

# MAINE STATE LEGISLATURE

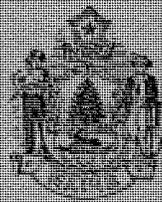
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MAINE  
LEGISLATIVE RESEARCH  
COMMITTEE

FIRST REPORT  
to  
NINETY-SEVENTH LEGISLATURE



POLLUTION

November, 1954

STATE OF MAINE  
SUMMARY REPORT  
to  
NINETY-SEVENTH LEGISLATURE

LEGISLATIVE RESEARCH COMMITTEE

From the Senate:

Samuel W. Collins, Aroostook, Chairman

John H. Carter, Oxford

Miles F. Carpenter, Somerset

Edward E. Chase, Cumberland (Deceased)

Foster F. Tabb, Kennebec (Resigned)

From the House:

Seth Low, Rockland

Earle W. Albee, Portland

Riley M. Campbell, Guilford

George D. Pullen, Oakland

Henry W. Bearce, Hebron

Stanley H. Low, South Portland

Louis Jalbert, Lewiston

Lynwood E. Hand (Resigned)

Director:

Samuel H. Slosberg, Gardiner

November, 1954

To the Members of the 97th Legislature:

The Legislative Research Committee hereby has the pleasure of submitting to you the first section of its report on activities for the past two years. This report deals with the pollution problem. Other reports on matters assigned to the Committee by action of the Legislature will be reported at a later date.

The Committee had the misfortune of losing its original chairman, the late Senator Edward E. Chase of Cumberland. In his tragic death in 1953 the State of Maine lost a great leader. The imprint of his intellect remains with us as a challenge to the rest of the Committee. We acknowledge his leadership with gratitude.

The Committee also acknowledges the work of Senator Foster Tabb and Representative Lynwood Hand for the work they did prior to their resignations.

It is the hope of the Committee that the information contained in this report will be of value to the Members of the 97th Legislature.

Respectfully submitted,

LEGISLATIVE RESEARCH COMMITTEE

By: Samuel W. Collins, Chairman.

TABLE OF CONTENTS

POLLUTION

	<u>Page</u>
<u>Facts</u>	
Water Improvement Commission	2
Fish & Game Clubs	8
Commissioner of Inland Fisheries and Game	9
Citizens for Conservation and Pollution Control	11
Industry	22
Associated Industries of Maine	23
Starch Industry	33
Representatives of Municipalities	35
<u>Recommendations</u>	36

## P O L L U T I O N

The Legislative Research Committee voted in October, 1953 to study the matter of pollution of the waters of Maine. To this end a preliminary hearing was held on November 17, 1953 at which time representatives of the Water Improvement Commission, representatives of the Citizens for Conservation and Pollution Control, the Commissioner of Inland Fisheries & Game and representatives from Industry were present. The facts presented before the Committee at this meeting indicated the need for further study before a report could be made.

A second full scale hearing was held in the House of Representatives on May 25, 1954 with about 100 people present, representing the Water Improvement Commission, various Fish & Game Clubs, Citizens for Conservation and Pollution Control, representatives of some of the Municipalities, members of different Industries, Commissioners of Inland Fisheries & Game and Sea & Shore Fisheries and other interested citizens.

### FACTS

The facts presented by the different groups were as follows:

## WATER IMPROVEMENT COMMISSION

The present Water Improvement Commission is the successor to the old Sanitary Water Board which was charged with the "duty to study, investigate and recommend to persons responsible for the conditions, ways and means of eliminating from the streams, so far as practicable, all substances and materials which pollute or tend to pollute the same, and to recommend methods as far as practicable of preventing pollution....." As the Water Improvement Commission was created, its duties, responsibilities, effectiveness and the nature of its work, as compared to the Sanitary Water Board, were greatly altered by the addition of the last sentence to R.S. 1954, C. 79, §1: 'The commission shall make recommendations to each subsequent legislature with respect to the classification of rivers, waters and coastal flats and sections thereof within the state, based upon reasonable standards of quality and use.' Furthermore, the part played by municipalities in stream pollution has been recognized legally.

The Water Improvement Commission field team has done about 10,000 water samples at 1079 sampling stations on inland and coastal waterways since 1949.

For all practical purposes the basic field and laboratory studies necessary as a preliminary for classification consideration have been completed throughout the state.

Control of water pollution does not rest entirely in the Water Improvement law. Civil laws relating to personal and property damage apply, and the nuisance laws provide that an injured party or any 7 citizens may institute corrective action. In addition, there are specific prohibitions against certain types of pollution, there are laws protecting public water supplies, and certain health laws or regulations may apply in some circumstances.

