

STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION



JANET T. MILLS
GOVERNOR

Mark C. Draper, Chair

Cynthia S. Bertocci
Executive Analyst

Ruth Ann Burke
Board Clerk

November 20, 2019

Mr. Michael Lannan
Tech Environmental
33A Front Street
Belfast, ME 04915

RE: Nordic Aquafarms, Inc., Site Location/NRPA, Waste Discharge, and Air Emissions Applications; Response to Letter of November 13, 2019 pertaining to Air Modeling

Dear Mr. Lannan:

The Presiding Officer is in receipt of your letter dated November 13, 2019 in which you raise questions regarding the timeline for submission of testimony on Nordic's Air Emissions application. You note the information requested by Department staff in its November 8, 2019 letter to Nordic, identify additional information that you believe is needed to assess air impacts from the proposed project, state your understanding that the applicant will be conducting modeling and then amending its application, and state that the Board's schedule does not allow enough time for the parties to then prepare testimony.

To clarify, the Department has not asked Nordic to conduct air emissions modeling. Rather, in response to issues raised by intervenors, Department staff recommended that the Board add Nordic's Air Emissions application to the list of hearing issues in response to Upstream Watch's appeal, and the Board did grant that request by Upstream Watch. Staff also requested information from Nordic which can be used by Department staff to perform air dispersion modeling. For projects not exceeding the thresholds for which modeling is required under the rules, the Department determines the level of air quality analysis that is appropriate on a case-by-case basis. The parameters outlined in the Department's November 8th request are the only information requested at this time. The Department's analysis will be made publicly available and should any additional information be required the Department will request that information at that time.

In response to Upstream Watch's request, in order to provide additional time for intervenors to respond to the additional information recently submitted by the applicant pertaining to the Chapter 115 Air License application, and any dispersion modeling done by Department Staff, Presiding Officer Duchesne will allow direct testimony, limited in scope to the hearing topic of the applicant's Chapter 115 Air Emissions application, to be filed up to **Friday January 17, 2020, at 5:00**. (That date is the deadline for the filing of rebuttal testimony on all other issues.)

Any objections to the direct testimony on the Air Emissions application must be filed by Friday, January 24, 2020 at noon; any responses to objections to air emissions direct testimony must be filed

by Wednesday, January 29, 2020 at noon. Rebuttal testimony in response to the direct testimony filed on the Air Emissions application may be presented orally at the hearing.

If you have any questions, please contact me or Assistant Attorney General Peggy Bensinger.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia S. Bertocci".

Cynthia S. Bertocci, Executive Analyst
Board of Environmental Protection

cc: Service List