

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**

July 16, 2015

A meeting of the Board of Environmental Protection was held on Thursday, July 16, 2015 at the Department of Public Safety, Florian Hall, 45 Commerce Drive, Augusta, Maine. James Parker, Chair, called the meeting to order at 9:00 am with the following individuals present:

Board: Alvin Ahlers, Mark Draper, Thomas Eastler, and James Parker. Thomas Dobbins was absent. There are two vacancies.

Staff: Mark Bergeron, Director, Bureau of Land Quality

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

I. Departmental

- A. Commissioner's Comments:** Commissioner Aho provided the following update:
- The Legislature is in session today to act on a number of remaining bills. The DEP fared well this session.
 - Illegal Drug Labs: The Department has received additional General Fund money to help our emergency responders respond to illegal drug labs. In 2012, there were 9 such cases. In 2014, there were 30. As of today, the DEP has already responded to 24.
 - Returnable Bottle Program: The Legislature agreed to transfer the returnable bottle program from the Department of Agriculture, Conservation and Forestry to DEP so that all recycling programs are now situated within DEP.
 - Bureau of Land Quality: The land regulation division has been elevated to the bureau level.
 - Wind Power: Two bills have made a number of improvements to the small scale and grid scale wind power licensing programs. Several of these changes were responsive to issues raised by the Board.
 - Oil Clean-up Funds: The Department's bill merging the ground water and surface water oil clean-up funds was approved by the Legislature. This bill is one of the 70 bills whose status is yet to be determined.
 - Brunswick Layover Facility: The Department held an adjudicatory hearing and issued a stormwater permit for the facility. The Department expects that there will be an appeal of that decision. The deadline for an appeal is today.
- B. Comments from the BEP Chair:** Chair Parker noted that the next Board meeting is tentatively scheduled for August 6 at Florian Hall. The following meeting will be on August 20 if needed.
- 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 24, 2015 (approval)

The Board voted (4-0-0-1) on a motion to approve the minutes for June 24, 2015 as presented. The vote was taken pursuant to 38 M.R.S. § 341-D.

Board members Alvin Ahlers, Mark Draper, Thomas Eastler, and James Parker voted to support the motion. Board member Thomas Dobbins was absent. There are two vacancies.

III. Regular Agenda Items:

1. Searsport Navigation Improvement Project #L-26487-08-A-N/L-26487-4E-B-N (Requests for Board Jurisdiction)

Staff: Mark Bergeron, Director, Bureau of Land Quality

Mr. Bergeron provided a brief description of the project and Ms. Bertocci reviewed the relevant provisions of statute and rule. Commissioner Aho then provided her recommendation to the Board.

Following oral argument from Stephen Hinchman on behalf of the Islesboro Islands Trust, from Kim Ervin Tucker on behalf of several individuals, organizations and businesses, and from members of the public, Board member Ahlers made a motion, seconded by member Easter, that the project may meet three of the four criteria for Board jurisdiction over the application. Following a brief discussion, member Ahlers withdrew his motion and member Eastler withdrew his second.

The Board then voted (3-1-0-1) on a motion by Mr. Draper, seconded by Mr. Easter, that the project does not meet at least three of the four criteria for the Board to assume jurisdiction. The vote was taken pursuant to 38 M.R.S. §341-D(2) and 06-096 CMR 2 § 17.

Board members Mark Draper, Thomas Eastler, and James Parker voted to support the motion. Alvin Ahlers voted opposed. Thomas Dobbins was absent. There are two vacancies.

(The meeting adjourned at approximately 12:00 noon.)