

LEWISTON CITY COUNCIL

WORKSHOP AGENDA

Tuesday, March 10, 2020

City Council Chambers

6:00 pm Workshop

Pledge of Allegiance to the Flag.

WORK SESSION

1. Discussion of the Androscoggin River Water Classification.
2. Proposed Council Resolve Supporting the Passage of LD 433, Proposing an Amendment to the Constitution of Maine to Explicitly Prohibit Discrimination based on Sex of an Individual.

EXECUTIVE SESSIONS

- ES-1. Executive Session to discuss labor negotiations regarding the Maine Association of Police – Patrol Unit.
- ES-2. Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, MARCH 10, 2020
6:00 PM

1. Androscoggin River Water Classification

The Androscoggin River in the Lewiston Auburn area currently carries a water quality rating of C. The State of Maine is now in the process of a periodic review of water quality assignments throughout the state, and Peter Rubins of Grow L+A and Ferg Lea of the Androscoggin River Watershed Council, have expressed an interest in having the state upgrade the River's classification to B starting at the Great Falls and extending to Merrymeeting Bay. There may be some implications of such a change on the City's efforts to mitigate the impact of CSOs and urban non-point pollution on the river as well as on the operation of the joint Lewiston-Auburn Water Pollution Control Facility. Attached please find information submitted in support of this change. City staff has been reviewing these potential issues. See the attached memo from Public Works Director, Dale Doughty. Also attached are previous letters of support and the 2018 recommendation of Maine DEP regarding keeping the river at class C below the Worumbo Dam. It is not appear that there was any discussion of an upgrade above the Worumbo Dam in 2018.

2. Resolve Supporting the Passage of LD 433, Proposing an Amendment to the Constitution of Maine to Explicitly Prohibit Discrimination Based on the Sex of an Individual.

Councilor Rea is requesting that the City Council support this proposed amendment to the Maine Constitution. It would ensure that equality of rights under the law not be denied or abridged by the State or any political subdivision of the State based on the sex of an individual. Please see attached draft resolve.

3. Executive Session – Labor Negotiations – Police Patrol.

4. Executive Session – Personnel Issue – City Administrator

March 3, 2020

Mayor Cayer, David Hediger, Lewiston City Council,

Maine water quality classifications are reviewed every three years by MDEP and they make recommendations to the Environment and Natural Resources Committee and then, on to the Legislature that actually sets the classification. 2020 is the year for the review to take place.

The last proposal for upgrading the Androscoggin from Worumbo Falls to Merrymeeting Bay from C to B was denied by the DEP over modeling issues, even though the Andro meets B criteria. New Data has been added to include up to Gulf Island Dam and legal clarification by the Conservation Law Foundation says that Maine's water classification is Goal Based, especially when it meets B standards 99.9% of the time.

I have been working with Ferg Lea of the Androscoggin Watershed Council and concerned individuals from other nonprofit River organizations. We ask for your continued support for the upgrade and would like to explain our proposal and its rationale in a workshop format if you desire. The coalition's response to DEP is due March 30. It is our hope that you can sign on to our request to DEP to reclassify to B. If not and you prefer to write your own letter, that is fine also. John Jenkins and the city sent a letter of support in 2008 on the same issue. Now is the time to get it done.

The attached talking paper will form the basis for discussion. Please contact me if you have questions.

Thank you for the opportunity.

Peter Rubins
GROW L+A RIVER WORKING GROUP



Upgrade the Lower Androscoggin from Class C to Class B Fact Sheet

The Androscoggin was Muskie's river and impetus for passage of the Clean Water Act. It is now much improved thanks to various state and federal laws and to the cooperation of various dischargers along the river. This success should be celebrated and recognized by codifying improvements as they occur and as required by law.

For many years Friends of Merrymeeting Bay's EPA and DEP approved water quality monitoring data on the lower river have shown with very few exceptions, compliance with Class B conditions and yet the DEP, conflating statutes we believe (see CLF legal opinion), refuses to endorse upgrading the lower river from Class C our minimum standard, to Class B, the standard reflecting actual ambient conditions. The biases of the DEP and influence of industry weigh heavy on the river despite support from riverside communities for an upgrade, state and federal clean water laws and scientific data. We respectfully ask for your support of our current upgrade proposal.

Why Upgrade?

It's the law!

Anti-degradation language prohibits backsliding in water quality.

A cleaner river has well-documented economic and quality of life benefits.

Sixty percent of our wildlife species inhabit river corridors and all benefit as do we.

DEP classification proposal submission guidelines 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.”*