The present Water Improvement Commission program may be outlined thus:

1. To collect laboratory, engineering, economic and other data on watersheds or portions thereof as the basis for practical classification recommendations that will reflect the most advantageous utilization of the watershed from the point of view of everyone concerned.
2. To limit, control and in some cases anticipate probable classification by the licensure procedure.
3. To conduct public hearings to secure local

recommendations for inclusion in proposals to the Legislature for Classification.

4. To make various special studies and reports.
5. To enforce classification and related anti-pollution laws.

All of the preceding paragraphs were presented to the Legislative Research Committee at the November meeting by the Secretary of the Commission, Dr. Dean Fisher. In a second statement before the Committee on May 25, 1954, the following excerpts have been taken from the statement which seem to have a direct bearing on the question.

The commission is required to make studies and recommendations for the elimination and prevention of pollution, and to make recommendations to the Legislature for classification of waters. As waters receive legislative classification, it will be the further duty of the Water Improvement Commission to develop and enforce such orders as may be necessary to achieve compliance with classification standards. The Water Improvement Commission has another control mechanism in its licensing and enforcement function, and obviously is expected to derive from its experience additional proposals for more effective or more practical legislation.

The seven-man Commission, of which Mr. Clifford G. Chase is chairman, has continued to make an orderly accumulation of information for the guidance of the next Legislature, and this statement is primarily a progress report since the November meeting of the Legislative Research Committee, using the general outline suggested in the previous paragraph.

Just as there are many agencies working toward pollution control, so there are also many interests involved in any final control plan, and any control must be based on sound orderly information and reasonable consideration for the rights of everyone involved.

The Water Improvement Commission has had 3 meetings, has held 11 classification hearings, since November, and has 2 more hearings pending at the moment. Sixty-two public notices have appeared in 13 newspapers in connection with these hearings. The exhibited map shows the approximate areas covered by these hearings, and from these hearings the Water Improvement Commission is in a position to recommend classification for some 7,000 miles of streams, most of which are of high quality. This map will be left with the Committee and should be used together with

the similar one filed with the Committee last fall.

The second exhibit lists by name the streams classified by the last Legislature and those considered in hearings to date.

The Commission also prepared for the Committee a duplicate of the various tests and studies that must be completed prior to any classification recommendations to give some indication of the time, energy, work and expense that must be invested in such work. This is our third exhibit.

The Water Improvement Commission has held 3 licensing hearings since last fall, issuing 2 licenses and refusing the third. A copy of one license was used as the fourth exhibit to show the Committee that licensing may be and is used as another means of pollution control. The conditions under which the license is valid are clearly set forth.

At the present time, law enforcement functions of the Water Improvement Commission are not a major activity, but the Commission has begun testing additional ways of getting at improper disposal of swamill wastes and is assembling data on the location of potential violations.

As the Water Improvement Commission has been gaining experience with pollution problems, with existing conditions, and with probable classifications, thoughts for legislative proposals to improve, clarify, simplify or strengthen existing law have evolved. Specific comments or suggestions were not made at this time.

The Water Improvement Commission feels that very real progress has been made toward ultimate control of pollution and that classification can become an effective method for achieving control on a sound and realistic basis.

In further development of the position of the Water Improvement Commission, Mr. Roy V. Weldon, a member of the Commission, made the following statement:

"I would like to point out that the Maine pollution control law, which has met with criticism from some sources, does represent a modern concept of stream pollution control which is gaining wide acceptance not only in the United States in general, but in New England in particular.

The outstanding feature of the Maine law is the specification that the streams in the state shall be classified in four classes- A, B, C and D, according to their present and future uses.

Of the 7 states comprising the area included under the New England States Water Pollution Control Compact, which include Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut and New York, 4 (Maine, New Hampshire, Vermont and New York) have enacted legislation embodying the classification principle.

Nationally we find a similar situation with the recent trend very decidedly towards stream pollution control legislation of the classification type. Of the 35 states, which are generally classified as industrially developed, 16 have in recent years enacted legislation of the classification type.

Thus we see that Maine is following the modern trend of pollution control legislation which is functioning well not only in several other New England states, but also in many other states in the country.

The present Maine law has not been in effect long enough to demonstrate fully its effectiveness. An opportunity should be given to permit the present law to demonstrate its workability rather than change the entire set-up periodically and confuse the situation."

