BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes

November 1, 2012

A meeting of the Board of Environmental Protection was held on Thursday, November 1, 2012 at the Elks Lodge, located at 397 Civic Center Drive in Augusta, Maine. Robert Foley, Chair, called the meeting to order at 9:00 am with the following individuals present:

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

Others: Patricia Aho, DEP Commissioner
Cynthia S. Bertocci, BEP Executive Analyst
Jerry Reid, Assistant Attorney General

The Board convened at 9:00 a.m. for a public hearing in the matter of:

CHAPTER 2, Rules Concerning the Processing of Applications and Other Administrative Matters / Amendment to Definition of Aggrieved Person

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I. Departmental

A. Commissioner's Comments:

Staffing: Commissioner Aho introduced John Silvestri as the new Deputy Commissioner. John joins the Department following a career as an environmental manager for a number of entities in the private sector.

Other changes at the Department include:

- Ron Dyer resigned as Director of the Bureau of Remediation and Waste Management. He has accepted a position at the new Department of Agriculture, Conservation and Forestry.
- Melanie Loyzim will become the new Director of the Bureau of Remediation and Waste Management.
- Marc Cone, an engineer in the Air licensing division, will be stepping up to the position of Director of the Bureau of Air Quality.
- Michael Kuhns will continue to serve as the Director of the Bureau of Land and Water Quality.
- Chris Swain is the Department's new Director of Innovation.

Permitting: Three matters have been in the news:

- Juniper Ridge Landfill: The Department has accepted an application to amend the license to allow municipal solid waste from the Maine Energy facility located in Biddeford which is scheduled to close. The Department will hold a public hearing on the application in early 2013.
- Bowers Mountain windpower project: The Department has accepted the application.
- Passadumkeag windpower project: The Department will be issuing its decision by November 9, 2012.

Rulemaking: The Commissioner noted that the Department will begin providing streaming audio of its rulemaking proceedings. Staff will be working with the Executive Analyst to provide streaming audio of Board meetings. Audio of Board meetings is complicated by the fact that the Board does not have a permanent meeting location.

Commissioner's Schedule: She will be attending the annual meeting of the Ozone Transport Commission in Washington, DC next week and the annual meeting of the Regional Greenhouse Gas Initiative (RGGI) states in December.

Questions:

- Board member Ehrenfeld asked if there was any consideration of sending the solid waste diverted from the Maine Energy facility to the other incinerators as opposed to landfilling of MSW at Juniper Ridge. The

Commissioner responded that the issue will be addressed as part of the application review process.

- Board member Goodale asked about the status of the Statoil offshore windpower project. Commissioner Aho responded that the company held an informational meeting in Boothbay Harbor last week regarding a submerged lands lease. She also noted that the company is examining the position of the Public Utilities Commission regarding cost of energy.
- Board member Gould noted the Commissioner's recognition of Jim Beyer, DEP Bangor Regional Licensing and Compliance Manager, for Excellence in Public Service. Member Gould stated that he has worked with Jim over the years and that Jim is well deserving of recognition.
- Board member Lessard commented that the Department's timeframe for commenting on the draft stormwater permit for municipalities is very short given the complexity of the issue. The Commissioner noted her concern.

B. Comments from the BEP Chair: Chairman Foley commented that his is working with the Executive Analyst and Department staff to organize a deliberative session on the citizen initiated rulemaking to amend Chapter 882 to ban the sale of infant formula, baby food, and toddler food in packaging containing bisphenol A.

C. Executive Analyst Comments: None

D. Board Calendar: Reviewed. Board members were asked to keep all tentatively scheduled meeting dates available as meetings are anticipated on each of these dates: November 15, December 6, December 20, January 3, January 17.

E. Departmental Orders/ applications accepted for processing: Reviewed.

F. Executive Session: None

II. Consent Agenda Items

1. BEP MEETING MINUTES – October 4, 2012 (Approval)
   The Board voted (6-0-1-0) to approve consent agenda item 1 as presented. The vote was taken pursuant to 38 M.R.S.A. §341-D.
   Board members Alvin Ahlers, Tom Eastler, Elizabeth Ehrenfeld, Robert Foley, Richard Gould and Susan M. Lessard voted to support the motion. Board member M. Wing Goodale abstained.

III. Regular Agenda: None

(Meeting adjourned at approximately 10:30 a.m.)

Next Regular Meeting –Thursday, November 15, 2012 – Elks Lodge, 397 Civic Center Drive, Augusta