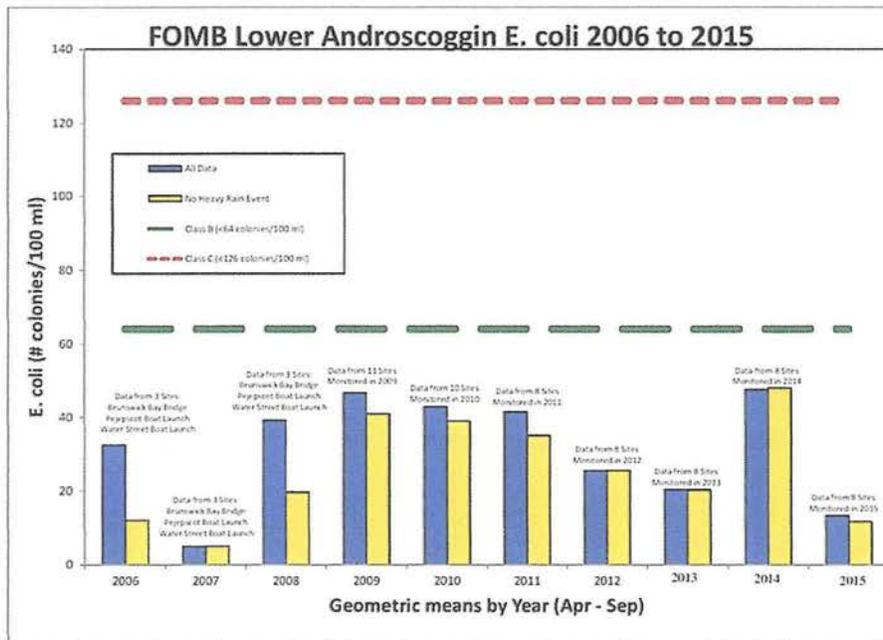
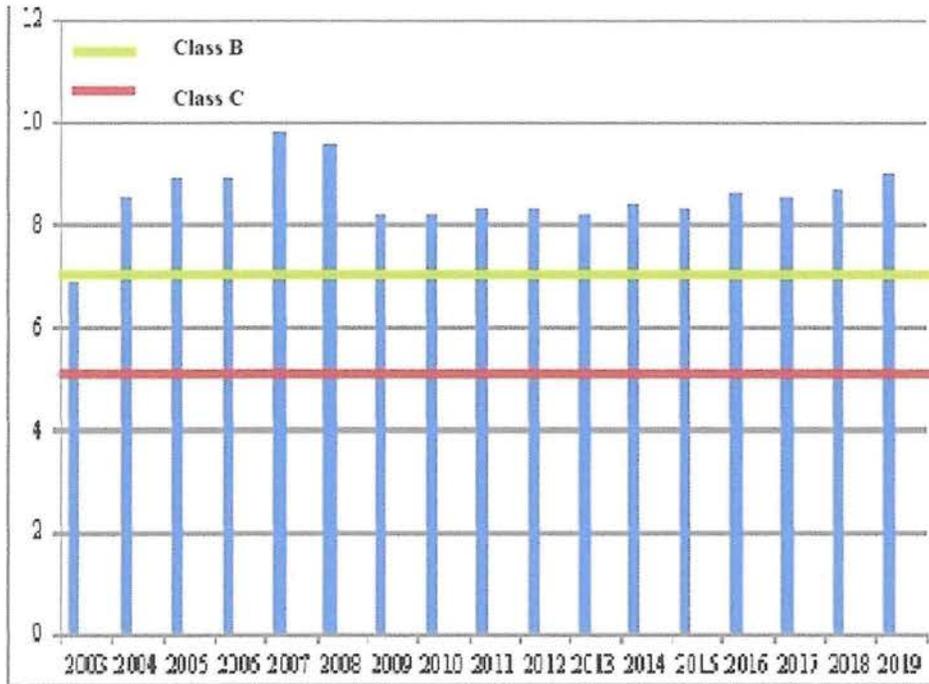
Upgrade the Lower Androscoggin from Class C to Class B Fact Sheet

38 M.R.S.A. § 464 (4) (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.”

What do the data show?

Dissolved Oxygen-Geometric Means Lower Androscoggin 2003-2019 Class C Spgrt, Class B Tppm



Upgrade the Lower Androscoggin from Class C to Class B Fact Sheet

A cleaner river equals a more vibrant economy and increased quality of life.

Auburn/Lewiston Riverwalk:

“The river section of Lewiston-Auburn features boat launches, fishing areas, canals, and dams. The Cities of Lewiston and Auburn have developed parts of the river and businesses are flourishing along its banks and canals, from outdoor decks at Gritty’s Brew Pub and Pat’s Pizza, to Fishbones. The Cities of Lewiston and Auburn have dedicated considerable resources to its beautification with the Riverwalk, which connects Railroad Park in Lewiston to Festival Plaza in Auburn, the site of numerous outdoor events and summer concerts.”

[www.laitshappeninghere.com]

Androscoggin Bicycle and Pedestrian Path:

“Gorgeous views of the Androscoggin, a major Maine river, make exercising fun and exhilarating!” [www.suite101.com]

Androscoggin Riverwalk-Topsham:

“Ranked #2 of 6 attractions in Topsham” [Tripadvisor]

Northeast-Midwest Institute, University of Illinois Study

“*Buffalo, NY.* Residential property values near the Buffalo River could increase as much as 140 million if contamination in the river is eliminated, according to a study conducted by the University of Illinois and the Northeast-Midwest Institute.

Researchers collected data from housing sales in Erie County in the years 2002-2004, and directly surveyed 850 recent home buyers in Erie County. Results of the study of housing sales data indicate that the polluted state of the river currently is depressing single-family, owner-occupied property values by \$80 to \$140 million, or six to nine percent of the assessed residential property values in the area studied. Clean-up could be expected to raise the property values commensurately.”