#### FISH AND GAME CLUBS

Testimony from different Fish and Game Clubs throughout the state indicated their desire to have clean

water and to strengthen the anti-pollution laws. The most definite thing that was brought out by their testimony was that any improvement steps should be done in the near future and not dragged out over a long span of years. Some of the groups, however, did recognize the fact that there was an economic factor involved and did feel that industry should not be jeopardized to the extent that Maine would lose any of its industries.

COMMISSIONER OF INLAND FISHERIES & GAME

Commissioner Roland H. Cobb of the Department of Inland Fisheries and Game expressed his viewpoint on pollution in the following statement:

"I wish to speak as a citizen of our great State and as the head of one of our Conservation Departments.

First, I think we should compliment Senator Collins and his Committee for this public hearing; for the careful consideration they are giving to this problem and their wise recognition of the need for all citizens who wish to speak to have the opportunity at this time to be seen and heard. It is good democratic procedure, as this is a Committee of the Legislature which, as duly elected by the people of our State, acts in its infinite wisdom to make

the laws which we as citizens want to live under.

I regret to say that many loose words have been said or have appeared in print which, in my humble opinion, have not fairly presented to our citizens the honest picture of the problem we are considering today. What is the position of Departments of State Government? They work under Governors duly elected by the people of this State and under a duly elected Legislature which makes the laws which they in turn carry out.

Government in a democracy should be determined by the wish of the majority of its citizens. At the same time we frequently see vociferous minority groups, some with selfish motives, others with good intentions but using a negative or destructive approach. Frequently these minority groups fail to consider the total State picture, but dwell on one single facet of need to the exclusion of all the other facets which constitute the needs of the State and its citizens as a whole.

I think we have such a situation here today. We must consider the good of the State as a whole.- The need of our citizens to have gainful employment to support their families with a good standard of living.- For labor and industry to hold their rightful place

in our economy.- For landowners, be they small or large, to have their constitutional rights respected.

I stand foresquare against the pollution of our waters; but I stand equally as strongly for an orderly and carefully planned solution to this pollution problem. It must not jeopardize the State economy. It must not be permitted to do irreparable harm to any single phase of this economy. It must not infringe on the constitutional rights of any citizen.

We have been getting ourselves into this situation over a period of many years. We cannot expect to undo it over night. Our planning should be constructive and with consideration for all our people, directed toward an orderly planned program. I have confidence in our Governor, and in this Committee, and I have confidence in our Legislature. I pledge my full cooperation to them in working out a wise solution for the benefit of all the citizens of our State."

CITIZENS FOR CONSERVATION AND POLLUTION CONTROL

Because the Citizens for Conservation and Pollution Control have become the most active agency working for changes in present laws or an entirely new law,

the Legislative Research Committee has asked for a statement from this group. This statement is presented in a letter dated June 7, 1954 by Dr. Norman R. Tufts, Executive Director, Citizens for Conservation and Pollution Control. The letter follows:

"June 7, 1954

Senator Samuel W. Collins, Chairman  
Legislative Research Committee,  
Caribou, Maine.

Dear Senator Collins:

I would like to thank you and your Committee for the courteous and fair treatment afforded us and other citizens at the recent hearing on Water Pollution.

Our report follows:

It is our opinion, after several years' research and further study of current events, that the present "approach" to the solution of our grave pollution problems in this state will never result in clean-up becoming a reality in our time.

The present laws are not even holding the line against water pollution. Pulp and paper alone is currently expanding \$150,000,000 worth. This means a huge increase in the waste loads to be released into our already overburdened streams. A letter from Roy V. Weldon, a Director and Chief Engineer of the Great Northern Paper Company, tells us that the \$32,000,000

expansion at that plant does not constitute a "new source" of pollution according to present interpretation of our "adequate" law. This loophole applies also to other huge growth now taking place in that group of industries; in the big tannery now under renovation at South Paris; to the large potato starch plant at Long Lake in Aroostook County; to the Birdseye Frozen Foods plant at Caribou and their installation at Rockland, all of which are to be enlarged. We have more data pertaining to this phase, showing constantly growing pollution loads with no treatment facilities being planned because the current laws permit legal increase in waste loads to our waters. Certainly these cannot be called adequate laws in any sense of the word.

Furthermore, there is no law now on the books that could give the Water Improvement Commission enough power to enforce pollution abatement to the proper degree, even though that group should decide to act, which seems unlikely. The WIC has ordered abatement in our area by a couple of sawmills, one of which still has not placed its wastes beyond high water levels. But these are little operators who do not have the money or other means to fight such an order. Should the WIC order abatement by a major polluter such as a pulp and paper mill, it would soon

be evident that a smart well-heeled legal staff could beat the order, or at least pay the small fine and keep right on polluting. Pulp and paper men tell us that this industrial group would pay up to \$1,000 daily in fines in order to avoid clean-up, because they do not want to make the capital investment that a treatment plant would entail, even though the by-products from that plant would yield a profit.

