STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

Susan M. Lessard, Chair

Cynthia S. Bertocci
Executive Analyst

Terry Dawson
Office Specialist II

BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes

October 6, 2011

A meeting of the Board of Environmental Protection was held on Thursday, October 6, 2011, at The Department of Public Safety, Augusta, Maine. Susan M. Lessard, Chair, called the meeting to order at 10:00 a.m. with the following individuals present:

Board: Alvin Ahlers, Gary Curtis, Elizabeth Ehrenfeld, Robert Foley, M. Wing Goodale, Richard Gould, and Susan M. Lessard

Staff: Ron Dyer, Director Bureau of Remediation and Waste Management
George Seel, Bureau of Remediation and Waste Management
Mike Mullen, Director Bureau of Land and Water Quality
Mark Stebbins, Bureau of Land and Water Quality

Others: Patricia Aho, Commissioner
Cynthia S. Bertocci, Board Executive Analyst
Mary Sauer, Assistant Attorney General
Terry Dawson, BEP Administrative Assistant

(Meeting adjourned at approximately 12:30 p.m.)

I. DEPARTMENTAL

A. COMMISSIONER'S COMMENTS: Commissioner Aho reported the following:

1] Katahdin Mill: License transfer permit applications for the Katahdin Mill facility to Cate Street have been finalized; Great Northern Paper LLC is the formal name of the new owner. The license transfer applications included transfer of the Dolby landfill to the State Planning Office. This marks the return of hundreds of jobs to the region.

2] Invasive Aquatic Plant: The DEP and IFW have issued a joint surface use restriction or boat ban for Davis Stream in Jefferson. This stream joins Damariscotta Lake. The invasive aquatic plant "Hydrilla" was found in the stream making it necessary to restrict boat use upstream from Jefferson Market north on the main stem of the stream to Route 126. Department staff and volunteers are conducting plant survey and removal operations.

Other surface use restrictions:

- Kozy Cove on Belgrade's Salmon Lake, a restriction was in place from 2008-2010.
- Great Meadow Stream ban remains in effect. This stream flows into Great Pond, also in the Belgrade Lakes area.

3] Juniper Ridge Landfill: The State Planning Office has submitted an application seeking a public benefit determination for the potential landfill expansion at Juniper Ridge Landfill. The Department has reviewed the application and formally accepted it for processing. A public meeting will be held on October 24th at Black Bear Inn.

- The application for a public benefit determination is the first step in the expansion permit application process. Only after the outcome of a public benefit process may an entity submit an application concerning the technical aspects of a proposed expansion project.

B. COMMENTS FROM THE BEP CHAIR: None
C. EXECUTIVE ANALYST COMMENTS: None
D. BOARD CALENDAR: Reviewed
E. DEPARTMENTAL ORDERS/ APPLICATIONS ACCEPTED FOR PROCESSING: Reviewed.
F. EXECUTIVE SESSION: None

II CONSENT AGENDA ITEMS:

None

II. Regular Agenda

1. RULEMAKING INTRODUCTION (overview of agency rulemaking)
   No vote. Staff reviewed the Maine Administrative Procedures Act rulemaking protocols and statutory definitions associated with routine technical and major substantive rulemaking.

2. CHAPTER 692, SITING OF OIL STORAGE FACILITIES / AMENDMENTS (post to public hearing)

The Board voted (7-0-0-0) to post to public hearing amendments to Chapter 692, Siting of Oil Storage Facilities. Proposed modifications would allow for storage of a small quantity diesel fuel for use in fueling heavy equipment used in the mining of sand and gravel from pits located in significant sand and gravel aquifers. The draft rule also includes an exemption provision for new oil storage facilities in locations that were erroneously mapped as significant sand and gravel aquifers and in urban locations that are already contaminated beyond drinking water standards. The vote established a public hearing date of November 3, 2011 and set a deadline for submission of written public comment of November 14, 2011.

The vote was taken pursuant to 38 M.R.S. 341-H; PL 2007, c. 569, §7 and 38 M.R.S.A. §1391.

Board members Alvin Ahlers, Gary Curtis, Elizabeth Ehrenfeld, Robert Foley, M. Wing Goodale, Richard Gould, and Susan M. Lessard voted to support the motion.

3. CHAPTER 378, VARIANCE CRITERIA FOR THE EXCAVATION OF ROCK, BORROW, TOPSOIL, CLAY OR SILT AND PERFORMANCE STANDARDS FOR THE STORAGE OF PETROLEUM PRODUCTS / AMENDMENTS (post to public hearing).

The Board voted (7-0-0-0) on a motion to post to public hearing amendments to Chapter 378, Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products. Proposed changes allow licensed mining operations to store a small amount of diesel fuel on significant sand and gravel aquifers. The proposed amendments also establish fuel type and storage capacity limits, update performance standards for containment and update setback requirements from drinking water wells (public and private). The vote set a public hearing date of November 3, 2011 and a deadline for the submission of written public comment of November 14, 2011.

The vote was taken pursuant to 38 M.R.S. 341-H, §490-E and §490-CC; P.L. 2011, Chapter 26,

Board members Alvin Ahlers, Gary Curtis, Elizabeth Ehrenfeld, Robert Foley, M. Wing Goodale, Richard Gould, and Susan M. Lessard voted to support the motion.