


Public Works

September 18, 2023

Mr. Michael Broadbent, Superintendent
Auburn Water District
PO Box 414
Auburn, Maine 04212-0414


Superintendent Broadbent:

I am pleased, as I am sure you were, to have received the Maine Drinking Water Program's September 5, 2023 letter. As you know, the Drinking Water Program approved the "DWP Potential Boundary," after CDM Smith determined that the DWP Potential Boundary is a conservative boundary that could be established with available data, in the technical memorandum entitled Watershed Delineation Rezoning Review – Gracelawn Pit "Area of Uncertainty".

Of course, the Auburn Watershed boundary through the Gracelawn Parcel is an issue in the pending lawsuit, *City of Lewiston v. Auburn Water District, et al.* In an effort to remove that issue from suit, Lewiston consents to an amendment of the AWD bylaws to redefine the Level 1 zone of protection to exclude the portion of the Gracelawn parcel that lies between the DWP Potential Boundary line and the nearest roadway (and only to this extent).¹ Additionally, Lewiston proposes that AWD, Lewiston and the Town of Turner execute a memorandum of understanding memorializing that the term "Watershed," as used in the Basic Agreement, excludes the portion of the Gracelawn parcel that is between the DWP Potential Boundary line and the nearest roadway. Upon the successful completion of these actions, Lewiston will notify the court that it is dropping this issue from the lawsuit.

The Drinking Water Program's process to approve the DWP Potential Boundary confirms the success of a consensus-building approach premised on relying on peer-reviewed science. AWD has created an ad hoc committee to consider other zoning and land use ordinance or bylaw changes in the Lake Auburn Watershed. Lewiston remains optimistic that the committee can reach consensus on any other proposed changes based on peer-reviewed science, that these consensus changes will meet with regulators' approval, and that in this way the parties can amicably settle the remaining issues in the present lawsuit.

Please contact me with any questions.

Sincerely,



Kevin A. Gagne, P.E.
Deputy Director of Utilities

ENCLOSURES: Maine Drinking Water Program's September 5, 2023 letter

¹ As the City of Lewiston recently communicated to AWD through counsel, it is Lewiston's position that AWD's current bylaws limit the Board of Trustee's authority to revise and amend the watershed. The Board may more specifically identify and map "these restriction zones" only to the extent the map is consistent with the bylaws' existing definitions of the restriction zones. The Level 1 Intake Restricted Zone is defined to consist "of the shoreline of Lake Auburn upland to the closest roadway." The DWP Potential Boundary is between the shoreline of Lake Auburn and the closest roadway, so adopting it as the Watershed boundary will require a change to the bylaws.

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



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Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
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September 5, 2023

Mike Broadbent, Superintendent
Auburn Water District (PWSID# ME0090070)
268 Court Street
Auburn, ME 04210

Kevin Gagne, Deputy Director of Public Works
City of Lewiston
Lewiston Water & Sewer Division (PWSID# ME0090830)
103 Adams Avenue
Lewiston, ME 04240

**Subject: Approved - Lake Auburn Source Water Protection Area Boundary Re-Delineation,
Gracelawn Parcel area, Auburn, ME**

Dear Mr. Broadbent and Mr. Gagne:

On August 7, 2023, you jointly submitted to the Maine CDC Drinking Water Program (DWP) a proposed Lake Auburn source water protection area boundary re-delineation for the Gracelawn Parcel area. The proposed delineation and supporting information are located in the July 31, 2023, CDM Smith technical memorandum Watershed Delineation Rezoning Review – Gracelawn Pit “Area of Uncertainty” (CDM Smith Report). Figure 1 from the CDM Smith report is included below for reference.