Sheboygan, WI. Residential property values near the Sheboygan River could increase as much as 108 million if contamination in the river is eliminated, according to a study conducted by the University of Illinois and the Northeast-Midwest Institute.

Researchers collected data from housing sales in Sheboygan County in the years 2002-2004, and directly surveyed 850 recent home buyers in Erie County. Results of the study of housing sales data indicate that the polluted state of the river currently is depressing single-family, owner-occupied property values by \$8 to \$108 million, or one to seven percent of the assessed residential property values in the area studied. Clean-up could be expected to raise the property values commensurately.”

Upgrade the Lower Androscoggin from Class C to Class B Fact Sheet

Why the conflict with DEP and river industry? They are citing the wrong statute!

Reclassification vs. Relicensing

These are two different items falling under two different statute sections yet the DEP and industry consistently and purposefully conflate the two. Reclassification is designed to drive relicensing. As slight changes are made to license renewals to comply with classification upgrades, water quality is slowly improved. Discharge and river condition modeling both used in relicensing, have no legal bearing on classification. This is discussed on page 2 of our 2011-2012 Androscoggin River Monitoring Report [Water Quality Data Analysis and Review, Lower Androscoggin River](#) at www.fomb.org and again in a legal opinion from the Conservation Law Foundation (see below).

According to Maine statutes, modeling has no bearing on the classification process §464 (4) (F) (4) which is based solely on actual ambient river conditions. In contrast to classification, modeling does play a role in relicensing (§464 (4) (D)) when dischargers are to meet the river classification under minimum seven-day low flow conditions expected to take place once every ten years (a theoretical value known as 7Q10).

The purposeful policy reason for the difference in requirements for classification and relicensing is so that water quality conditions may slowly be improved or ratcheted up. This is the goal-oriented purpose both of the Clean Water Act and Maine statute. If a river had to meet the relicensing standard before an upgrade as the DEP and industry would have you believe, it likely never would and therefore there would be no motivating driver for improvements in water quality.



Upgrade the Lower Androscoggin from Class C to Class B Fact Sheet

A Legal Opinion: Excerpt from Conservation Law Foundation BEP Comments 10/2/2008

The Lower Androscoggin

CLF strongly disagrees with the Department's recommendation and rationale for not upgrading this river segment. The Department has stated that proponents must provide water quality data and modeling showing "the likelihood of attainment of Class B water quality criteria at maximum licensed loads." See Reclassification Memorandum at 29. This makes no logical, legal or economic sense. First, no one operates at maximum licensed loads; rather a large buffer is generally built into all permits to avoid violations. Thus, DEP is requesting an impossible and unnecessary showing.

Second, the Department's recommendation violates the legal standard in the Clean Water Act that a state shall revise its standards to reflect uses and water quality actually being attained. 40 C.F.R. § 131.10(i). See also *id.* § 131.6(d); 38 MRSA § 464(4)(F). Thus, the Board's analyses must be based on *existing* water quality-not hypothetical modeling with point sources operating at maximum licensed discharge. Indeed, the Board is specifically prohibited from considering maximum licensed loads because both state and federal regulations prohibit consideration of waste discharge or transport as a designated use. 40 C.F.R. § 131.1(a); 38 MRSA § 464(4)(F)(1)(d).

Third, as many of the dischargers in this watershed have already recognized, water quality upgrades are generally good for surrounding communities. As has been shown over and over again, clean water is an economic boon. Examples abound throughout New England, including the recent revival of Boston Harbor, the Portland Waterfront, the Auburn Riverfront and the resurgence of Merrymeeting Bay and the Kennebec River. The Androscoggin River deserves the same.

CLF believes that the data, including both dissolved oxygen levels and recreational uses shows that existing uses in the lower Androscoggin have improved over time and that the river currently attains the higher bacteria and dissolved oxygen standards set forth in the Class B designation. As noted by the Department, it has no reason to question the data; indeed it has relied upon data supplied by the proponent in prior reclassifications. Therefore, barring a showing that the data is invalid, the Board must recommend upgrading this section.

* (From page 2) 2016-2019 E. coli geometric means-un-graphed. Class B <64 colonies/100ml, Class C <126 colonies/100 ml

	E.coli
2016	13.5
2017	17.5
2018	38.2
2019	42.5

Upgrade the Lower Androscoggin from Class C to Class B

Summary Fact Sheet

1. DO & *E. coli* levels consistently surpass Class B standards [see graphs in #2].
2. Keeping the levels at current Class C allows backsliding from the current high oxygen and bacteria levels [more than 7ppm] to those which are the minimum for Class C [5ppm]. Ditto for bacteria. Geometric mean levels don't exceed 64 colonies/100ml [the Class B maximum] but staying in Class C they could legally rise to 126 colonies.
3. Keeping Class C means more room to pollute [and be legal].
4. Classifications must be based on ambient river conditions. They cannot be based on modeling. Classification = one statute; Relicensing = a different statute.
5. Relicensing is based on modeling under worst case conditions [7Q10-theoretical minimum 7-day flow in a 10 year period] however current license limits are inflated over actual discharges by as much as 90% which can make the standard exceptionally difficult for a discharger to meet. Relicensing = a different statute from classification.
6. 7Q10 means low warm flow conditions that typically lead to lowest DO. However, these same conditions are typically lowest in bacteria [a good thing], the other main criteria. Bacteria are highest as high flows cause a lot of runoff and overload wastewater systems.
7. Hydropower impoundments get exemptions from meeting aquatic life [macro-invertebrates] criteria [§464-10].
8. Does it make any sense that a river upgrade be governed by whether or not it meets the new classification during the theoretical worst week in a 10 year period? Of course not. And by law, it need not.
9. DEP classification proposal submission guidelines 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.*"
10. **Supporters of the Upgrade:** (past and expected current)
 - The towns of Brunswick • Topsham • Durham • Lewiston • Lisbon • the Auburn Sewage District • Friends of Merrymeeting Bay • Maine Rivers • Conservation Law Foundation • Brunswick Topsham Land Trust • Friends of Casco Bay • Grow L/A • Trout Unlimited



