

STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION

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PAUL R. LEPAGE
GOVERNOR

Robert A. Foley, Chair

Cynthia S. Bertocci
Executive Analyst

Ruth Ann Burke
Board Clerk

**BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes**

December 19, 2013

A meeting of the Board of Environmental Protection was held on Thursday, December 5, 2013 at the Department of Public Safety – Florian Hall, 45 Commerce Drive, Augusta, Maine. Robert Foley, Chair, called the meeting to order at 9:00 a.m. with the following individuals present:

Board: Thomas Eastler, Robert Foley, Richard Gould, and James Parker.
Alvin Ahlers and Susan Lessard were absent. There is one vacancy.

Staff: Heather Parent, DEP Policy Director
Mark Bergeron, Director of Land Licensing
Jeffrey Crawford, Office of the Commissioner
Mark Stebbins, Bureau of Land and Water Quality
William Hinkel, Bureau of Land and Water Quality
Stacy Ladner, Bureau of Remediation and Waste Management
John Hopeck, Bureau of Remediation and Waste Management
David Burns, Bureau of Remediation and Waste Management
Tracy Weston Kelley, Bureau of Remediation and Waste Management

Others: Patricia Aho, Commissioner
Peggy Bensinger, Assistant Attorney General
Mary Sauer, Assistant Attorney General (for Chapter 200)
Cynthia Bertocci, BEP Executive Analyst
Ruth Ann Burke, BEP Clerk and Administrative Assistant

Draft Pending Board Approval

I. Departmental

- A. Commissioner's Comments:** Commissioner Aho wished Board members a happy holiday season. She encouraged Board members to let her know if members would like staff to provide informational sessions on specific topics at upcoming Board meetings.
- B. Comments from the BEP Chair:** None.
- C. Executive Analyst Comments:** None
- D. Board Calendar:** Reviewed. The next meeting of the Board is scheduled for Friday, January 10, 2014 for consideration of Chapter 200.
- E. Departmental Orders / Applications Accepted for Processing:** Reviewed
- F. Executive Session:** None

II. Consent Agenda Items:

1. BEP Meeting Minutes: December 3, 2013 (approval)

The Board voted (3-0-1-2) on a motion to approve the minutes for December 3, 2013 as presented.

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

Board members Robert Foley, Tom Eastler, and James Parker voted to support the motion. Board member Richard Gould abstained. Board members Alvin Ahlers and Susan Lessard were absent. There is one vacancy.

2. BEP Meeting Minutes: December 5, 2013 (approval)

The Board voted (4-0-0-2) on a motion to approve the minutes for December 5, 2013 as presented.

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

Board members Robert Foley, Thomas Eastler, Richard Gould, and James Parker voted to support the motion. Board members Alvin Ahlers and Susan Lessard were absent. There is one vacancy.

III. Regular Agenda Items:

1. Update on Licensing of Wind Energy Developments (informational session)
Staff: Mark Bergeron, Director of Land Licensing

Mr. Bergeron reviewed the key provisions of the Wind Energy Act with Board members and provided an update on several process improvements staff have implemented since 2011 including: the practice of holding two public meetings at specific points in the review process, updating of application submission requirements, implementation of an internal project tracking tool, and the posting of electronic copies of applications on the Department's website. Staff also noted both recurrent and emerging issues including: scenic impacts, cumulative impacts, impacts to bats, sound levels, tangible benefits, decommissioning, and the certification of small scale wind power projects. No vote was taken.

2. Report to the Legislature
Staff: Cynthia Bertocci, Board Executive Analyst

Consideration of this agenda item was postponed. It was agreed that Chairman Foley would work with the Executive Analyst to finalize a draft report for the Board's consideration that would include comment on wind energy issues. No vote was taken.

3. Chapter 200 Metallic Mineral Exploration, Advanced Exploration and Mining (deliberative session)
Staff: Jeff Crawford, Office of the Commissioner
Mark Stebbins, Bureau of Land and Water Quality

Department staff discussed additional issues raised in public comments on the draft rule including: definition of mining area, tonnage limits for advanced exploration, definition of overburden, definition of storage pile, air quality issues, blasting, corrective action plans, definition of mine waste, and financial assurance requirements. Staff will be reviewing the additional public comments received by the December 23, 2013 deadline and will present a revised proposed rule and basis statement/response to comments for the Board's consideration and vote at the January 10, 2014 Board meeting. No vote was taken.

(The meeting adjourned at approximately 11:15 a.m.)