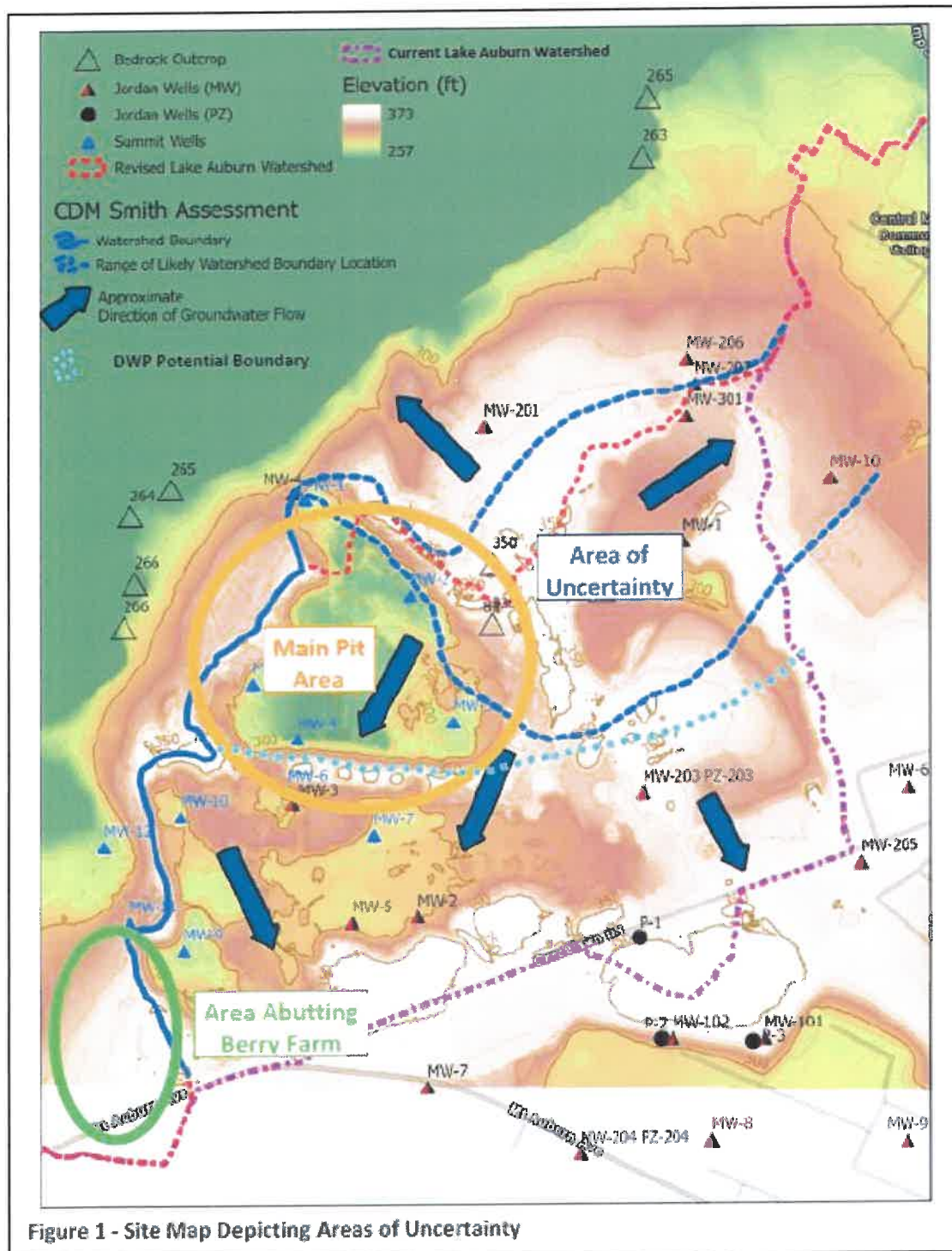
The DWP agrees with the CDM Smith finding that the “DWP Potential Boundary” on Figure 1 below is a conservative boundary that can be established with available data. The DWP will not challenge this boundary, based on our current understanding of local hydrogeology.

The DWP also agrees that further investigation would be needed to establish a boundary closer to Lake Auburn. In addition to the CDM Smith Report’s recommendations that additional data be added to further refine the boundary location, the DWP recommends the following additional action items:

- Investigate further and integrate any impacts of the apparent clay-silt layer in the “Main Pit Area” into the understanding of bedrock flow in the study area. This layer is identified in the Summit Environmental Consultants Inc., Ground Water Assessment, Gracelawn Road Gravel Pit, Auburn, ME, September 2007 (Summit Report) in the Well Completion Logs for MW-11 and MW-12. Stratigraphy is not included in the Well Completion Logs for the other borings in the Summit Report. Additionally, a clay-silt layer identified as the Presumpscot Formation is also shown in this area on the Maine Geological Survey Surficial Geology Map of the Lake Auburn East Quadrangle, Maine (Open-File No. 08-72 2008).
- Investigate further and provide an explanation of the apparent “upward head gradients, i.e., groundwater flow into the lake” in 10 of 12 lake bottom sediment probes discussed on Page 7 (Paragraph A, second bullet) and shown in Figure 7 of the October 5, 2022, CDM Smith Watershed Delineation Rezoning Review – Gravel Pit Parcel, Lake Auburn Watershed Protection Commission memorandum.

It is possible that additional information may be required to establish a boundary closer to Lake Auburn, as determined by the DWP at the time of that investigation.

CDM Smith Report, Figure 1:



Feel free to contact me regarding our feedback within this letter, and thank you for your good work providing safe drinking water.

Sincerely,

A handwritten signature in black ink that reads "Susan F. Breau". The signature is written in a cursive, flowing style.

Susan Breau, LG
Hydrogeologist, Water Resources Team Leader
Maine CDC Drinking Water Program
207.592.6981, susan.breau@maine.gov

cc Kevin Reilly, EPA Region 1
Denise Douin, DWP Public Water System Inspector; DWP file