The next part that adds an unfavorable flavor to the present pollution control set-up is the composition of the Water Improvement Commission itself.

Assuming complete integrity on the part of all the WIC members, we feel that it is loaded pro-industry. It is not likely that a member of the WIC could be counted on to properly enforce action on pollution abatement against the very industry or group by which he is employed or is otherwise connected.

A major polluter of the Penobscot has its chief engineer on the Commission. Another similar industry has its man there, and a recent appointment put a potato starch man on deck, etc. Can we be so naive as to assume that these connections allow the necessary detachment for a man to act possibly contrary to the wishes and desires of these big corporations? Therefore, when we said that we

avored more money for the WIC to speed up its studies, we meant to amend that thinking by stressing the obvious need for equal representation on the WIC so that the people had a chance to be heard and to influence decisions. On the WIC there are no conservation groups such as are present in the Connecticut Valley Authority, equal to the industrial personnel. We favor more adequate money for the WIC when these aspects are remedied, for only then can we expect a real intent to "improve water".

Another glaring weakness in our present program is the classification system now in use. First, the status of a stream is not frozen, but can be lowered to suit a new pollutor or enlargement of an original plant. To be effective, this classification should be frozen so that water quality cannot be lowered, but can be altered for up-grading to a better degree of cleanliness. According to the Federal Security Agency, the classification system is not all that it might appear to be. The process of classification is administratively difficult and time consuming. It gives the pollutors a chance to load a Commission and then study hard to change and tend to create vested interests, and that the tendency will be to reduce waters to the level of mere carriers of waste because of the pressure of special interests. Lastly, one

classification in particular has potential abuse contained within it. That is the "C" division now in use. At best, a "C" river is nearly good enough to be Class "B"; but at its lowest point a stream can still be Class "C" and be no more than an open sewer. New Hampshire has included a Class B-1 and B-2, thus narrowing down the wide coverage provided by the loose qualification of Class "C". If we are to continue with the expensive and time-consuming method of classification, this dangerous flexibility of Class C should be overcome.

What do we expect for clean-up in time and degree? Using concrete examples, we have found that in no case did the actual time needed for the construction of industrial waste treatment plants take over 18 months, once abatement was ordered. CHEMICAL ENGINEERING PROGRESS of January, 1948, has this to say under "General Future Trends" on page 16:

"The comment of a health official of highly industrialized Illinois is believed to be especially enlightening and prophetic as well. Excerpts follow: "The solution of an industrial waste problem is the responsibility of the industry... When no practical solution...has been found it merely indicates that sufficient time and study has not been given to it by the industry... The cost of treatment is charge-

able rightfully to production cost, and Illinois industry has indicated a willingness to accept industrial waste-treatment as another competitive process.' "

The degree of treatment that we believe offers the most for the investment required is a very difficult explanation to make, for the damage done to a stream by sewage, for example, is nowhere near the tremendous destruction caused by wastes from pulp and paper or starch mills. Furthermore, the grade of treatment required on one waterway may not be necessary on another. From many official and technical sources, we find the following listed in order of their importance as pollution sources in Maine:

1. Pulp
2. Paper
3. Potato Starch
4. Canneries
5. Textiles

Please note that municipal sewage is not important enough to be mentioned in these lists. This does not mean that we favor continued wholesale release of sewage to our rivers, but we do feel that from the investigations we have made that only the larger cities, or towns on a relatively small waterway, would need be affected by clean-up. This is perhaps

better illustrated by the phrase "use but not abuse" of the receiving stream for waste disposal. As in Maryland, Oregon, Washington, Pennsylvania and many other states, the degree of treatment necessary is determined by the ability of the receiving body of water so to assimilate the effluent that

- (a) public health will not be endangered,
- (b) no nuisance will exist, and
- (c) so that there will be no adverse effect on fish or aquatic life.

Once the above definition is met, our Maine waters will again be of use to all citizens, industry and our vital recreational industry.

