



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**

October 4, 2012

A meeting of the Board of Environmental Protection was held on Thursday, October 4, 2012 at the Calumet Club, located on 334 West River Road in Augusta, Maine. Robert Foley, Chair, called the meeting to order at 12:30 p.m. with the following individuals present:

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

Others: Heather Parent, DEP Policy Director
Cynthia S. Bertocci, BEP Executive Analyst
Peggy Bensinger, Assistant Attorney General

(Meeting adjourned at approximately 2:00 p.m.)

I. Departmental

- A. Commissioner's Comments:** None
- B. Comments from the BEP Chair:** Chairman Foley commented that the Department has received extensive comments 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. He will be working with staff on a Board deliberative session which will likely not occur before late November or early December.
- C. Executive Analyst Comments:** Ms. Bertocci commented that the transcript of the public hearing has been submitted and will be posted on the Board's webpage and distributed to Board members.
- D. Board Calendar:** Reviewed. The Board will not meet on October 18, 2012.
- E. Departmental Orders/ applications accepted for processing:** Reviewed.
- F. Executive Session:** None

II. Consent Agenda Items

- 1. **BEP MEETING MINUTES – September 6, 2012 (Approval)**
The Board voted (6-0-0-1) 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 was absent.

III. Regular Agenda

- 1. CHAPTER 2, RULES CONCERNING THE PROCESSING OF APPLICATIONS AND OTHER ADMINISTRATIVE MATTERS / AMENDMENT TO DEFINITION OF AGGRIEVED PERSON (Post to Public Hearing)

Staff: Cindy Bertocci, BEP Executive Analyst

The Board voted (6-0-0-1) on a motion to post to public hearing Chapter 2, Section 1B definition of "aggrieved person." The hearing is tentatively scheduled for November 1st with a comment deadline of November 13th.

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, Richard Gould, Bob Foley and Susan Lessard voted to support the motion. M. Wing Goodale was absent.

The Board reconvened at 1:00 p.m. for a public hearing in the matter of:

CHAPTER 3: RULES GOVERNING THE CONDUCT OF LICENSING
HEARINGS // REPEAL AND REPLACE CHAPTERS 20 AND 30

*Next Regular Meeting – Thursday, November 1, 2012 – Elks Lodge, 397 Civic Center
Drive, Augusta*