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Upgrading the Androscoggin River under a new bill sparks debate, pushback from businesses

The bill would upgrade some sections of the Androscoggin River to a Class B, adding additional water protections for what was once one of the most polluted rivers in America. Environmentalists and recreationalists support the idea. Businesses that use it as a way to get rid of waste do not.



By [Steve Collins](#) Sun Journal

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The Androscoggin River at Dresser Rips in Auburn. *Andree Kehn/Sun Journal* [Buy this Photo](#)

State regulators threw cold water this week on a bid to upgrade the water quality classification of a portion of the Androscoggin River that includes Lewiston-Auburn.

Environmentalists, however, said they were still hopeful lawmakers in Augusta would press forward with a proposal to raise the standard.

Legislators are eyeing [a bill by state Sen. Ned Claxton](#), an Auburn Democrat, that seeks to upgrade the regulatory status of the river to Class B, a move that would add new environmental protection and higher standards for what can be discharged into the waterway.

State Sen. Ned Claxton, D-Auburn

“The intent of this bill is to recognize the great accomplishments that have been made in cleaning up the Androscoggin River,” Claxton said.

By upgrading the classification of the lower part of the river, he said, “we can celebrate the successes and let potential tourists, anglers and boaters know that this section of the river is clean and ready to be utilized.”

Brian Kavanah, director of the Bureau of Water Quality at the Department of Environmental Protection, told legislators that regulators have “historically supported upgrades where we see a path forward” to reach the necessary water quality standards.

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In the case of the lower Androscoggin, Kavanah said: “We don’t see a clear path forward to ensure that happens. What we do see is that a reclassification would likely create significant regulatory uncertainty.”

Others are skeptical, as well, including companies that discharge wastewater into the river, warning an extra burden on them to meet higher standards poses an economic risk that might endanger their existence — without doing much to improve water quality.

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CLASSIFYING THE RIVER

Rivers in Maine are regulated differently depending on a classification that, simplistically, rates how polluted they are.

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They are categorized as either an AA, A, B or C freshwater river, with AA the highest and C the lowest. All must meet the standards of the federal Clean Water Act of 1972, a crowning achievement of U.S. Sen. Edmund S. Muskie of Rumford.

The state says the classification system “should be viewed as a hierarchy of risk,” with the top categories expected to be more resilient and recover more quickly after events caused by people or nature.

Basically, an AA stream would have no waste discharge into its waters or any impoundment from a dam. An A classification would have a little more risk of degradation from “very restricted discharges.”

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Rivers with a B rating have fewer restrictions on activities, “but still maintain high water quality criteria” that require stricter rules for discharges from treatment plants, factories or any other point where water is directed into the river.

A C-rated river, the state says, is “still good quality, but the margin of error before significant degradation might occur” is less, most likely in the case of a spill or a drought that makes dilution of discharges tougher.

The state currently regulates the Androscoggin River from the New Hampshire border to the Ellis River as a Class B waterway, then considers it a Class C one downstream to Merrymeeting Bay. The Ellis River meets the Androscoggin River in the Oxford County town of Hanover, west of Rumford.

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The proposal would leave the Class C status from the Ellis River to Gulf Island Dam in Auburn, then shift everything downstream of that to Class B.

PUSHING FOR CHANGE

The state has a system for reclassifying waterways, an administrative process called a triennial review that examines the available evidence and recommends any revisions.

It has not backed a Class B designation for the Androscoggin because regulators are not convinced the river can meet the standard in low-flow conditions.

But the Friends of Merrymeeting Bay, which backs the change, said records indicate the situation the state cites has never actually happened in the past half-century.

Peter Rubins, chairman of Grow L+A’s River Working Group. *Russ Dillingham/Sun Journal file photo*

[Peter Rubins, chair of the Grow L+A River Working Group](#), said the state Department of Environmental Protection has collected data for the past 20 years through a program relying on volunteers that show the river meets Class B standards from the Gulf Island Dam in Lewiston down to Brunswick 99% of the time.

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“It is high time to protect the gains that have been made there,” said Steve Heinz, a coordinator for Trout Unlimited.