Submission Guidelines

Proposals for Changes to Maine Water Quality Standards Under Triennial Review

Introduction

Maine's Water Quality Standards (WQS) are one of the principal foundations for the protection of water quality in Maine in accordance with federal and state clean water laws. Maine's Water Classification Program, and the WQS contained therein, is designed to restore and maintain the chemical, physical and biological integrity of the State's waters and to preserve certain pristine state waters. A listing of existing WQS may be found on the [Water Quality Standards](#) web page maintained by the Maine Department of Environmental Protection (MEDEP).

The federal Clean Water Act (§ 303(c)(1); [40 CFR Part 131.20](#)) requires that states periodically, but at least once every 3 years, hold public hearings for the purpose of reviewing water quality standards and, as appropriate, modifying and developing standards. Maine Statute contains similar language in [38 M.R.S. § 464.3.B.](#), which states that the Board of Environmental Protection shall, from time to time, but at least once every 3 years, hold public hearings for the purpose of reviewing the water quality classification system and related standards and, as appropriate, recommending changes in the standards to the Legislature. This process, known as the Triennial Review, requires consultation with the public and interested state and federal agencies.

The Department is now embarking on a Triennial Review, which is expected to extend into 2022 for any required legislation. A tentative timetable is provided below. You are invited to submit proposals to the Department for changes to existing WQS, including the water quality classification of specific surface waters. Proposals for new standards may also be submitted. Please note submission guidelines as detailed below. **Proposals are due by the close of business on Tuesday, March 31, 2020.**

In addition to proposals for changes to any WQS, MEDEP also invites comments on the 2018 update to recreational water quality criteria for bacteria for fresh and estuarine and marine waters as specified in 38 M.R.S. §§ [465](#), [465-A](#) and [465-B](#). Specifically, MEDEP invites comments on the seasonal applicability of criteria. For Classes B, C, SB and SC, the seasonality was extended from historically May 15 to September 30, to April 15 to October 31. The Department also welcomes comments on other aspects of the existing criteria, such as the magnitude or duration (over any 90-day period).

Information to be Submitted with Proposals for New Water Quality Standards

1. Details of proposed new standard - provide as much detail as possible.
2. Provide a statement that describes why a new standard is needed.
3. State how the new standard may affect stakeholders, for example holders of wastewater or stormwater discharge permits or holders of land-development permits; municipalities; or the general public.

Information to be Submitted with Re-Classification Proposals

1. Waterbody name, town.
2. Location of proposed change in classification
 - Provide features easily identified on a DeLorme Atlas map or include Geographic Information System (GIS) coordinates; if possible, submit a map with the proposed area clearly marked.
 - Provide the exact geographic limits of the proposed change.
3. Write a brief statement that describes why the waterbody should be considered for a classification change.
 - For Class AA and SA proposals, identify the waterbody's qualifications for "Outstanding ecological, social, scenic, economic or recreational importance".
4. State how the proposed change will affect other users of the waterbody, for example holders of wastewater or stormwater discharge permits or holders of land-development permits.
5. Provide water quality data if available (including source of data) that documents the attainment status of the candidate waterbody relative to the designated uses and criteria of the proposed classification.
6. Provide a summary of known human activities in the watershed of the proposed re-classification that might jeopardize attainment of standards of the proposed classification, for example land-use altering activities, landfills, hazardous waste sites, wastewater discharges, etc.

What do you need to know for re-classification proposals?

- All water quality classifications for Maine waterbodies are designed to attain the Interim Goals of the U.S. Clean Water Act or higher. Appendix A provides a summary of the uses and criteria that apply to each waterbody type and water quality classification.

