

**MODIFIED DISCHARGE PERMITS RELEASED  
BY MAINE DEP IN MAY OF '06**

**The struggle for a cleaner Androscoggin has entered a new and more positive phase. On May 12, DEP announced it had drafted modifications to discharge permits previously issued to International Paper and Rumford Paper. These draft modifications would affect discharge permits issued to those companies in September of 2005.**

**In a word, these modifications would accelerate the compliance schedule contained in those 2005 permits. That schedule had allowed the companies as much as 10 years to meet some of the standards. The new modifications would reduce them to a maximum of 5 years, and in some cases less.**

**At issue are the compliance schedules to meet standards set for dissolved oxygen, two measures of phosphorous, and for total suspended solids all affecting Gulf Island Pond, upriver from Lewiston. The meeting of these standards affects fish life, algae blooms, and possibly the visual plumes in the water downstream from the IP mill in Jay, which were observed by DEP aircraft last summer.**

**DEP maintains that these modifications are now possible because of new water sampling information that was not available when the September permits were issued; this information shows that IP and Rumford Paper are capable of meeting standards sooner. A 30 day comment period was established by DEP. International Paper has responded with outrage over these modifications and requested a full evidentiary hearing, even though it has recently announced an agreement to sell the mills in Jay, and Bucksport. When the new owner takes over the mill at the end of the summer, we can hope they will take a different approach.**

**A 30 day comment period was established by DEP. IP has requested a full evidentiary hearing, even though it has recently announced an agreement to sell the mill in Jay, and one in Bucksport, as well. The buyer of the mill has not publicly indicated its position on the DEP proposals.**

**ARA and other environmental organizations have submitted responses within the 30 comment period window. Broadly speaking, to our knowledge, the positions of these groups are similar:**

**While the shortening of the compliance schedules is a great improvement over the schedules in the September permits, there remain significant issues to be adjudicated. Most significantly, the Federal Clean Water Act, required standards to be met by 1977, almost 30 years ago.**

**Consequently, under that Act, no further compliance schedules were permitted after 1977. ARA and other environmental groups made that point last fall in appeals to the Board of Environmental Protection, which has the power to review proposals and actions of DEP. Because the Board has not yet ruled on the validity of the September permits, it has also not ruled on our appeals made at that time. Our recent comments to DEP refer to our appeals still awaiting decision by the Board.**

**Does this all sound complicated and unwieldy? It is! All of us would probably like to move on to more positive steps to make the Androscoggin an asset in the lives of all who live and work on it. ARA is taking steps to do that. But, there is still a long legal battle that will be played out involving the paper companies, Florida Power and Light, the environmental community, DEP, and the Board. We hope the time for a favorable decision may come in this calendar year, but it remains unclear at this time.**