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DEP, business interests align against river reclassification

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AUGUSTA — A bill that would reclassify the lower Androscoggin River met stiff opposition Tuesday from dam owners, paper company officials and business advocates who argued the legislation would create stricter and more costly pollution and permitting standards.

[The bill, LD 154](#) also became the latest testing ground for the Department of Environmental Protection, which now has a mandate to focus on business interests.

The prevalence of the new dynamic will likely determine whether the reclassification effort is successful. Tuesday's public hearing before the Legislature's Environment and Natural Resources Committee provided a glimpse of the new order as the DEP aligned with business interests by opposing the river reclassification.

Patricia Aho, the new deputy commissioner for the DEP, presented a report against upgrading the lower Androscoggin from Class C to Class B. Aho said the department's opposition was based on modeling that showed the river didn't meet Class B standards.

[Sen. Seth Goodall](#), the bill's lead sponsor, said the DEP report contradicted the department's previous stance on reclassification and a report by the Friends of Merrymeeting Bay. The group conducted water sampling between 2009 and 2010, which showed the river met the B standard in all but two of 300 sample areas.

"What's frustrating is we just received the report from the DEP, minutes before the hearing," Goodall said. "They've totally changed their perspective on this from last year."

Representatives for dam owners and business advocates seized the DEP report to argue against the reclassification.

Ben Gilman, speaking on behalf of the Maine State Chamber of Commerce, said the effort to upgrade the river was "not based upon sound science," which was echoed by Miller Hydro Group's Mark Isaacson, manager of the Worumbo Hydroelectric Project in Lisbon Falls.

Isaacson said new permitting standards would doom his project. If passed, he said, the bill would allow industries upstream to continue dumping in the Androscoggin and leave his company responsible for the lower river's water quality.

John Devine, representing the Miller Hydro Group and Topsham Hydro Partners, said the dams would never meet the unimpaired habitat standards if the bill passed.

Rep. Bernard Ayotte, R-Caswell, said cleaning up the river could put people out of work.

"Having a theoretically clean river sometimes doesn't put food on the table," Ayotte said.

Ed Friedman of Friends of Merrymeeting Bay, the group that conducted the study favoring reclassification, said Ayotte's thinking was reminiscent of the "payroll versus pickerel" debate that occurred decades ago when the Androscoggin was a dumping ground for municipalities and mills.

"They have to understand there's a new shift," Friedman said after the hearing. "A cleaner river has given Lewiston a river walk and a balloon festival. Brunswick has a bike path. People are looking to the rivers. They need to understand that the health of the river is directly tied to health of the economy."

During the hearing, Friedman said the DEP was confusing reclassification with re-licensing for businesses and polluters. He said re-licensing is not consistent with the goals of the Clean Water Act.

He said without reclassification, the river's water quality would never improve.

"To imply this is rushed or not based on science is, I'm sorry, wrong," he told the committee.

But Scott Reed, representing the NewPage paper mill in Rumford, said the reclassification that could be accompanied by stricter discharge limits would require significant capital investment.

Chester Gillis, a resident of Bowdoinham, said it is important to keep improving the water quality of the Androscoggin to meet the level of Maine's other rivers, which are currently rated Class B.

Without reclassification, Gillis said, there would be no incentive to improve the condition of the river.

"The paper industry has fought tooth and nail, using batteries of lawyers and lobbyists to fight pollution standards," Gillis said.

Sen. Margaret Craven, D-Lewiston, and Rep. Peggy Rotundo, D-Lewiston, who are co-sponsoring the bill, said a cleaner river would have a direct effect on a better economy.

The bill is also co-sponsored by Sen. Thomas Saviello, R-Franklin, chairman of the Environment and Natural Resources Committee.

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