Pennsylvania leads the United States in clean-up. To accomplish this remarkable feat, the classification farce was dumped and clean-up ordered on a flexible basis so that no party or parties was subject to undue hardship. There was no time limit per se applied until the Sanitary Water Board had thoroughly studied the problems involved. In other words, they first studied the wastes being dumped by specific mills whose cast-offs were known to be destructive, then ordered abatement. Once the Board had thoroughly studied and investigated a particular pollution source, abatement was ordered with a two-year time limit. At the expiration of

that time limit, the attitude of the pollutor was weighed in respect to abatement progress. If it was apparent that a sincere attempt had been made to comply and that the problems to be solved were actual, more time could be given the pollutor. On the other hand, if in the light of available evidence the pollutor had been stalling, there were ample teeth in the Pennsylvania law to force clean-up. We have checked several states that are well advanced in clean-up and have found no industry that had to move, close or curtail production as a result of a firm clean-up policy. Municipalities were not embarrassed either. Indeed, once a real anti-pollution law had been passed, it was startling to see the large number of industries who immediately began to install waste treatment facilities without action on the part of state agencies in charge of enforcement; but many of these same industries had opposed clean-up as a matter of routine as we see here in Maine.

Representative Curtis of Bowdoinham perhaps illustrates the attitude of most solid citizens when he says that his community has spent money for schools and other major and expensive improvements and he sees no reason why clean-up would not be met with the same courage and resourcefulness that over-

came these other necessary projects. We have no respect for the kind of double-talk such as that from Senator Squire or Mayor Brooks Brown of Augusta. These men perhaps believe what they say, but they are employing the negative approach by "talking poor", when instead the costs of staying dirty should be receiving rightful primary attention and the means for remedial action should be in the spotlight. The evasive, cream-puff approach to pollution control has cost the people of Richmond \$61,000.

In summation, we are saddled with a time-consuming, ineffective and expensive type of anti-pollution approach. At time of passage of the present "law", we opposed it on this basis, and we feel that it is proving to be just what we said it was. Thus, the crying need for one law to replace the many little and confusing contradictory statutes now being defended by industry. This law must have stiff penalties for non-compliance and violation, and it must have a time-limit that is flexible enough to avoid hardship, yet rigid enough to do the job. But first, the Water Improvement Commission must be balanced so that the industries cannot control it. Then we favor enough money for proper operation of this Commission.

Engineers tell us that there is not an industry in

Maine for which feasible treatment facilities cannot or have not been devised. They further believe that an industry that cannot stand the relatively small outlay for these treatment facilities is not a safe bet for the future welfare of the community depending upon it.

We are also wondering about these things: Despite the court orders relating to the oxygen content of the Androscoggin River, the records show open violation. The Androscoggin and some lesser streams are interstate waters, subject to Federal intervention relating to pollution from out-of-state sources, but no action has been taken here, either. Also, does the court order "controlling" the Androscoggin bar activity on that waterway by the WIC? Why has the Water Improvement Commission spent its time and money foolishly, studying remote small streams, leaving our badly blighted major watercourses wide open to continued and increasing abuse? (We refuse to swallow the glib explanation given by the WIC, to wit: "So that the quality of these few remaining clean streams may be preserved by classification.") Pollution of our major waterways is adversely affecting the larger part of Maine's population, and it is in these critical areas that immediate and positive action is desperately

needed for clean-up.

In closing, we feel that although there is no overnight solution for the increasing filth load deposited in Maine inland and tidal waters, an immediate start must be made on a reasonable program of pollution control. The longer this beginning is delayed, the higher the cost.

Our organization stands available for any further help it may render the Legislative Research Committee or any other body that may show like desire and courage in meeting this increasingly grave problem. Meanwhile, we will continue the fight to Make Maine Clean.

Thank you and the Members of the Committee for your kind attention.

Respectfully yours,  
(sgd.) Norman R. Tufts,  
Executive Director, CC&PC. "

#### INDUSTRY

The views of Industry were presented at the hearing by several people representing various angles on industry around the state. Mr. George Peabody of Bangor, representing the Eastern Corporation,

outlined the progress that has been made in the past 10 years and stated that in his opinion the present law is workable and should be given an opportunity to prove itself. Hon. Harold Schnurle, Chairman of the Maine Development Commission, spoke upon similar lines, expressing the thought that industry is more important to the welfare of the state than the pollution that is caused by industry.

#### ASSOCIATED INDUSTRIES OF MAINE

Mr. T. F. Spear acted as spokesman for Associated Industries and his statement is herewith presented:

"My name is T. F. Spear. I am speaking as Chairman of the Stream Improvement Committee of Associated Industries of Maine.

Associated Industries of Maine is made up of a membership of 175 of the manufacturing companies in the State, representing practically all of the different manufacturing categories. This membership employs from 65 to 75% of all paid employees in manufacturing activities in Maine.

