



# Maine Forest Products Council

*The voice of Maine's forest economy*

## Companies represented on the MFPC Board

American Forest Mgmt.  
Baskahegan Co.  
BBC Land, LLC  
Columbia Forest Prod.  
Cross Insurance  
Family Forestry  
Farm Credit East  
Fontaine Inc.  
H.C. Haynes  
Huber Resources  
INRS  
J.D. Irving  
Katahdin Forest Mgmt.  
Key Bank  
LandVest Inc.  
Louisiana Pacific  
Maibec Logging  
ND Paper  
Nicols Brothers  
Pingree Associates  
Pleasant River Lumber  
Prentiss & Carlisle  
ReEnergy  
Richard Wing & Son  
Robbins Lumber  
Sappi North America  
Southern Maine Forestry  
Stead Timberlands  
TD Bank  
Timber Resource Group  
Timberstate G.  
Wadsworth Woodlands  
W.T. Gardner & Sons  
Wagner Forest Mgt.  
Weyerhaeuser

## Testimony opposed to sections of LD 1964 An Act to Update Certain Water Quality Standards and to Reclassify Certain Waters of the State.

Senator Brenner, Representative Tucker and distinguished members of the Environment and Natural Resources Committee, my Name is Patrick Strauch, and I am the Executive Director of the Maine Forest Products Council (MFPC).

MFPC represents the broad spectrum of the forest industry. Our sector contributes 8 billion dollars of economic activity to the State of Maine with 60% of this contribution produced by the pulp and paper mills. Our Pulp & Paper Environmental Affairs Committee meets regularly to evaluate current legislation and we have focused our concerns on two sections of the recommended river reclassifications on the Androscoggin and a potential amendment to upgrade sections of the Presumpscot River.

### **Section 19. Androscoggin River from Worumbo Dam (Lisbon Falls) to the mouth of the River in Merrymeeting bay. Proposed Class C to Class B.**

Both the Nine Dragons in Rumford and the Pixelle Mill in Jay have water discharge licenses on the Androscoggin River. We are concerned with the process followed by the Board of Environmental Protection (BEP) when they rejected the recommendation of the DEP staff to not reclassify the river segment at this time. Moving the metering location from Gulf Island Pond to Worumbo Dam in order to fit data is a destabilizing decision that undermines a fair and predictable regulatory process. This change in the classification process may appear to have little effect on current discharges, but it also means that water classifications will be continually adjusted when new data becomes available about new conditions, so that there is little or no room for changes in discharges in the future.

## **Amendment: Presumpscot River from Saccarappa Falls to Head of Tide at Presumpscot Falls, Westbrook, Portland, and Falmouth. Proposed Class C to B.**

We understand there may be an amendment to override both the DEP and the BEP recommendation not to reclassify this river segment at this time and we support this conclusion. There are insufficient data to support this change and preliminary modeling that suggests discharges at both the Portland Water District and the Sappi Westbrook mill would be dramatically reduced. We support the DEP's recommendation to not change the classification of this river segment at this time.

### **Summary of concerns**

The regulatory instability illustrated by the procedures followed by the BEP on the Androscoggin River, and the suggested amendment for the Presumpscot river, create barriers for forest product mill development. We understand the tension between seeking continuous improvement in water quality and the cost and ability to achieve compliance, but the process should be consistent and predictable. Classifications based on aspirations of downstream communities is unfair to the upstream regulated communities and businesses and jeopardizes jobs and capital investment in Maine. We know from our experiences to grow Maine's forest economy that we need to take care of the industries we have, and not set them up for failure by establishing regulatory measures that do not allow for the variable nature of river ecosystems (i.e., we need to be careful how tightly we establish discharge ranges.) We are concerned that recent capacity losses at mills would be used to adjust water classifications that preclude recapitalization and increases in future manufacturing capacity.<sup>1</sup>

Maine has opportunities to grow the forest bioeconomy, but we need to convince capital investors that our regulatory regimes are predictable and fair, and that they factor in all users of the river ecosystems. To keep our forest healthy and resilient we need strong markets and industries that are encouraged to invest capital in their manufacturing processes. We urge the committee to reject these specific water reclassifications.

Thank you, Patrick Strauch

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<sup>1</sup> We note that this triannual review would be made even more complicated and unstable by the discussion of tribal sovereignty that could include tribes conducting their own river segment assessments and establishing criteria that are inconsistent with the State standards.