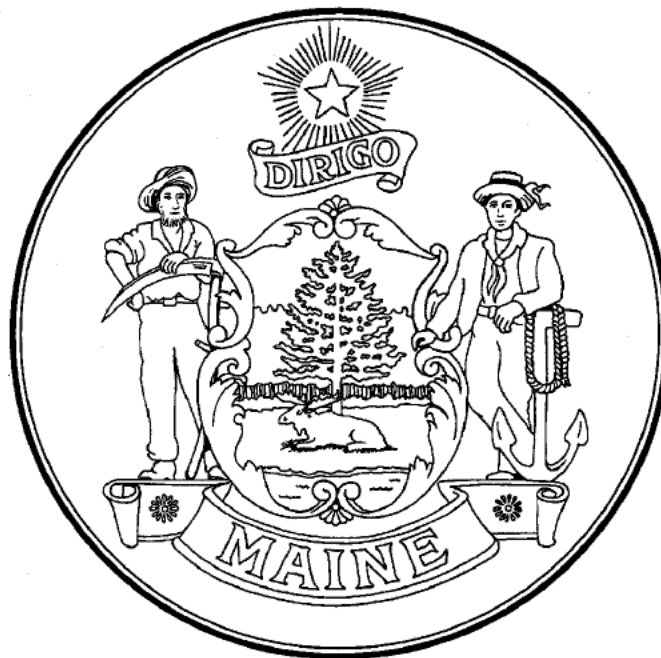
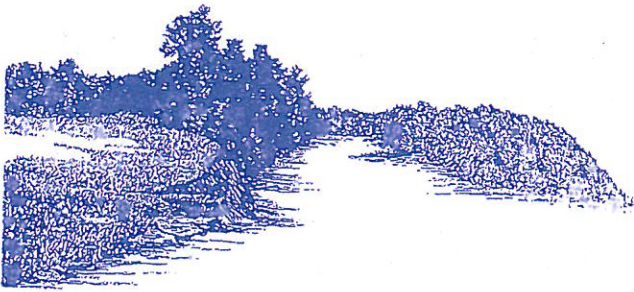


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Saco River Corridor Commission

"Communities Working Together To Protect Our Rivers"

February 1, 2022

Senator Stacey Brenner, Chair
Representative Ralph Tucker, Chair
Committee on Environment
and Natural Resources
100 State House Station
Augusta, Maine 04333

In RE: Report on the Saco River Corridor Fund

Dear Senator Brenner and Representative Tucker:

The State Legislature established the Saco River Corridor Commission (hereafter, "SRCC") to oversee and administer the Saco River Corridor Act (hereafter, the "Act") to prevent inappropriate development and land uses within 500 feet of the corridor rivers (the Saco, Ossipee, and Little Ossipee Rivers) and up to 1,000 feet in the 100-year floodplain (the Saco River Corridor) in 1973. Operated by community members from towns on the Rivers, the Commission protects public health, safety, and the quality of life by regulating land and water uses by regulating development.

The Saco River is the sole source of water for Saco, Biddeford, and several smaller towns, and because of its beauty and proximity to the Northeastern region, it is one of the most widely enjoyed rivers in Maine. To protect and preserve it, the Commission enforces standards to minimize negative impacts on water quality, protect critical wildlife habitat, ensure appropriate and balanced land use, and preserve the Corridor's scenic and natural character.

The Act was revised by Public Law 1997, chapter 330, to create the Saco River Corridor Fund, which includes a 1% fee on the sale of water and fire protection services by the water utility that draws water from the Saco River or its groundwater. The Fund preserves existing water quality by partially underwriting the administration of the Saco River Corridor Commission. (*See* Title 5, section 12004-G, subsection 13.) The Saco River Corridor Fund thus supports operational and overhead costs of the Land-Use Regulatory Program, the Water Quality Monitoring Program, and the Educational Outreach Program, each of which is described below. The total collected by the Saco River Corridor Fund for the fiscal year 2021 was \$103,802.

