Maine Forest Products Council

The voice of Maine's forest economy

Testimony in Support

LD 2187, "An Act to Update Certain Water Quality Standards and to Reclassify Certain Waters of the State"

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Good afternoon, Senator Tepler, Representative Doudera and distinguished members of the Environment and Natural Resources Committee. My name is Krysta West. I live in Readfield, and I respectfully submit testimony on behalf of the Maine Forest Products Council (MFPC) in support of LD 2187.

Since 1961, the Maine Forest Products Council has served as the voice of Maine's forest economy, representing hundreds of members from all facets of the forest products industry. Our members include pulp and paper mills, sawmills, secondary wood processors, foresters, loggers and truckers. We also represent commercial landowners sustainably managing more than 8 million acres of forestland. Our members are central to Maine's $8.3 billion heritage industry that sustains more than 29,000 jobs spread across all 16 counties.

We appreciate the science based and pragmatic approach presented by this bill. Water quality is deeply important to Mainers, especially to those who live and work along the shores of some of our larger rivers. Rivers have also long served as an economic engine for industry and jobs throughout the state with many of our heritage industries, such as papermaking and other wood product manufacturing. We are pleased to be able to support this bill as it will both ensure that the great strides made over the last fifty years continue and that we can maintain the industries that serve as the lifeblood of our rural communities.

MFPC supports the recommendation to adopt a daily average dissolved oxygen (DO) criterion for Class B and C waters. The shift to a daily average recognizes natural diurnal fluctuations in DO and provides a more realistic and scientifically defensible framework for assessing water quality. Incorporating a daily average provides critical flexibility in regulatory implementation. Without this flexibility, isolated short-term DO fluctuations, even those caused by natural conditions, could result in erroneous findings that a waterbody is impaired. For MFPC members, this would create significant compliance risks and unnecessary economic burdens without corresponding environmental improvements. Adopting a daily average approach will help ensure that water quality standards remain protective of aquatic life while buffering against unwarranted impairment findings and the disruptive regulatory measures that can follow.

MFPC strongly agrees that the water quality classifications for portions of the Androscoggin River Basin and the Presumpscot River Basin should not be upgraded at this time. We agree with DEP's analysis that the available data does not conclusively demonstrate attainment of higher classifications under all conditions. Incomplete and inconsistent monitoring results, combined with observed exceedances under critical conditions such as low flows and warm temperatures, do not provide a sufficient scientific basis to justify upgrades. Making such changes without robust and comprehensive datasets risk undermining the credibility of Maine's classification system and exposing regulated entities to unattainable standards. The DEP explained in their meetings with the Board of

Environmental Protection that on the Presumpscot, modeling showed dissolved oxygen and nutrient criteria would require roughly a 25% biochemical oxygen demand (BOD) reduction for DO attainment and about a 55% reduction to meet new nutrient criteria. For the Androscoggin, modeling indicates BOD reductions of roughly 54% would be needed for the three dischargers above Gulf Island Pond and about 33% below Gulf Island Pond. DEP further cautioned that even if these reductions were achieved through future permitting, they would not necessarily guarantee attainment because of non-point source inputs and other factors.

Importantly, DEP has an obligation under the Clean Water Act and Maine law to weigh not only the environmental criteria but also the practical implications for existing dischargers and dam owners**.** Reclassification carries significant consequences, including more stringent permit limits, dam water quality certifications, additional monitoring obligations, and in many cases costly treatment upgrades. For the pulp and paper mills and other large employers that anchor Maine's rural economies, such outcomes would have ripple effects well beyond facility operations — jeopardizing jobs, tax revenues, and the economic stability of communities that depend on these facilities. It is therefore essential that classification decisions be grounded in conclusive data and a clear demonstration that the receiving waters can sustain higher standards under natural conditions.

We would like to ask the committee to use caution when it comes to adopting a numeric pH criterion of 6.5 to 9.0 for freshwater waterbodies. Under EPA's regulations, a pH range of 5.0 to 9.0 is deemed the degree of effluent reduction attainable through the application of best practicable control technology currently available. In addition, a number of Maine waters have naturally low occurring pH ranges which may create a criterion that is unobtainable. The broader implications of adopting a 6.5 to 9.0 criterion are not fully understood and thus warrant further evaluation. Facilities and dischargers subject to these criteria could face significant new compliance challenges without clear evidence that such a change is necessary for water quality protection. Before proceeding, DEP should more fully assess whether the proposed criterion is even needed, whether it is achievable under actual operating conditions in Maine, and what impacts it might have on regulated entities and their host communities.

In summary, MFPC supports the balanced approach presented in this bill. We agree with the incorporation of a daily average DO criterion for Class B and C waters, provided it is not prematurely used for reclassification. We support the decisions to reject or defer proposals lacking scientific or technical justification, such as an upgrade of the water quality classifications of the lower Androscoggin and the Presumpscot.

Maine's forest products industry is committed to maintaining and improving water quality, as demonstrated by decades of investments in wastewater treatment and watershed stewardship. However, Maine's regulatory framework must also recognize the realities faced by regulated entities and the communities that depend on them. Imposing more stringent criteria without a sound scientific foundation, risks undermining both economic and environmental sustainability. For these reasons, we would urge the committee to vote "Ought to Pass" on this bill. We are happy to answer any questions you may have, and we appreciate the committee's consideration of the stance of our industry.