Appendix A

Designated Uses and Criteria for Maine River and Stream Classifications

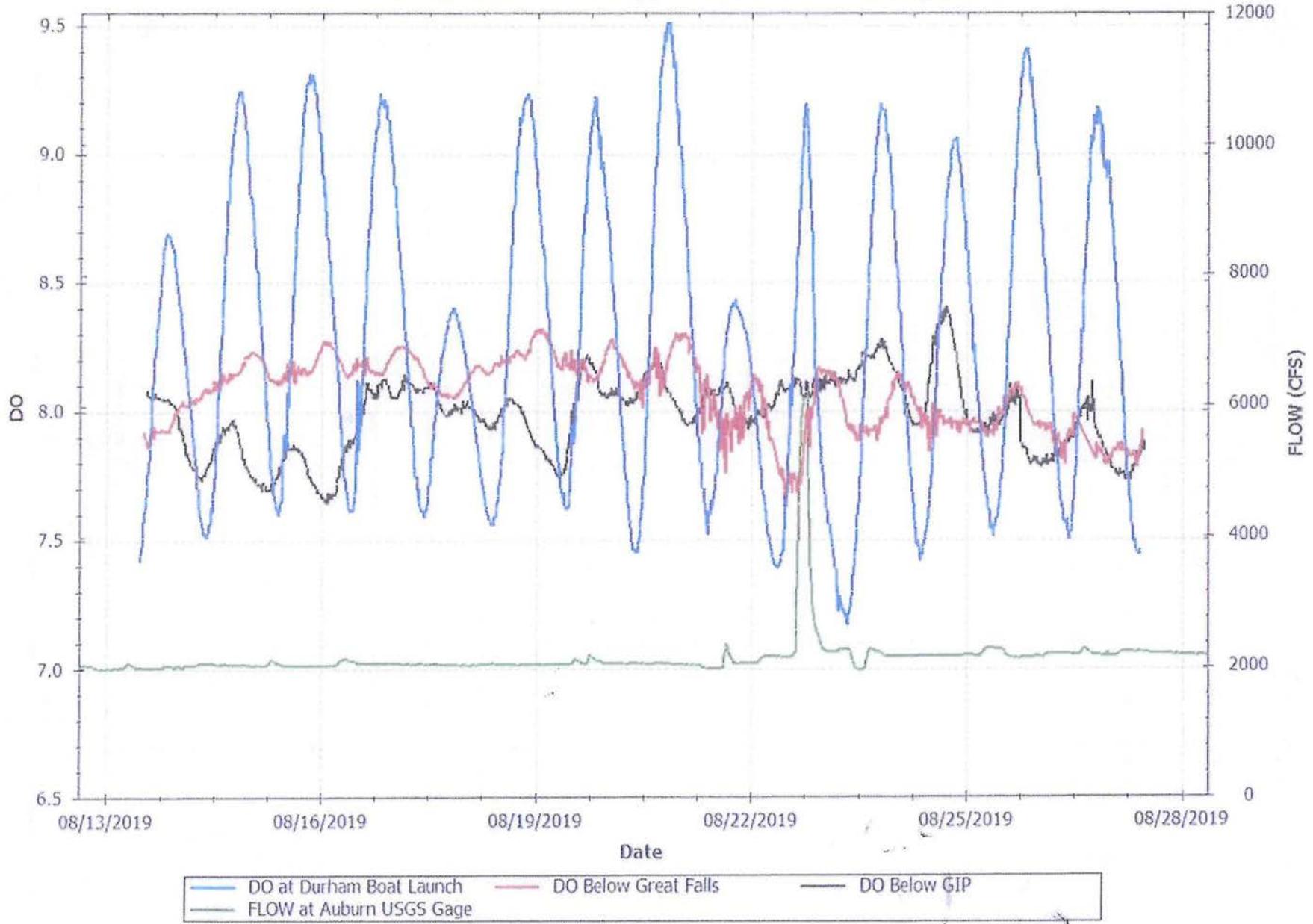
Note: See 38 M.R.S. Article 4-A §464 Classification of Maine waters and 38 M.R.S. Article 4-A §465 Standards for classification of fresh surface waters for complete text.

Class	Designated Uses	Dissolved Oxygen Numeric Criteria	Bacteria (<i>E. coli</i>) Numeric Criteria	Habitat Narrative Criteria	Aquatic Life (Biological) Narrative Criteria**
Class AA	Aquatic Life Drinking Water Fishing Agriculture Recreation in/on the Water Navigation	As naturally occurs	As naturally occurs but may not exceed geometric mean of 64/100 ml over 90-day interval or 236/100 ml in more than 10% of samples in any 90-day interval	Free flowing and natural	No direct discharge of pollutants*; as naturally occurs**
Class A	Aquatic Life Drinking Water Fishing Agriculture Recreation in/on the Water Navigation Hydropower Industrial Process/Cooling Water	7 ppm or 75% saturation From 10/1 to 5/14, 7-day mean concentration not less than 9.5 ppm and 1-day minimum concentration not less than 8.0 ppm in identified fish spawning areas	As naturally occurs but may not exceed geometric mean of 64/100 ml over 90-day interval or 236/100 ml in more than 10% of samples in any 90-day interval	Natural	As naturally occurs**
Class B	Aquatic Life Drinking Water Fishing Agriculture Recreation in/on the Water Navigation Hydropower Industrial Process/Cooling Water	7 ppm or 75% saturation From 10/1 to 5/14, 7-day mean concentration not less than 9.5 ppm and 1-day minimum concentration not less than 8.0 ppm in identified fish spawning areas	May not exceed geometric mean of 64/100 ml over 90-day interval or 236/100 ml in more than 10% of samples in any 90-day interval from 4/15 to 10/31	Habitat for fish and other aquatic life, unimpaired	Discharges may not cause adverse impact to aquatic life in that the receiving waters must be of sufficient quality to support all indigenous aquatic species without detrimental changes to the resident biological community.**
Class C	Aquatic Life Drinking Water Fishing Agriculture Recreation in/on the Water Navigation Hydropower Industrial Process/Cooling Water	5 ppm or 60% saturation 6.5 ppm (monthly average) at 22° and 24°C	May not exceed geometric mean of 64/100 ml over 90-day interval or 236/100 ml in more than 10% of samples in any 90-day interval from 4/15 to 10/31	Habitat for fish and other aquatic life	Discharges may cause some changes to aquatic life, but the receiving waters must be of sufficient quality to support all species of indigenous fish and maintain the structure and function of the resident biological community.**

* Limited exceptions apply.

