no discussion of the economic impact of this TMDL on the Wausau-Mosinee mill in Livermore Falls, or on the existing and potential economic development of the communities along this stretch of the Androscoggin River. All potentially affected communities should be fully informed of the possible costs and limitations on development which may result from implementation of the TMDL. These deficiencies should be corrected.

Thank you for the opportunity to comment on the draft TMDL. We look forward to receiving your response to these comments.

Sincerely,

Senator Bruce Bryant
District 14

Senator David Hastings
District 13

Representative John Patrick
District 92

Representative Randy Hotham
District 93

Representative Ray Pineau
District 87

Representative Arlan Jodrey
District 91

Representative Rodney Jennings
District 81

Representative Bruce Hanley
District 94

Representative Janet Mills
District 89

Representative Sawin Millett
District 95

Representative Joan Bryant-Deschenes
District 96

Representative James Hamper
District 100