“Upgrading the water quality classification would help preserve these standards and encourage greater recreational use and enjoyment” of the river by everyone, Heinz said.

Emily Bastian, national vice chair for the Native Fish Coalition, said that years after Muskie used the Androscoggin as his poster child for the Clean Water Act, “it is sadly lacking relative to Maine’s other large rivers when it comes to cleanup efforts and native fish restoration efforts.”

“The Androscoggin’s time has come,” Bastian said.

SOME WARN OF ECONOMIC CONSEQUENCES

State Sen. Lisa Keim, a Dixfield Republican, opposed the measure because she was concerned it “would stifle economic development all along the length of the river, including the communities of my district.”

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She said if the lower portion of the Androscoggin were upgraded to Class B, the state would begin to regulate more strictly all discharges into the water, essentially creating “a de facto upgrade” for the entire length of the river in Maine.

Chuck Kraske, manager of environmental services at the Pixelle Specialty Solution’s Androscoggin mill in Jay, said uncertainty about future regulation “is the last thing our mill needs.”

“This proposed legislation will not achieve the desired improvement in water quality, but rather create an unfair burden on operators along the Androscoggin, including municipalities in New Hampshire and Maine, without demonstratively improving the water quality of the river,” said Price Howard, chief executive officer of White Mountain Paper in Gorham, New Hampshire.

Stacy Carter, town manager of Rumford, told legislators the river “currently is in great shape and is a superb fishery.”

“Changing its classification only puts those discharging into it in immediate noncompliance,” Carter said. “Correcting that would be an unachievable financial burden with severe impact to all the communities served by those entities.

“A reclassification would prohibit any new or increased discharge to the river. That would effectively put the brakes on new development.”

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Scott Reed, manager of environmental and public affairs for the ND Paper mills in Rumford and Old Town, said the bill would not guarantee the lower Androscoggin will meet Class B water

quality standards, “but it will guarantee significant costs on municipalities, industrial facilities and hydro facilities throughout the entire watershed.”

Dean Gilbert, testifying on behalf of the International Brotherhood of Electrical Workers, told lawmakers the bill “represents an effort by affluent southern and coastal Mainers to impose unnecessary and unwarranted restrictions on poorer rural Mainers and our communities.”

“We hear a lot of statements about environmental and economic justice,” Gilbert said. “Where is that justice evident in this bill?”

THE STATE TAKES A STAND

Kavanah of the Bureau of Water Quality at the Department of Environmental Protection told legislators the Androscoggin “is an incredible example of how badly we as a society can abuse our natural resources given that this was once one of the most highly polluted rivers in the country.”

That it now has “very good water quality,” he said, is “an incredible example of how good policy, proper regulation and the work of many can make tremendous improvements.”

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Kavanah said whether to reclassify the river “is a very important policy decision, and it is a legally and technically complex issue.”

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Kavanah said if the Legislature were to upgrade the classification level, the DEP would consider it a directive on how it should manage the Androscoggin “in relation to a variety of interconnected requirements of the Clean Water Act and state law.”

Among the ramifications, he said, are impacts on discharge licenses for industry and municipal wastewater plants and dam licensing.

Kavanah said water quality on the lower Androscoggin is inherently impacted by the quality above Gulf Island Dam, including the discharges from three paper mills in Jay, Rumford and Gorham, New Hampshire. The Gulf Island Dam itself would likely face stricter rules, too.

The Lewiston Auburn Water Pollution Control Authority’s treatment plant would also face greater scrutiny, he said.

Kavanah warned a higher classification would likely mean regulators could not allow new discharge permits or increases in the volume of existing ones.

In short, Kavanah said, “there is no practical approach” for the Androscoggin to reach the dissolved oxygen levels mandated for a Class B river during low flow periods.

For supporters of the bill, technical issues relate to modeling the river's future are no reason to hit the brakes on change.

State Sen. Eloise Vitelli, an Arrowsic Democrat and cosponsor of the bill, said the river "continues to be an economic driver, but is also much safer to recreate on, and does much less harm to the human life, wildlife and delicate ecosystems that rely on it."

"This river does so much to connect our communities to each other and to nature's beauty," Vitelli said, "and we need to be responsible stewards."