** Numeric biocriteria in Maine rule Chapter 579, Classification Attainment Evaluation Using Biological Criteria for Rivers and Streams

DEP's Continuous Dissolved Oxygen Data from Androscoggin River



Letterhead

Date

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 Friends of Merrymeeting Bay (FOMB), Grow L/A, Trout Unlimited (TU) and Maine Rivers proposal to reclassify, from Class C to Class B, the lower Androscoggin River from its mouth in Merrymeeting Bay to Gulf Island Dam . Since 1999, FOMB has consistently recorded water quality data along this section of river 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.

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 supported by the State antidegradation policy as quoted 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 can not 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,



March 5, 2020

To: Ed Barrett

We understand that the Grow LA Working Group and Friends of Merrymeeting Bay have teamed up to make a triennial application or DEP for reclassification of the Androscoggin between Gulf Island Dam and the Head of Merrymeeting Bay. Past efforts have been focused on a shorter segment of the River between Worumbo Dam and Merrymeeting Bay. They have asked for the Lewiston City Council's Support for this upgrade. Attached are 2008 letters of support from Lewiston for upgrading a segment of what is now being proposed in 2020. To date the Androscoggin remains a class "C" water body.

Title 38, Chapter 3, Article 4-A Sec. 467

1. Androscoggin River Basin.

A. Androscoggin River, main stem, including all impoundments.

- (1) From the Maine-New Hampshire boundary to its confluence with the Ellis River - Class B.
- (2) From its confluence with the Ellis River to a line formed by the extension of the Bath-Brunswick boundary across Merrymeeting Bay in a northwesterly direction - Class C.

Upgrading the Androscoggin to class "B" would, in the long-term, be good for of for the environment, good for area recreation, good for the economy, and good for Lewiston-Auburn image in general.

Lewiston has spent millions over past number of years in managing storm water, eliminating combined sewer outfall discharges and modernizing the Lewiston Auburn Water Pollution Control Authority (LAWPCA Plant). This has all been done in an effort to meet similar goals to those of the groups wanting to upgrade the river classification in 2020. As with all cities in Maine, Lewiston still has work to do to ultimately meet clean water act goals. This future work is detailed in plans and permits negotiated the EPA and DEP.

If reclassification is successful, there are three areas where our future plans to make additional progress could require adjustment in the future. These plans may need to be accelerated in the future if the river upgrade results in adjusted and/or new permit conditions and goals. These include the regulation of Stormwater Permits (MS4, 5-year duration) , Combined Sewer Outfall Separation Plan and permit (CSO new permit due in late 2020, then 5-year duration), and waste discharge permits under LAWPCA. Unfortunately, we cannot tell you today what the additional costs may be over time, but the outcome will be a cleaner and more sustainable river environment. To determine exactly what the impact might be would require additional study, monitoring, and discussion with regulators.

AUBURN SEWERAGE DISTRICT

268 COURT ST. - P.O. BOX 414
AUBURN, MAINE 04212-0414

September 17, 2008

Chairman Ernest Hilton
Maine Board of Environmental Protection
17 State House Station
Augusta, ME 04333

RE: Proposal to reclassify a portion of the Androscoggin River

Dear Mr. Hilton and Members of the Board,

This letter is written neither in support or opposition to the proposal submitted by the Friends of Merrymeeting Bay (FOMB) to reclassify, from Class C to Class B, the lower Androscoggin River from its mouth in Merrymeeting Bay to the Durham Boat Launch or Worumbo Dam. We strongly believe FOMB should be commended for the interest and efforts to collect water quality data along this section of river with the goal of demonstrating that Class B standards are being met.

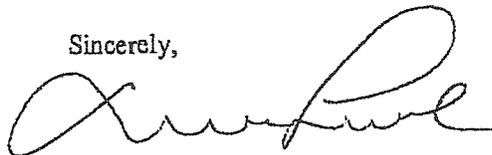
We also believe that water quality on sections of the Androscoggin River currently meet or exceed the current classification and meet those of Class B. We also believe the Board of Environmental Protection needs to give strong consideration to reclassifying portions of the Androscoggin River. To this end we believe the Maine Department of Environmental Protection should, at minimum, immediately establish a water quality monitoring program on the Androscoggin River from Merrymeeting Bay to the base of Gulf Island Dam.

The Cities of Lewiston and Auburn have invested millions of dollars in recent years in efforts to improve water quality of the Androscoggin River. In addition millions of public and private dollars have been invested in public access trails, and numerous private investments along the river are also evident. We recognize that clean rivers enhance the local economy and vitality of all communities surrounding them. A clean, healthy river attracts people, new businesses, and increases property value.

The original estimated cost of the separation improvements required in Auburn as detailed in our CSO Master Plan (prepared in 1999) was \$19.2 M. Through December 31, 2007, capital improvements have exceeded \$13M coming from local property taxes and sewer user fees. This investment has separated nearly 25 miles of sewers, or 81% of the projected full separation effort. Completion of the separation work in Auburn is projected for the year 2013.