Water Quality Monitoring Program

In 2021, the Commission completed the 20th consecutive season of its Water Quality Monitoring (hereafter, "WQM") Program, established to determine a baseline of the water quality in the Saco River Basin to identify potential threats to water quality.

The joint program, run alongside the Green Mountain Conservation Group (hereafter, "GMCG"), encompasses one watershed, two states, and twenty-six towns. The GMCG monitors the water that enters Maine via 28 sites in the Ossipee Lake Watershed, while the SRCC monitors around 40 sample sites along the three Corridor rivers. The SRCC continues to expand its monitoring program, increasing testing frequency by fifty-five percent (55%) in 2022 based on site-specific recommendations provided by the SRCC staff and a report including a long-term trend analysis of all 20 years of the SRCC's WQM data.

The SRCC samples for more nutrient parameters every year, including in the estuarine portion of the river, and is expanding its “Swim-ability” program, where it monitors *E. coli* or Enterococci levels every week at popular swimming and recreation areas, including new sites such as Pleasant Point Park in Buxton and Bonny Eagle Recreational Area in Limington. Seven Corridor towns participate in the weekly “Swim-ability” monitoring to ensure the safety of swimmers and other outdoor enthusiasts. Importantly, the SRCC will also now monitor drinking water in critical reservoir areas in the lower freshwater segment of the Saco River, upstream of Saco and Biddeford.

In 2021, sampling identified declining water quality, showing tested parameters approaching lower Class AA and B limits. Sampling identified increases in nitrogen, phosphorus, and bacteria approaching nuisance levels at several sites. Locations in the lower Saco experienced a decline in pH, or increasing acidity, posing a concern for aquatic life and potable water supplies. The Commission continues to monitor these sites for improvement or decline. This work protects numerous pristine beaches, ponds, and recreation areas along the freshwater and estuarine waters in the Corridor and the large number of visitors they draw.

Last year, the sampling program identified over a dozen *E. coli* exceedances, including some with alarmingly high bacteria levels capable of causing severe illness in humans, especially among more susceptible populations like children or the elderly. To monitor the rising bacteria levels across the Corridor more closely, the SRCC applied for and received a grant from the Maine Outdoor Heritage Fund (MOHF) to purchase advanced *E. coli* and Enterococcus testing equipment from IDEXX to implement “in-house” bacterial analysis on a broader scale. The WQM program now includes bacteria monitoring at 31 sites of its total 43 sites.

The SRCC notifies Corridor towns in the “Swim-ability” program of the bacteria levels on a weekly basis. When levels exceed acceptable state limits, the SRCC immediately notifies the town so they can post advisory warnings or close the swimming area. The SRCC thereafter collects daily samples to reevaluate swimming conditions. A swimming dashboard for the SRCC website that displays weekly bacteria levels at these sites, and advisory warnings, is currently in development, thanks to grant assistance from Resources for Communities and People (RCAP) Solutions and the MOHF.

Educational Outreach Program

Effective monitoring of *E. coli* gives advance warning for cyanobacteria blooms, as *E. coli* is often an indicator of excessive nutrients conducive to cyanobacteria outbreaks. The Maine Water Company and Corridor municipalities utilize early warnings for their public water supply operations. Remediation of our natural water sources relies on comprehensive data that allows preventive action. Consistently, in 2020, the ME DEP, NH DES, and EPA renewed the Quality Assurance Project Plan (QAPP) for the WQM program, signaling the data collected is scientifically sound and useful.

In 2021, the SRCC and FB Environmental Associates completed a Mann-Kendall trend analysis of water quality in the Saco River Basin at over 52 sample sites, analyzing over 20 years of data collected by volunteers and staff. The report includes an overall analysis of significant trends (improving or declining) in water quality and recommendations for a more robust sampling program. A digital trend and analysis feature is currently being incorporated into the Commission’s ESRI Arc GIS mapping system. The digital analysis feature will allow the community to interact with the data and produce real-time water quality analysis at each sample site. The MOHF approved grant funds for this project, additional funds required to carry out this project came from the Saco River Corridor Fund.