#### Maine Industry

Maine industry is diversified to a very considerable degree. The Maine Employment Security Commission lists 34 different categories and there are others which are not listed. This is very favorable from the standpoint of our economy. The more diversified

the industry in any area, the sounder and more steady the economy will be.

The State Department of Labor and Industry report for the year 1952 states that the value of products produced in Maine amounted to 1.129 billion dollars. This was produced in 1,764 different manufacturing establishments. Total employment in these establishments was 126,000 and their wages amounted to about 335 million dollars or 63% of all wages paid in the State. The balance of nearly 200 million dollars came indirectly from the Industrial payrolls. While the exact figures for the year 1953 are not to my knowledge available, it would not be too difficult to visualize an increase in all of these figures from what we know of business in general and in the State of Maine.

That Maine industry contributes substantially to the economy of the State is more or less self-evident from the above statistics. Certainly if over one billion dollars worth of product is sold in the markets of the world, that money, or at least a considerable part of it, comes back to us in the State of Maine, and is in turn spent here in wages and for raw materials.

Industry certainly contributes to the economy of the State through taxes.

Furthermore, those who are responsible for the management of our industries, whether they be large or small establishments, do much in the direction of assisting in the civic development of their communities.

### Pollution

It is very difficult to define pollution precisely. However, all practical definitions, regardless of by whom given, follow the basic thought that pollution really means "the presence of so much of something in waterways that their use is impaired or interfered with for some particular purpose." What may be called pollution under one set of conditions would not be considered pollution under different conditions. Any definition must be related to stream use or uses, the physical conditions of a particular waterway and its location. If we can keep in mind the basic concept behind all definitions, we can, perhaps, simplify our problem of definition as follows:

'Pollution is the discharge of material in such quantity that it unreasonably impairs the quality of water for its maximum beneficial use in the overall public interest.'

This would require a sound and proper determination of the maximum public interest as well as the extent of the impairment. This is basically a legislative problem.

Stream pollution itself and ways and means of abating that pollution are extremely complicated. Not only complicated from a strictly technical or chemical and biological standpoint, but from a purely mechanical and economic standpoint.

I'm not a technician, and I am not acquainted with the multitude of technical problems involved in what takes place under a certain set of conditions, or what can be done to correct it. However, I have been exposed to the problem for a number of years, perhaps more from the mechanical and economical viewpoint than from the technical; but through discussions with technicians who do know something about the problem, I have learned that I soon get lost in the maze of complicated technicalities. Conditions differ greatly in different locations, and are affected by stream flows, by stream size, by the location of the source of pollution, by the character of the stream bed, and by the physical, chemical and biological nature of the waste entering the stream. Each situation is different and requires different treatment and a different approach to the accomplishment of corrective measures. It must be stated and strongly emphasized that many of us associated with industry do not yet have at our disposal the "know how" for the correction of some

of these conditions in spite of a tremendous amount of research and study and the expenditure of huge sums of money. We would be remiss were we to calmly sit back and say, "It can't be done." That is not the approach of progressive management and it most definitely is not the approach of the skilled technician. It is not in the nature of such individuals to admit defeat in a technical problem. There is too much evidence to the contrary.

We must give serious, cold, practical and certainly unemotional consideration to the pollution question. This should be done by every facet of our population, including our industry, but also by the public and by our Legislature.

We must determine how much of our waterways are actually used by commerce and if this use is increasing or decreasing. In other words, is our stream impairment becoming worse or is it improving? In so far as industry is concerned, at least in those plants which have been established for some period of time, the situation is generally improving.

We must also determine who and how many of our people are suffering serious effects from pollution, and at the same time, how many of our people have gained through our industries and their activities.

Another important consideration is how and how much has the economy of our State suffered through stream impairment. We hear much about damage to recreational activities. According to my information, the resort business in the State has been increasing year by year with the prospect for the coming summer months even better than last year. We also hear much about the damage to fishing. The facts would indicate that there is ample opportunity to fish in unpolluted waters in practically any part of the State. There are also very sizeable bodies of unpolluted waters where fishing has practically disappeared. There must be an answer to that, and it isn't pollution.

Before we permit our emotions to be aroused and before we let our judgment be swayed, we should give serious thought to these questions. Experience in other states teaches that the strenuous activities of uninformed groups has resulted in much costly and misdirected effort.