On behalf of the Trustees of the Auburn Sewerage District we wish to be on record as neither supporting nor opposing the FOMB proposal to reclassify the lower Androscoggin River from Class C to Class B. We strongly urge the MDEP to immediately establish a water quality monitoring program on the Androscoggin River from Merrymeeting Bay to the base of Gulf Island Dam to be prepared with the data to reclassify the Androscoggin River from Class C to Class B in the very near future.

Sincerely,



Normand R. Lamie, P.E.
General Manager
Auburn Sewerage District

Lewiston



2007

Executive Department

Laurent F. Gilbert, Sr.

Mayor



February 26, 2010

Senator Seth A. Goodall, (Chair)
Joint Standing Committee on Natural Resources
100 State House Station
Augusta, ME 04333-0100

RE: Reclassification of the Androscoggin River

Dear Senator Goodall:

I am writing on behalf of the City of Lewiston. In the fall of 2008, the City supported a petition submitted by Friends of Merrymeeting Bay (FOMB) to reclassify the the Androscoggin River from the Durham boat launch or Worumbo Dam to its mouth at Merrymeeting Bay from Class C to Class B.

LD 330 Section 24 passed in 2009, required additional water quality data be collected on the lower Androscoggin to substantiate and support the classification upgrade. We understand from April-October of 2009 this additional data was collected. This Friends of Merrymeeting Bay (FOMB) effort was done in cooperation with DEP partly under the auspices of their Volunteer River Monitoring Program (VRMP). We also understand a report will be presented to the Natural Resources Committee next week outlining the results of the effort. FOMB reports results of the intensive monitoring supports the previous request to upgrade this section of the Androscoggin River from Class C to Class B. More than one hundred samples were taken during the period in 2009 and the water quality results statistically support the recommendation to upgrade this section of the river.

As stated in the October 1, 2008 letter to Ernest Hilton (then Chair of the Board of Environmental Protection). The taxpayers of the City of Lewiston have invested millions of dollars into the effort to clean up the river. These investments have occurred at a time when every dollar paid by the public is increasingly difficult to part with. Those

technological and financial capacity exists to achieve those higher standards within a reasonable time. Given that the river already meets Class B standards and because there is also clear social and ecological benefit from a cleaner river, the requested classification appears appropriate. The experience other communities around the nation has shown time and again the tremendous potential for social, recreational, environmental and economic benefit from river restorations.

We understand that such an upgrade request, given the current conditions that have been measured, would not require any additional financial impact, now or in the future, on the citizens of our community. If that understanding is correct on behalf of the City, we encourage the Committee to move forward with the reclassification of the Androscoggin River below Lewiston/Auburn to Class B.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurent F. Gilbert Sr.", written in a cursive style.

Laurent F. Gilbert Sr.
Mayor

Lewiston



Executive Department

James A. Bennett
City Administrator

Deputy City Administrator
Phil Nadeau
Assistant to the City Administrator
Lincoln Jeffers



October 1, 2008

Mr. Ernest Hilton, Chair
Maine Board of Environmental Protection
State House Station 17
Augusta, ME 04333

RE: Reclassification of the Androscoggin River Pursuant to 38 MRSA, Sections 464 and 465

Dear Mr. Hilton:

I am writing on behalf of the Lewiston City Council. At a recent meeting, the City was asked to support the reclassification of the Androscoggin River from the Durham boat launch or Worumbo Dam to its mouth at Merrymeeting Bay, from Class C to Class B, as set forth in the petition of the Friends of Merrymeeting Bay (FOMB).

As we understand it, reclassification will result in the maintenance of Class B standards, which FOMB data clearly show are presently being met in this section of the river. Reclassification will provide the river with increased protection against degradation in the future, which will enable its condition to continue to improve.

The taxpayers of the City of Lewiston have invested millions of dollars into the effort to clean up the river. These investments have occurred at a time when every dollar paid by the public is increasingly difficult to part with. Those investments have come through the City's aggressive combined sewer overflow (CSO) program and the sewer user fees going directly to our jointly owned wastewater treatment plant. Not only does the City of Lewiston value the river and understand the potential benefit of this request, we have demonstrated our financial commitment to the same.

We further understand that classification upgrades are appropriate where it is socially or ecologically desirable to attain higher standards and when the technological and financial capacity exists to achieve those higher standards within a reasonable time. Given that the river already meets Class B standards and because there is also clear social and ecological benefit from a cleaner river, the requested classification appears to be appropriate. The experience of other communities around the nation has shown time and again the tremendous potential for social, recreational, environmental, and economic benefit from river restorations.

It is further our understanding that such an upgrade request, given the current conditions that have been measured, would not require any additional financial impact, now or in the future, on the citizens of our community. If that assumption is correct, I, therefore, on behalf of the Lewiston City Council, encourage the Board of Environmental Protection to approve the reclassification of the Androscoggin River below Lewiston/Auburn to Class B.

Sincerely,

A handwritten signature in black ink that reads "James A. Bennett".

