



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION

Robert A. Foley, Chair

Cynthia S. Bertocci
Executive Analyst

Ruth Ann Burke
Board Clerk

**BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes**

June 19, 2014

A meeting of the Board of Environmental Protection was held on Thursday, June 5, 2014 at the Civic Center, 76 Community Drive, Augusta, Maine. Robert Foley, Chair, called the meeting to order at 9:00 a.m. with the following individuals present:

Board: Alvin Ahlers, Thomas Dobbins, Thomas Eastler, Robert Foley, James Parker, and Susan Lessard. There is one vacancy.

Staff: Gregg Wood, Bureau of Land and Water Quality
Melanie Loyzim, Director, Bureau of Remediation and Waste Management
Paula Clark, Bureau of Remediation and Waste Management
Cyndi Darling, Bureau of Remediation and Waste Management
Michael Parker, Bureau of Remediation and Waste Management

Others: Heather Parent, Acting Deputy Commissioner
Mary Sauer, Assistant Attorney General
Nancy Macirowski, Assistant Attorney General
Cynthia Bertocci, BEP Executive Analyst
Ruth Ann Burke, BEP Clerk and Administrative Assistant

I. Departmental

A. Commissioner's Comments: Acting Deputy Commissioner Heather Parent commented on the following matters:

- Ecomaine: Ms. Parent noted that the Commissioner is speaking at ecomaine's annual meeting today. She will be addressing materials management issues including the proper disposal of pharmaceuticals. Ecomaine has worked with the U.S. Drug Enforcement Agency and state and local law enforcement officials to incinerate these materials so that they are not flushed or otherwise improperly disposed of.
- Ozone Transport Commission (OTC) Meeting: Last week the Commissioner and Air Bureau Director Marc Cone attended the Ozone Transport Commission meeting in Maryland. The meeting addressed several issues including EPA's recently proposed greenhouse gas reduction rule.

B. **Comments from the BEP Chair:** None.

C. **Executive Analyst Comments:** None.

D. **Board Calendar:** Reviewed.

E. **Departmental Orders / Applications Accepted for Processing:** Reviewed

F. **Executive Session:** None

II. Consent Agenda Items:

1. BEP Meeting Minutes: June 5, 2014 (approval)

The Board voted (6-0-0-0) on a motion to approve the minutes for June 5, 2014 as presented. The vote was taken pursuant to 38 M.R.S. § 341-D.

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

III. Regular Agenda Items:

1. Paris Utility District – Application for License Renewal and Site Specific Ambient Water Quality Criteria for Copper #ME0100951 / #W000632-6C-I-R Staff: Gregg Wood, Bureau of Land and Water Quality

Mr. Wood summarized the basis for the request of Paris Utility District for site specific water quality criteria for copper and the state and federal requirements which govern such requests.

The Board voted (6-0-0) on a motion to assume jurisdiction over the application by Paris Utility District for license renewal and site specific ambient water quality criteria for copper, schedule a public hearing on the application, publish notice of opportunity to intervene in the licensing hearing, and post the draft MEPDES permit as presented for written public comment. The vote was taken pursuant to 38 M.R.S. §§ 341-D(2), 413, 414, 414-A, and 420(2)(B); 06-096 CMR 522 of the Department's rules; and the Federal Clean Water Act, Title 33 USC, section 1251 et seq.

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

2. Juniper Ridge Landfill / Appeals of Department Permit #S-020700-WD-BC-A by State of Maine Bureau of General Services and NEWSME Landfill Operations, LLC and by Edward Spencer

Staff: Melanie Loyzim, Director, Bureau of Remediation and Waste Management (BRWM)
Paula Clark, (BRWM)
Cyndi Darling, (BRWM)
Michael Parker, (BRWM)

Following oral argument, the Board voted (3-2-1-0) on a motion to deny the appeals and affirm the Department's conditional approval of the amendment application with the following modifications to the licensing conditions:

- Condition #9 of Department Permit #S-020700-WD-BC-A is modified to read: Any PERC delivery shortfalls of MSW in MRC Charter Municipalities that are backfilled at PERC by Casella in accordance with the terms of the Casella/PERC Agreement shall be backfilled first with in-state MSW from the MSW previously designated for the Maine Energy facility and approved for disposal at JRL under the terms of this license.
- Condition #10 is modified to change the date from March 31, 2016 to March 31, 2018.

The vote was taken pursuant to 38 M.R.S. § 341-D(4), the Waste Management Law 38 M.R.S. §§1301-1310-S, the Solid Waste Management Hierarchy 38 M.R.S. § 2101, and the Solid Waste Management Rules 06-096 CMR 400 and 401.

Board members Alvin Ahlers, Thomas Dobbins, and Robert Foley voted to support the motion. Board members Thomas Eastler and Susan Lessard voted opposed. Board member James Parker recused himself from participation in the appeal proceeding. There is one vacancy.

(The meeting adjourned at approximately 2:45 p.m.)

