

STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

James W. Parker, Chair

Cynthia S. Bertocci
Executive Analyst

Ruth Ann Burke
Board Clerk

**BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes**

May 21, 2015

A meeting of the Board of Environmental Protection was held on Thursday, May 21, 2015 at the Civic Center, 76 Community Drive, Augusta, Maine. James Parker, Chair, called the meeting to order at approximately 9:00 am with the following individuals present:

Board: Alvin Ahlers, Mark Draper, Thomas Dobbins, Thomas Eastler, Susan Lessard and James Parker.

Staff: Jeffrey Crawford, Deputy Director of Policy, Office of the Commissioner
Melanie Loyzim, Director, Bureau of Remediation and Waste Management

Others: Patricia Aho, Commissioner
Peggy Bensinger, Assistant Attorney General
Cynthia Bertocci, BEP Executive Analyst
Ruth Ann Burke, BEP Clerk and Administrative Assistant

Draft Pending Board Approval

9:00 am Public Hearing: Chapter 2 Rule Concerning the Processing of Applications and Other Administrative Matters / Amendments

Staff: Jeffrey Crawford, Deputy Director of Policy, Office of the Commissioner
Melanie Loyzim, Director, Bureau of Remediation and Waste Management

Prior to the regular meeting, Board members held a public hearing on proposed amendments to Chapter 2. The hearing closed at approximately 9:50 am.

The Board convened its regular meeting at approximately 9:55 am.

I. Departmental

- A. Commissioner's Comments:** Commissioner Aho provided the following update:
- Board Membership: Next week, the Governor's Office will be announcing a nomination to fill the position vacated by Bob Foley upon his election to the Legislature.
 - Legislative Matters: The Environment and Natural Resources Committee (ENR) has finished most of its work for the session. The committee has one remaining week to finish its work. The committee gave unanimous support to the Department's proposal to merge the two oil funds. The committee attached an emergency preamble to the bill, and the Commissioner expects the bill to move smoothly through the remainder of the Legislative process. The Department's biennial budget has been approved by the ENR Committee and is at the Appropriations Committee. There have been no significant changes to date.
 - Downeast LNG: The company continues to indicate that it will be coming forward with an application, likely not until the fall.
- B. Comments from the BEP Chair:** None.
- C. Executive Analyst Comments:** Ms. Bertocci noted that the Board will be visiting the ecomaine facility in Portland on June 4, 2015. Members will likely hold a brief meeting at the Department's Southern Maine Regional Office prior to the site visit. The site visit to the Saddleback Ridge Wind facility is tentatively scheduled for June 18, 2015. Two members noted potential difficulties with the June 18th date. Ms. Bertocci will be checking with members and the facility on an alternate date.

- D. **Board Calendar:** Reviewed.
- E. **Departmental Orders / Applications Accepted for Processing:** Reviewed
- F. **Executive Session:** None

II. Consent Agenda Items:

1. BEP Meeting Minutes: March 5, 2015 (approval)

The Board voted (4-0-0-2) on a motion to approve the minutes for March 5, 2015 as presented. The vote was taken pursuant to 38 M.R.S. § 341-D.

Board members Alvin Ahlers, Thomas Dobbins, Thomas Eastler, and James Parker voted to support the motion. Mark Draper and Susan Lessard were absent. There is one vacancy.

2. BEP Meeting Minutes: May 7, 2015 (approval)

The Board voted (4-0-0-2) on a motion to approve the minutes for May 7, 2015 as presented. The vote was taken pursuant to 38 M.R.S. § 341-D.

Board members Alvin Ahlers, Thomas Dobbins, Thomas Eastler, and Susan Lessard voted to support the motion. Mark Draper and James Parker were absent. There is one vacancy.

III. Regular Agenda Items:

1. Chapter 119 Motor Vehicle Fuel Volatility Limit / Amendments (final adoption of major substantive rule)

Staff: Jeffrey Crawford, Office of the Commissioner

Mr. Crawford noted that the provisionally adopted Chapter 119 amendments require retailers who sell gasoline in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox, or Lincoln County to sell only federal reformulated gasoline (referred to as RFG) on a year-round basis beginning June 1, 2015. The Legislature has authorized final adoption of the rule.

The Board voted (6-0-0-0) on a motion to adopt the Chapter 119 amendments as presented. The vote was taken pursuant to 38 M.R.S. §341-H, §585, §585-A, and § 585-N, and Resolve 2015, Chapter 10.

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

(The meeting adjourned at approximately 10:15 a.m.)

