

**BOARD OF ENVIRONMENTAL PROTECTION  
Meeting Minutes**

August 1, 2013

A meeting of the Board of Environmental Protection was held on Thursday, August 1, 2013 at Florian Hall, Department of Public Safety, 45 Commerce Drive, Augusta, Maine. Robert Foley, Chair, called the meeting to order at 9:00 am with the following individuals present:

**Board:** Alvin Ahlers, Thomas Eastler, Robert Foley, Richard Gould, and Susan Lessard. Board members M. Wing Goodale and James Parker were absent.

**Staff:** Mark Bergeron, Director Division of Land Resources Regulation  
Jim Beyer, Bureau of Land and Water Quality

**Others:** John Silvestri, Deputy Commissioner  
Peggy Bensinger, Assistant Attorney General  
Cynthia S. Bertocci, BEP Executive Analyst  
Ruth Ann Burke, BEP Clerk and Administrative Assistant

*Draft Pending Board Approval*

**I. Departmental**

- A. Deputy Commissioner's Comments:**  
Beneficial Reuse of Solid Waste. Deputy Commissioner Silvestri noted that the Department has issued two permits for the beneficial reuse of asphalt roofing shingles. One is to CPRC to collect and store used asphalt roofing shingles at Lane Construction in Hermon. From there the shingles will be transported to CPRC's facility in Scarborough for processing before being incorporated into asphalt paving. This will provide a long needed alternative to the disposal of roofing shingles in the greater Bangor Area. The second is a permit issued to Pike Industries to incorporate ground asphalt shingles into hot mix asphalt at plants located in Westbrook, Augusta, Fairfield, Hermon, Dover-Foxcroft, Poland and Wells and for use in a portable drum plant that can be used at or near a job site.
- B. Comments from the BEP Chair:** Chairman Foley noted that Board staff is working closely with Department staff on the schedule for bringing the mining rules to the Board for consideration this fall. A provisionally adopted rule is due to the Legislature by early January so the Board will have a busy fall. The Board will be notified as soon as the September schedule is firmed up.
- C. Executive Analyst Comments:** None
- D. Board Calendar:** Reviewed. The August 15, 2013 meeting was canceled.
- E. Departmental Orders / Applications Accepted for Processing:** Reviewed
- F. Executive Session:** None

**II. Consent Agenda Items:**

1. BEP Meeting Minutes: July 18, 2013 (approval)  
 The Board voted (5-0-0-2) on a motion to approve the minutes for July 18, 2013 as presented.

The vote was taken pursuant to 38 M.R.S. § 341-D.

*Board members Alvin Ahlers, Thomas Eastler, Robert Foley, Richard Gould, and Susan Lessard voted to support the motion. Board members M. Wing Goodale and James Parker were absent.*

**III. Regular Agenda Items:**

- 1) Passadumkeag Wind Park LLC / Appeals of Department Denial of License for Wind Energy Development filed by Passadumkeag Windpark LLC and Penobscot Forest LLC/ Revised Board Order (decision)

Staff: Mark Bergeron, Director, Division of Land Resources Regulation  
 James Beyer, Bureau of Land and Water Quality

At the Board's July 18, 2013 meeting, staff reviewed the proposed changes to the draft order made in response to comments received during the written comment period. No vote was taken at that meeting. Following the July 18, 2013 meeting, staff made a few additional changes to the draft Board Order in response to the comments received during the comment period. Following presentation of the draft Board Order, the Board voted

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(5-0-0-2) on a motion by Board member Alvin Ahlers, seconded by member Richard Gould, to accept the revised appeal order and permit as presented.

The vote was taken pursuant to 38 M.R.S. § 341-D(4), 38 M.R.S. § 344(2-A) and Chapter 2 § 24(B) of the Department's statutes and rules governing appeals; 38 M.R.S. §§ 480-A through 480-HH the Natural Resources Protection Act; 38 M.R.S. §§ 481 through 490 the Site Location of Development Law; and 35-A M.R.S. §§ 3451 through 3455 the Maine Wind Energy Act.

*Board members Alvin Ahlers, Thomas Eastler, Robert Foley, Richard Gould, and Susan Lessard voted to support the motion. Board members M. Wing Goodale and James Parker were absent.*

*(The meeting adjourned at approximately 9:30 a.m.)*