#### Industry and Pollution

The charge has been made and often repeated that industry is the sole offender in the polluting of our waterways. This charge is repeated over and over. Generalities in any discussion of this problem are dangerous and misleading. For example, there

is nothing in the records to prove that disease results from industrial pollution. The broad claim that there would be no need for sewage treatment if industry removed its waste material from our streams is unfounded in fact. At least, that has not been the position taken by all other states but one that have pollution control laws and have studied the entire picture for a number of years. Actually, during the past many years that wastes have been introduced into our streams, the average life span of individuals has increased materially and steadily.

Industry has been, and now is, and there is every reason in the world to believe will continue to be in favor of clean waters in so far as such an objective is practical and within reason economicaly. Industry has every desire to be a good citizen in spite of whatever is said to the contrary. It is entirely aware of the problem, and has been for a much longer time than most of those who accuse it of lack of interest. It has every desire to do its part and probably will, in the end, do more than its share in effecting a result. If it is to be criticized, it should be for not telling its story more completely than it has in the past and acquainting the people of the State with its efforts, its expenditures and its accomplishments in the

direction of abatement. There is hardly an industry in the State that is not a member of some national association or organization that provides information and material through study and research to assist in solving these problems; and there is not an industry in the State large enough to support its own technical staff that has not devoted a very considerable amount of time, effort and money to the same end over many years. It is not reasonable to suppose that any successful and progressive enterprise would overlook an opportunity to economically recover its wastes.

#### Position of Associated Industries of Maine

Associated Industries of Maine has, for a long time, recognized and been keenly aware of the situation as regards our waterways. It has recognized that the problem is not confined to the State of Maine, but is a national problem, and perhaps we should say, a world-wide problem. It further recognized, through the work of its committees and the experience of its varied membership, that a problem which has been accumulating for generations cannot and will not be cleaned up over night. The approach to a solution, in spite of statements to the contrary, and this has been the experience in other states and localities, must, by the very nature of the problem, be long-range.

Maine has very soundly embarked on a program of stream improvement, and Associated Industries intends to do everything in its power to assist in that program. It has had, for some time, a committee of top management and technical people, giving much of their time to the study of ways and means to accomplish a worthwhile result. The problem, from the standpoint of the Association, is not simple. The thirty odd categories of industry and their individual waste disposal problems, if they have any, must be considered. A tremendous background of historical information must be collected in order to give objective considerations to the many problems involved. We believe we have embarked on a sound procedure and approach, which will be of definite benefit to our industries and to our public.

#### Laws

We have a sound law for stream improvement on our books at the present time. The fundamental approach of stream classification and study, and gradual improvement, has been found to be the best approach. It is a well-known fact that pollution never has and never will be legislated out of existence. Associated Industries takes the position that the present laws are entirely adequate, that the regulatory body created by that law should have time to show progress

and results. We would, however, take the firm position that the funds provided for the Water Improvement Commission are inadequate to do a proper piece of work. It is not too difficult to find out what other states spend for this work, and a comparison is most unfavorable to Maine. We urge you that you recommend no change to the present law, but that you do recommend increasing the appropriation for the work of the Commission.

#### Conclusion

We must all be realistic in our approach to a solution of this problem, keeping in mind the difficulties and cost to both industry and municipalities, which in the final analysis means every individual in the State.

Associated Industries is not accepting the fact that all existing pollution of waterways is permanently necessary, but it will resist being swayed or influenced by irresponsible attitudes and statements by any group of citizens. It keenly appreciates the importance of the public interest, and certainly a part of that public is our industries.

In spite of any illusions to the contrary, the cost of pollution abatement will finally be paid for by the public, regardless of who builds and pays for the treatment process. Therefore, pollution abate-

ment requirements should be examined in terms of their true value against their real cost to all the people. Such intangibles as may be desired for recreational areas cannot readily be valued in money, but it is always well to inquire-- "Are the measures taken to protect them more restrictive than necessary?" Corrective measures to improve recreational areas can never be justified for regions that are fundamentally industrial. Clean waters is everybody's business and everybody pays the bill."

#### STARCH MANUFACTURERS

The starch manufacturers also presented their case at the hearing. The following is the statement submitted by Earl Pierson, Vice-President, Maine Institute of Potato Starch Manufacturers, Inc. before the Legislative Research Committee on Tuesday, May 25th.

"The Starch Industry in Aroostook County, comprised of 22 starch processing plants, is estimated as an average \$2,000,000 per year industry. It has a high economic value to the county and the entire potato industry by virtue of it being one of the major outlets for off-grade and surplus potatoes. An estimated 10,312,500 bu. or 15,000 cars will be processed at the end of the shipping season of the 1953 crop.