James A. Bennett
City Administrator

c: Lewiston Mayor & City Council

file: AndroRiverReclassification

Excerpted from:

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION 2018 PROPOSED RE-CLASSIFICATIONS FOR
MAINE WATERS 2018

PROPOSALS THAT ARE NOT BEING RECOMMENDED BY THE DEPARTMENT AT THIS TIME

ANDROSCOGGIN RIVER BASIN

Androscoggin River mainstem, Lisbon Falls, from Durham Boat Launch or Worumbo Dam, to mouth of the Androscoggin in Merrymeeting Bay (line between Pleasant Pt., Topsham and North Bath) Propose Class C to Class B (14 miles approx.). Proposal: Proposed by Friends of Merrymeeting Bay (FOMB) Basis: According to FOMB data, water quality on this section of the Androscoggin River meets Class B standards and has largely done so since 2006. Issues affected by reclassification: FOMB submitted 'Androscoggin River Data Reports' for 2009-2016. These reports are based on FOMB data and compiled by DEP's Volunteer River Monitoring Program for FOMB. They document that Class B criteria for early morning dissolved oxygen (DO) are not always attained in the lower Androscoggin River. Mean bacteria concentrations also attain Class B criteria but single-sample concentrations exceed Class B on occasion. The reports also document that a number of sources of pollution and stressors exist in the watershed, such as various point-source discharges, non-point source (NPS) pollution, impoundments, and natural wetlands. The watershed also has densely populated areas. These stressors exist not only within the segment itself but also upstream of the segment. Looking at the River more comprehensively, it is entirely Class C from the confluence with the Ellis River to Merrymeeting Bay (~100 miles), has a total of 14 dams, numerous dischargers, urban centers (including Lewiston, Auburn, Brunswick and Topsham) and significant agriculture.

An upgrade of this section of the river was proposed during the 2008-2009 reclassification initiative but was not recommended by the Department due to a lack of monitoring data and an up-to-date water quality model. With the intent of facilitating a future upgrade, the legislature directed DEP to conduct water quality sampling on the lower Androscoggin River. Monitoring occurred in 2010 and the 'Lower Androscoggin River Basin Water Quality Study Modeling Report' was completed in March 2011. DEP data showed that Class B water quality standards were met at certain times in certain segments of the river, but that DO and aquatic life failed to attain Class B criteria on various occasions. Modeling results indicated that no river segments proposed for upgrade would attain Class B DO criteria during critical conditions of high water temperature, low flow, and maximum licensed discharge levels. These critical

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conditions are the conditions that the Department must consider when reissuing any of the several waste discharge licenses that currently exist in this segment. Nonattainment was also indicated even

when licensed discharges were removed from the model. Class B non-attainment was attributable to upstream sources (including sources affecting tributaries), non-point sources and the effects of the three dams located in this section of the river. Below the Brunswick-Topsham Dam, incoming tides from Merrymeeting Bay and Sediment Oxygen Demand further contributed to Class B nonattainment, while the licensed discharge in this section had little impact. Because of the results of the Lower Androscoggin River Basin Water Quality Study, the Department testified in opposition to two upgrade bills before the legislature in 2011 and 2013, and neither bill advanced.

The Department is not aware of any changes in the watershed of this segment since 2010 that would significantly alter the conclusions of the current model. Therefore, the Department does not propose an upgrade of this section of the river at this time.

Resolve supporting the passage of LD 433

LD 433: Proposing an Amendment to the Constitution of Maine to Explicitly Prohibit Discrimination Based on the Sex of an Individual

Summary:

This amendment ensures equality of rights under the law may not be denied or abridged by the State or any political subdivision of the State based on the sex of an individual. The Legislature has the power to enforce this section by appropriate legislation.

This resolve would support the passage of a pending state resolution. While individual laws have worked to improve equity in the state, these laws can be repealed or reduced and these decisions are not always comprehensive or uniform.

Equality for all, under the law is a fundamental value for our state and our city. Approval of this amendment to the Maine State Constitution would help to ensure all individuals, regardless of gender, have the same protections under the law.

Resolution:

WHEREAS, equality under law is a fundamental value of the State of Maine and the City of Lewiston;

WHEREAS, legislation and court decisions have increased equal access to education, employment, and public service for women;

WHEREAS, said legislation and court decisions are not comprehensive and uniform, and laws can be repealed and reduced;

WHEREAS, we value the continued participation of women in education, employment, public service, and all aspects of society;

WHEREAS, the Maine Legislature is presently considering a resolution to amend the Constitution of Maine;

WHEREAS, said amendments would help ensure all would have the same protections under the law, regardless of sex;

Be it Resolved by the City of Lewiston that,

We, the Lewiston City Council, support the passage of State of Maine LD 433, Resolution, Proposing an Amendment to the Constitution of Maine to Explicitly Prohibit Discrimination Based on the Sex of an Individual.

LEWISTON CITY COUNCIL
MEETING OF MARCH 10, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-1

SUBJECT:

Executive Session to discuss labor negotiations regarding the Maine Association of Police - Patrol Unit.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the Maine Association of Police - Patrol Unit.

LEWISTON CITY COUNCIL
MEETING OF MARCH 10, 2020

AGENDA INFORMATION SHEET: AGENDA ITEM NO. ES-2

SUBJECT:

Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

Entering into executive session is permitted and defined under Maine State Statutes.

EPB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.