Environmental Policy Update

E2Tech Council
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NRCM
Forward Motion
- St. Croix Opened to Alewives
- Paint Recycling Bill
- Omnibus Energy Bill (veto overridden)
- BPA Rules

Setbacks
- Climate Adaptation Bill (vetoed; lost override by one vote)
- Restore Uniform Building Code (lost in Senate by one vote)
- Mining Safeguards Bill (lost in Senate by one vote)
- Kid Safe Products Bill (amended bill vetoed)

Rollbacks Blocked
- Rollback of Vernal Pools Defeated
- Takings Bills Defeated
Increased Bipartisan Support for Environmental Policy

Significant Republican Votes on:

- St. Croix Alewives
- Omnibus Energy Bill
- Mining Safeguards
- Paint Stewardship
- Protection of Allagash
- Kid Safe Products
Big Win: St. Croix Alewives
St. Croix River: Fight over the alewives

Alewives haven’t been in the lakes and ponds beyond the Grand Falls Dam since 1995, on orders of Maine lawmakers. A fight is brewing over their -- and the watershed’s -- future.
Rep. Madonna Soctomah
LD 72 – Emergency Bill to Restore Passage of Alewives in St. Croix

Passed: 123-24 House
32-3 Senate
New Paint Recycling Program
An Act To Establish a Stewardship Program for Architectural Paint

**SUPPORT**
- American Coatings Association
- BEHR Company
- Valspar Corporation
- Sherwin Williams
- PPG Industries
- Henry Company
- PaintCare
- Maine Resource Recovery Association
- Natural Resources Council of Maine
- Product Stewardship Institute
- Recycling Reinvented

**OPPOSITION**
- Maine DEP
- Retail Association of Maine

**ENACTED ELSEWHERE:** Oregon, California, Connecticut, Rhode Island, Minnesota, Vermont.

**PROVEN SUCCESS:** First year in Oregon: 469,000 gallons of paint, 47 tons of plastic paint containers, and 65 tons of metal paint cans.

**BENEFITS:** Could collect for recycling more than 200,000 gallons of used paint annually through a convenient program for Maine people.
Bills with strong bi-partisan support, still not signed by Governor LePage.
Mining Bill: LD 1302 Failed Senate by One Vote

House: 97-40
Senate: 17-18
Open Pit Mines
Water Quality Impacts – Acid Mine Drainage
Callahan Mine (Harborside):

- Five million tons of non-ore-bearing waste rock and 800,000 tons of ore were removed.
- Clean-up cost estimate: $23 million.
- 200 truckloads of contaminated material shipped out-of-state.
Study: Closed Maine mine polluting water with toxic metals

A Dartmouth study focusing on the Callahan Mine finds elevated levels of copper, zinc, cadmium and lead in the sediment, water and small fish.

The Associated Press

PORTLAND — A former open pit mine that's now a federal Superfund site has caused elevated levels of toxic heavy metals in the Goose Pond estuary in Brooksville, according to a new study.

Chen said the biggest surprise in the research was that the contamination spiked in certain areas, suggesting an ongoing source of contamination. Researchers had expected contamination to be evenly distributed by tidal action.

The study appears in Archives of Environmental Contamination and Toxicology.

Ed Hathaway, project manager for the Environmental Protection Agency for the Callahan site, said it'll be five to 10 years before the Superfund cleanup is completed. In the meantime, the agency is trying to figure out whether the bulk of the contamination is coming from the rock piles or the sediment.

"Given the fact that there's so much contamination, it's tough to determine which is the one acting as the major contributor to the food-chain effects," Hathaway said Friday.
• Tonnage for an open-pit mine at Bald Mountain would be **42 to 50 times the tonnage at the Callahan deposit**.

• An open-pit at Bald Mountain presents **potentially greater risks to the environment than the Callahan deposit**.

• Such risks are compounded by the fact that approximately 94% of the high-sulphide tonnage would be relegated to the tailing pond as high-sulphide slurry.

• As if the foregoing were not enough cause for concern as to an open-pit at Bald Mountain, **there is also the arsenic problem**.

• Assay data on a suite of ten massive sulphide intercepts showed **arsenic contents from 1258 ppm to 29,155 ppm**.

• Tens of millions of tons of high-sulphide slurry relegated to the tailings-pond would contain very high arsenic... **extremely high arsenic contents**.
Record of False Predictions on Water Quality

- 100% of mines examined predicted compliance with water quality standards before operations began.
- 76% of mines studied in detail exceeded water quality standards due to mining activity.
- Mitigation measures predicted to prevent water quality exceedances failed at 64% of the mines studied in detail.

Shifting Clean-up Costs to Taxpayers

Beal Mountain Mine (Montana)  Operated 1989-1998; Declared Bankruptcy
Claim: Permit claimed no impacts to water quality because “there will be no
discharge of mine or process water to surface waters.”
Truth: Contaminated runoff will likely be treated in perpetuity
“not going to be something we’re ever going to be able to walk away from.”
Public Funds: $5 million spent; estimated $13 million needed.

- Basin Creek Mine (MT): $7 million spent; $1 million needed
- Zortman/Landusky Mine (MT): $30+ million
- Brohn Mine (SD): $30 million spent; $2 million annually
- Summitville Mine (CO): $210 million spent; additional funds needed
Mining Rules Moving Forward

- Draft Rules 8/16/13
- Rules Posted 9/19/13
- BEP Public Hearing 10/17/13
- Public Comments 10/28/13
- BEP Action January
- Legislative Action April

Major Issues

- Water quality protection
- Financial Assurance
- Avoiding Perpetual Care
  (Limiting cleanup period)
Findings Include

- DEP Website purged
- Staff and funding cut
- Education and outreach slashed
- Technical staff interactions curtailed
- Phosphorus-free fertilizer law faltering

http://www.nrcm.org/LakesReport.asp
Report about Success of Maine Law Buried

- Report is ringing endorsement of Maine’s mandatory shoreland zoning law.
- Demonstrates that Vermont’s voluntary approach has failed.
- Maine taxpayers supported DEP staff involved in the study.
- DEP logo pulled, not on DEP website, and never publicly acknowledged by DEP leadership.
- Colby Website: “Maine’s Shoreland Zoning Act Standards are Effective at Protecting Lakes!”

DEP leadership directed removal of DEP logo from this report.
Lake Protection Bill: Aimed at Strengthening the Safety Net

An Evaluation of Ways to Protect or Improve Lake Water Quality by Addressing Development Impacts

Maine Department of Environmental Protection Report to the Maine Legislature

January 31, 2008

Lake Camp Road Report
An Evaluation of Ways to Reduce the Impact of Camp Roads, Driveways and Boat Launches on Lake Water Quality

Maine Department of Environmental Protection Report to the Maine Legislature

December 31, 2008

Reports with ideas that may be used for lake protection bill. Both reports have been purged from DEP website.
Other Issues for 2014

• Solid Waste
• Renewable energy policy
• Wind power bills
• Directional Buffers
• Smart Growth
• And many more....