

February 18, 2005

Mr. Andrew Fisk
Bureau Director
Maine Department of Environmental Protection
Bureau of Land and Water Quality
State House Station #17
Augusta, ME 04333-0017

Dear Mr. Fisk,

This letter contains the New Hampshire Department of Environmental Services' (DES) comments regarding the Draft Androscoggin River Total Maximum Daily Load (Gulf Island Pond – Livermore Impoundment). We appreciate the opportunity to comment and commend the Maine Department of Environmental Protection (MDEP) for their efforts to resolve this very challenging water quality issue. We also appreciate the effort and assistance provided by Paul Mitnik of your staff in developing the TMDL and with answering, and responding to, our numerous questions over the last few weeks; he has been most helpful.

Our comments are as follow:

1. **Phased TMDL:** Whenever attempts are made to model complex systems such as the Androscoggin River and Gulf Island Pond (GIP), there is always some degree of uncertainty. In the report, MDEP acknowledges several areas where uncertainty exists in the model and TMDL. In recognition of this uncertainty, DES supports the phased implementation of the TMDL with additional ambient monitoring to allow the ultimate permit limits to be developed iteratively as the available data increases and the analysis evolves. The purpose of the additional ambient monitoring would be to collect data to confirm and, if appropriate, revise the TMDL. We anticipate that several phases may occur for some discharges to, for example, assure that phosphorus uptake rates are well understood as phosphorus limits are set and to ensure that any required upgrades have demonstrable benefit to the river. Phosphorus uptake rates are a particular concern to New Hampshire because of the uncertainty as to the actual impact of phosphorus from NH NPDES permittees on Gulf Island Pond. For example, on Page 7, the report states: "If assimilation of phosphorus is significant, point sources such as the NH discharges that are distant from the pond may contribute very little to the pond's algae blooms." Specifics regarding phasing of the TMDL and monitoring requirements for the New Hampshire NPDES permittees will be the subject of future discussions with permittees involving MDEP, DES and the USEPA.

2. **Implementation Plan / Allocations:** On page 4 it is stated that WLA reductions will be implemented through NPDES permitting and a water quality certification for the Gulf Island Pond Dam Hydropower relicensing. DES will be an active participant in discussions and meetings between New Hampshire permittees and the USEPA and MDEP on proposed NPDES permit limits. It is our understanding that some of the New Hampshire permittees may have concerns with some of the proposed allocations, especially those which are not water quality based. For instance, the example phosphorus allocation given in the TMDL is based on a somewhat arbitrary value of 1.5 times the measured phosphorus loadings in 2004; this scenario would result in substantially lower limits than those based on water quality, hence may be too stringent. DES understands that there will be opportunity for adjustments in allocations for specific discharges after discussions with the permittees and/or additional water quality data are available.

We thank you for the opportunity to comment and look forward to future discussions regarding phased implementation of this TMDL.

Sincerely,

Gregg Comstock, P.E.
Supervisor, DES, Watershed Management Bureau, Water Quality Planning Section

cc: Paul Mitnik, MDEP
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