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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**

September 18, 2014

A meeting of the Board of Environmental Protection was held on Thursday, September 18, 2014 at the Calumet Club, 334 West River Road, Augusta, Maine.

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**9:00 a.m. Public Hearing:** Paris Utility District, South Paris. Application for Renewal of Waste Discharge License and Site-Specific Ambient Water Quality Criteria for Copper in the Little Androscoggin River.

Participating Board Members: Alvin Ahlers, Robert Foley, and James Parker. Thomas Eastler was present for a quorum.

Staff: Gregg Wood, Bureau of Land and Water Quality

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**10:00 a.m. Regular Board Meeting**

Following the public hearing, Robert Foley, Chair, called the regular meeting to order at approximately 10:00 a.m. with the following individuals present:

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

**Staff:** Jeffrey Crawford, Office of the Commissioner

**Others:** Heather Parent, Acting Deputy Commissioner  
Scott Boak, Assistant Attorney General  
Cynthia Bertocci, BEP Executive Analyst  
Ruth Ann Burke, BEP Clerk and Administrative Assistant

*Draft Pending Board Approval*

## I. Departmental

- A. Commissioner's Comments:** Acting Deputy Commissioner Heather Parent commented on the following matters:
- Commission Aho is attending the annual meeting of environmental commissioners.
  - The Department and other New England states are meeting with the Army Corps of Engineers regarding its plan to eliminate all individual programmatic general permits and replace them with a New England general permit. All states have concerns with the proposed change and are asking the Army Corps to slow the process and allow more time for public review and comment.
  - On Monday, September 22, 2014 a number of municipal officials will join Department representatives for a meeting with EPA in Worcester, MA to discuss EPA's proposed rule redefining waters of the United States. The proposed rule may have significant impacts on municipalities.
- B. Comments from the BEP Chair:** None.
- C. Executive Analyst Comments:** None.
- D. Board Calendar:** Reviewed. No meeting October 2, 2014.
- E. Departmental Orders / Applications Accepted for Processing:** Reviewed
- F. Executive Session:** None

## II. Consent Agenda Items:

1. BEP Meeting Minutes: July 17, 2014 (approval)

The Board voted (5-0-0-1) on a motion to approve the minutes for July 17, 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 and James Parker voted to support the motion. Susan Lessard was absent. There is one vacancy.*

## III. Regular Agenda Items:

1. Chapter 3 Rules Governing the Conduct of Licensing Hearings / Proposed Amendment (post for written comment).

Staff: Cynthia Bertocci, Board Executive Analyst

The proposed amendment deletes the requirement that the Department issue press releases and radio and television public service announcements of licensing hearings. This is a joint rulemaking of the Board and the Commissioner.

The Board voted (5-0-0-1) on a motion to post the proposed amendment to Chapter 3 for a 30 day written comment period. The vote was taken pursuant to 38 M.R.S. § 341-H and P.L. 2013 c. 300 (LD 1497) “An Act to Make Minor Changes and Corrections to Statutes Administered by the Department of Environmental Protection”.

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

2. Chapter 500 Stormwater Management / Proposed Amendments (post for public hearing)

Staff: Jeffrey Crawford, Office of the Commissioner

The proposed amendments are intended to encourage the use of innovative stormwater designs that will accommodate measures for addressing climate change, resiliency and adaptation in infrastructure, and provide greater flexibility for the regulated community. Amendments include a new voluntary low impact development credit, new treatment levels for redevelopment projects, updated performance standards, and additional stormwater treatment options. Provisions pertaining to compensation fees and mitigation credits are being deleted from Chapter 500 and placed in a new chapter. This is a joint rulemaking of the Board and the Commissioner, including both major substantive and routine technical changes to the rule.

The Board voted (5-0-0-1) on a motion to post the proposed amendments to Chapter 500 for a public hearing. The vote was taken pursuant to 38 M.R.S. § 341-H(1), §413, §420-D, and §484.

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

***(The meeting adjourned at approximately 10:35 a.m.)***