Every year, the Commission analyzes the data collected for each town, including positive and negative water quality trends, and recommends actions to resolve identified issues. This analysis assists towns in making informed land and water-use decisions that impact their use of river resources.

The Commission employs a Program Manager and a Volunteer Coordinator to carry out all monitoring. The coordinator collects water samples, ensures volunteer sampling results are valid, works with volunteers in the field, transports samples to the lab, enters all sample results into the database, and works with local schools on educational outreach projects. The Program Manager ensures all requirements of the QAPP are met, manages volunteer training, quality control, and writes annual reports on the water quality of each Corridor town.

Land-Use Regulatory Program

The Fund also supports the SRCC's most active and important work, its Land-Use Regulatory Program, which licenses all land-use and development activity in the Corridor, permitting everything from single-family residences and accessory structures to large (urban) mixed-use development projects.

The Commission's Land-Use Regulatory Program considers between 4 and 20 applications each month, requiring property owners to submit their applications before the first Wednesday of each month to be considered at the Commission's monthly meeting on the fourth Wednesday of each month. The Commission's Rules Committee meets on the second Wednesday of the month to identify and consider the submitted application's areas of concern. Immediately following their meeting, the Commission's compliance evaluator visits each site to view and confirm the physical dimensions of each application.

The Commission also monitors violations and their correction, currently monitoring some 30 violations in various stages of remediation. These efforts are discussed in special Commission meetings in addition to the regular monthly meetings to address site-specific problems. Remediation can require Consent and Enforcement Agreements, revegetation plans, required clean-up, etc., and/or fines that go to the State General Fund.

The Commission's Regulatory Review Committee met several times last year to develop proposed rulemaking changes, including revisions to several performance standards. The Commission's regulatory rulemaking agenda is accessible on the SRCC website. All proposed rule changes will receive public hearing, including input from Corridor towns and citizens, the Attorney General's office, and other interested groups. The Commission follows the requirements of the Maine Administrative Procedure Act and seriously considers all public comments before implementing rule changes.

Throughout this process, Commission staff meet and talk extensively with applicants and their attendant professionals, conforming their applications to the Commission's permit rules and helping them adequately document their applications. This entails multiple telephone consultations, in-office meetings, and written correspondence between the applicants, their surveyors, engineers, and attorneys. Utilizing special software and other devices to help, the Commission has recently inaugurated a special online database that fully and completely documents every application the Commission has ever permitted.

In 2021, the Commission reviewed 124 applications for development in the Corridor, an increase of 51% from 2019: and experienced increased compliance checks, tree removal site visits, and remediation orders for Act violations. The Act requires all property owners to notify their neighbors and municipalities of their applications and included actions, then requires a thorough review of the proposed land use in a public meeting. This creates a high degree of collaboration between local code enforcement officers, town officials, and interested citizens. This furthers one of the Commission's goals, which is to connect and work with citizens and member municipalities to create the best collective outcome for the region's natural resources.

The Fund pays the Land-Use Regulatory Program's administration, operation, and overhead costs, including the salaries of the Executive Director, Environmental Compliance Evaluator, Project Manager, and Administrative Assistant. The Fund pays for the SRCC's expansion of its programs and oversight of the Corridor, as well as critical upgrades to both equipment and services (such as the SRCC's newly developed and deployed ARC GIS mapping system and new WQM monitoring equipment).

As development rates continue to soar in Southern Maine's rural and "suburban" communities, it is more important than ever to continue to monitor the water quality of the rivers and tributaries and continue to ensure appropriate and balanced land use within the Corridor. The funds from the Saco River Corridor Fund will continue to allow the Commission to ensure the greatest protection of these lands and waterways and protection of the quality of life in the State of Maine.

If there are any questions on the information contained within this report, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Dalyn Houser".

Dalyn Houser

Executive Director