Starch produced by the industry goes into vital commodities such as textiles, food, paper, dextrose, confectionaries and pharmaceuticals. In direct relationship to the potato industry, starch manufacturing is seasonal and fluctuates considerably due to the uncertain continuity of raw material available at certain times and in some cases over periods of years. This creates an economic and financial problem that is not conducive to capital expenditures required for processing equipment needed for recovery of waste disposal.

No one can say the Institute has not been aware of the stream pollution problem and that they are doing nothing about it. In the past 5 years approximately \$50,000 has been expended by the Starch Industry through its Institute for research in methods for abating the condition, employing such agencies as the Arthur D. Little Co. and the Department of Industrial Cooperation of the University of Maine.

At the present time starch manufacturers are showing an interest in, and cooperating with, a firm who have intimated their desire to locate in the County and establish a processing plant to convert the potato starch factory waste into a commercial commodity. If this processing plant proves feasible and workable,

it will go a long way towards solving the problem. However, if this does not prove to be the ultimate solution, we do not feel that drastic legislation should be employed to curtail or endanger this or any other industry as important to the economic structure of Aroostook County.

In conclusion, we would also like to point out for consideration that such drastic legislation could discourage future industrial development which has been pointed out as a highly desirable diversification essential to the future economy of Aroostook County.

In view of this, we of the Starch Industry strongly urge that the classification system remain effective for a period of time to permit the Industries involved to make the necessary adjustments in order to comply with any legislative action that may be proposed in the future."

#### REPRESENTATIVES OF MUNICIPALITIES

Representatives of Municipalities presented their views on cleaning up the domestic waste caused by sewage. Brooks Brown, Mayor of the City of Augusta, estimated that the total project to clean up Augusta would cost \$3,700,000, of which \$1,500,000 would be required to remove sewage from the Kennebec River.

He said it is doubtful if the city could stand such an outlay at the present time.

Senator John F. Ward, representing the Town of Millinocket, stated that a preliminary survey about sewage disposal showed an estimated cost of \$900,000 and additional facilities that would cost \$250,000. He stated that it would be impossible for the Town of Millinocket to finance the sewage system at the present time.

Senator Russell Squire of Waterville, in a letter to the Committee, stated that his city had spent about \$800,000 on 2 miles of stream. He felt that the present law should be tried before any drastic changes should be made.

#### RECOMMENDATIONS BY LEGISLATIVE RESEARCH COMMITTEE

The pollution problem has become an emotional issue which defies an easy solution. During the hearings, the Research Committee listened to all shades of opinion, ranging from the Industry group to the Citizens for Conservation and Pollution Control. It is obvious that no proposal by this Committee will please all groups concerned.

It is the considered opinion of this Committee, however, that existing laws and the administrative

agencies charged with the operation of these laws are not sufficient to control or correct the pollution problem. The present system of classification, by itself, is inadequate to meet the situation.

The Committee is also of the opinion that the pollution problem must be solved within the framework of the larger problem of conservation of all the resources of the state. Practically every phase of the state's economic life is affected in one way or another by the pollution problem.

Therefore, the Legislative Research Committee makes the following recommendations:

1. An exhaustive study of anti-pollution laws in use in other states should be made. Recommendations based on the experience of other states should then be embodied in a legislative program designed to combat pollution in Maine; and
2. Ways and means should be sought to combat pollution from sources outside the state.

The preceding recommendations are of a long-range nature. They should be undertaken carefully so as to avoid placing any undue burdens on particular industries or municipalities.

Prior to the enactment of such anti-pollution legislation, the Research Committee makes the following recommendations:

1. The current classification formula ought to be tightened by redefining the Class "C" grade (see R. S. 1954, C. 79, §2), and by removing the loophole which allows an existing industry to increase its pollution loads through the addition of more production facilities. No lowering of classification grades should be allowed.

2. The provisions of R.S. 1954, C. 79, §8 grant licenses for existing sources of pollution. It has been ruled that pollution is restricted by this section only to those industries established after the effective date of the last revision of this section, which was August 8, 1953, and does not apply to industries established before this date. The section should be clarified and the date subsequent to which an industry requires a license should be the effective date of the original section.

3. The Water Improvement Commission should be reorganized to include three "public" members having no direct connection with industry.

4. That if, in the opinion of the 97th Legislature, the work of classification should be

accelerated, adequate funds for this purpose be made available to the Water Improvement Commission.

5. That if any major or minor defects in the law have been discovered during the brief period that it has been in effect, these defects be corrected.