STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

Robert A. Foley, Chair

Cynthia S. Bertocci
Executive Analyst

BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes

September 6, 2012

A meeting of the Board of Environmental Protection was held on Thursday, September 6, 2012 at the Civic Center located on 76 Community Drive in Augusta, Maine. Robert Foley, Chair, called the meeting to order at 08:00 a.m. with the following individuals present:

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

Staff: Becky Blais, Bureau of Remediation and Waste Management
Stacy Ladner, Bureau of Remediation and Waste Management
Ron Dyer, Director Bureau of Remediation and Waste Management
Kerri Malinowski, Bureau of Remediation and Waste Management
Marc Cone, Bureau of Air Quality

Others: Patricia Aho, Commissioner
Cynthia S. Bertocci, BEP Executive Analyst
Peter LaFond, Assistant Attorney General
Terry Dawson, BEP Administrative Assistant

(Meeting adjourned at approximately 4:00 p.m.)

I. Departmental

A. **Commissioner's Comments:** None, the Commissioner joined the meeting at approximately 9:15 am.
B. **Comments from the BEP Chair:** Mr. Foley and Board members thanked Susan Lessard for her outstanding service as Chair of the Board from November 2008 to September 2012.
C. **Executive Analyst Comments:** Ms. Bertocci noted that this was Terry Dawson's last Board meeting. She has taken another position in State government. Ms. Bertocci and Board members thanked Terry for her many years of dedicated service to the Board.
D. **Board Calendar:** Reviewed
E. **Departmental Orders/ applications accepted for processing:** Reviewed.
F. **Executive Session:** None

II. Consent Agenda Items

1. BEP MEETING MINUTES – July 19, 2012 (Approval)
The Board voted (5-0-2-0) 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, Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould and Susan M. Lessard voted to support the motion. Board members Tom Eastler and Robert Foley abstained.

III. Regular Agenda

1. UNITED STATES DEPARTMENT OF THE NAVY -- PORTSMOUTH NAVAL SHIPYARD // COMMERCIAL HAZARDOUS WASTE STORAGE FACILITY LICENSE RENEWAL O-000005-HA-S-R (final approval)
Staff: Becky Blais, Bureau of Remediation and Waste Management

The Board voted (7-0-0-0) on a motion to approve the draft proposed license renewal for the commercial hazardous waste storage facility in the matter of the Dept. of the Navy, Portsmouth Naval Shipyard. The renewal license includes the following minor changes to facility operations: consolidation of alkaloids instead of acids in room 124; changes to the facility monitoring program to include sampling for total extractable petroleum hydrocarbon (EPH) for one year to establish baseline data, and modification of the stormwater sampling program to include monitoring for copper and zinc and discontinue testing for manganese and cyanide.

The vote was taken pursuant to 38 M.R.S.A. §§ 1301 through 1319-Y and 06-096 CMR Chapters 850 through 857 (Maine Hazardous Waste Management Rules).
Board members Alvin Ahlers, Elizabeth Ehrenfeld, Tom Eastler, M. Wing Goodale, Richard Gould, Bob Foley and Susan Lessard voted to support the motion.

2. CENTRAL MAINE POWER COMPANY // NORTH AUGUSTA SERVICE CENTER // COMMERCIAL HAZARDOUS WASTE STORAGE FACILITY LICENSE RENEWAL O-000001-HA-D-R (approval of draft license for 45-day written comment period)

   Staff: Becky Blais, Bureau of Remediation and Waste Management

   The Board voted (7-0-0-0) on a motion to approve for 45 day written comment the draft proposed license renewal, as amended by the revised draft and errata sheet distributed at the meeting, for Central Maine Power Company's commercial hazardous waste storage facility. The proposed renewal license includes the following changes to facility operations: reduction in the frequency of tank and pipe testing, reduction in the frequency of liner coupon testing, increase in the number of shipments of "stand alone" PCB wastes from non-CMP equipment; changes in the frequency of groundwater, surface water and sediment sampling; changes to provisions for non-CMP entities hired by CMP to do routine servicing of off-site PCB containing equipment and transport the waste to CMP; and minor changes to the use of Leighton Road to transport waste to the facility.

   The vote was taken pursuant to 38 M.R.S.A. §§ 1301 through 1319-Y and 06-096 CMR Chapters 850 through 857 (Maine Hazardous Waste Management Rules).

   Board members Alvin Ahlers, Elizabeth Ehrenfeld, Tom Eastler, M. Wing Goodale, Richard Gould, Bob Foley and Susan Lessard voted to support the motion.

3. CHAPTER 3, RULES GOVERNING THE CONDUCT OF LICENSING HEARINGS // REPEAL AND REPLACE CHAPTERS 20 AND 30 (Post to Public Hearing)

   Staff: Cindy Bertocci, BEP Executive Analyst

   The Board voted (7-0-0-0) on a motion to post to public hearing new Chapter 3, Rules Governing the Conduct of Licensing Hearings as presented. The proposed rule consolidates and updates the Department's licensing hearing rules to comply with the Maine Administrative Procedures Act and changes to Department statute. The rule would replace current Chapter 20 Regulations for Hearings on Applications, last amended on March 8, 1981, and Chapter 30 Special Rules for Hearings on Applications of Significant Public Interest, last amended on February 8, 1978. The Board anticipates a public hearing on October 4, 2012 with a deadline for written comment of October 19, 2012.

   The vote was taken pursuant to 5 M.R.S.A. §8051 and 38 M.R.S.A. §341-H(1) and §341-H(2).

   Board members Alvin Ahlers, Elizabeth Ehrenfeld, Tom Eastler, M. Wing Goodale, Richard Gould, Bob Foley and Susan Lessard voted to support the motion.

Informational

4. VERSO ANDROSCOGGIN LLC, OFFSET CREDITS FOR MAJOR MODIFICATION (air emission license A-203-77-15-A); (informational briefing – no vote needed)
   Staff: Marc Cone, Bureau of Air Quality

   The offsets are needed to allow the conversion of the A Digester to a new process which will increase process efficiency and pulp production, but which will also increase VOC emissions. The facility is decreasing NOx emissions from Power Boilers #1 and #2 to offset the increase in VOC emissions.

5. GNP WEST and GREAT NORTHERN PAPER COMPANY, OFFSET CREDITS (air emission license A-406-70-E-O); Credit User: THERMOGEN I, LLC, (air emission license A-1072-71-A-N) (informational briefing – no vote needed)
   Staff: Marc Cone, Bureau of Air Quality

   Thermogen has submitted a major new source air emission license application for construction and operation of a wood torrefaction processing line to produce torrefied wood pellets from woody biomass. The torrefied wood pellets are designed to replace coal fuel. Offset credits for the VOCs generated by the torrefaction process are achieved through NOx reductions from the permanent shutdown of the Magnesium Oxide Recovery Boiler at the West Mill.

The Board reconvened at approximately 9:15 for a public hearing in the matter of:

CHAPTER 882, DESIGNATION OF BISPHENOL AS A PRIORITY CHEMICAL AND REGULATION OF BISPHENOL A IN CHILDREN'S PRODUCTS, SECTION 2 DEFINITIONS and SECTION 5. SALES PROHIBITION OF CHILDREN'S PRODUCTS CONTAINING BISPHENOL A // AMENDMENTS

(Citizen Initiated Rulemaking to Require Safer Alternatives to BPA in Food and Beverage Packaging for Young Children)

Next Regular Meeting –Thursday, October 4, 2012 – Calumet Club, 334 West River Road, Augusta