



STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION

Mark C. Draper, Chair

William F. Hinkel
Executive Analyst

Ruth Ann Burke
Board Clerk

JANET T. MILLS
GOVERNOR

**BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes**

November 12, 2020

A meeting of the Board of Environmental Protection was held on Thursday, November 12, 2020 by video-conference via Zoom. Presiding Officer Robert Duchesne called the meeting to order at 9:00 a.m. with the following individuals attending:

Board: Robert Duchesne, James Parker, Steven Pelletier, and Robert Sanford. Susan Lessard and Mark Draper did not attend the meeting because they are not able to participate in the Board's review of Nordic Aquafarms Inc.'s (Nordic's) application for a MEPDES/WDL license pursuant to 38 M.R.S. § 341-C(8). Mark Dubois did not attend the meeting because he was not able to attend the Board's hearing on Nordic's applications. Additionally, Mr. Dubois is not able to participate in the Board's review of Nordic's Air Emissions and MEPDES/WDL applications pursuant to 38 M.R.S. § 341-C(8).

Staff: Brian Kavanah, Director, Bureau of Water Quality (BWQ)
Gregg Wood, Director, Division of Water Quality Management (BWQ)
Robert Mohlar, Senior Environmental Engineer (BWQ)
Angela Brewer, Biologist III (BWQ)

Others: Melanie Loyzim, Acting Commissioner (via phone)
David Madore, Acting Deputy Commissioner
Peggy Bensinger, Assistant Attorney General
Laura Jensen, Assistant Attorney General
William Hinkel, Board Executive Analyst
Cynthia Bertocci, former Executive Analyst
Ruth Ann Burke, BEP Clerk and Administrative Assistant

I. Departmental

- A. Acting Deputy Commissioner's Comments:** Mr. Madore commented that Acting Commissioner Melanie Loyzim was attending a meeting of the Climate Council but intended to listen to the Board meeting as time permitted.
- B. Chair's Comments:** Chair Draper was not in attendance.
- C. Executive Analyst's Comments:** None
- D. Board Calendar:** Ms. Bertocci commented that following the Board's review of the MEPDES/WDL proposed Board Order, she would like to discuss scheduling the Board's next meeting on Nordic's applications.
- E. Departmental Orders / Applications Accepted for Processing:** No questions.

II. Regular Agenda Items (Note: All votes taken by roll call.)

1. BEP Meeting Minutes. October 29, 2020

The Board voted (4-0-0-3) on a motion by James Parker, seconded by Steven Pelletier, to approve the minutes of October 29, 2020 as presented.

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

Board members Robert Duchesne, James Parker, Steven Pelletier, and Robert Sanford voted to support the motion. Mark Draper, Mark Dubois, and Susan Lessard were absent.

2. Nordic Aquafarms, Inc./ Board Review of Draft Proposed Board Order for Nordic's Maine Pollutant Discharge Elimination System Permit /Waste Discharge License (deliberative session).

Staff: Cynthia Bertocci, Board of Environmental Protection
Brian Kavanah, Director, Bureau of Water Quality (BWQ)
Gregg Wood, Director, Division of Water Quality Management (BWQ)
Robert Mohlar, Senior Environmental Engineer (BWQ)
Angela Brewer, Biologist III (BWQ)

This agenda item consisted of a review of the Department staff's recommendation and the comments submitted on Nordic's application for a Maine Pollutant Discharge Elimination System Permit/Waste Discharge License (MEPDES/WDL) for its proposed facility. It was noted that the evidentiary record is closed and that participation in the discussion was, therefore, limited to Board members and staff. In response to questions raised by some members of the public, Presiding Officer Duchesne commented that Board members are still carefully considering Nordic's applications and have not reached any conclusions at this time. He also noted that Board members do not

discuss the project among themselves outside of Board meetings. All deliberations occur in public at a noticed meeting of the Board.

Ms. Bertocci facilitated the Board's review of the proposed Board Order and associated Fact Sheet and Response to comments. Department staff responded to Board member questions and clarified a number of proposed findings and conditions. Board members noted a few typographical errors in the draft document which they will forward to Ms. Bertocci. No votes were taken.

(On a motion by James Parker, seconded by Steven Pelletier, the Board adjourned the meeting at approximately 11:15 a.m.)