



Town of Durham

630 Hallowell Road
Durham, Maine 04222

Tel.: (207) 353-2561
Fax: (207) 353-5367

April 14, 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 Grow L/A and Friends of Merrymeeting Bay proposal to reclassify, from Class C to Class B, 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. Since 1999, FOMB has consistently recorded water quality data along this section of river from Durham to the Bay 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. 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 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 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."*

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 cannot be used to create a ceiling on water quality improvements that prevents reclassification to higher levels already obtained.

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, 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. The Androscoggin's time has come.

Thank you for your time and consideration in this matter.

Sincerely,

Ruth Glaeser, Town Administrator
For the Durham Board of Selectmen