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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**

December 17, 2020

A meeting of the Board of Environmental Protection was held on Thursday, December 17, 2020, by video conference via Zoom. Board Chair Mark Draper called the meeting to order at 9:00 a.m. with the following individuals attending:

Board: Mark Draper, Mark Dubois, Robert Duchesne, Robert Sanford, Susan Lessard, James Parker, and Steven Pelletier

Staff: Pamela Parker, Environmental Specialist IV, Bureau of Water Quality
James Pollock, Environmental Specialist III, Bureau of Remediation and Waste Management (BRWM)
Ian Isler, Environmental Specialist III, BRWM
Jeffrey Crawford, Director, Bureau of Air Quality
Tracy W. Kelly, Compliance Section Manager, Bureau of Air Quality
Peter Carleton, Assistant Environmental Engineer, Bureau of Air Quality

Others: Melanie Loyzim, Acting Commissioner
Scott Boak, Assistant Attorney General
Laura Jensen, Assistant Attorney General
Katherine Tierney, Assistant Attorney General
William Hinkel, Board Executive Analyst
Ruth Ann Burke, Board Clerk and Administrative Assistant

I. Departmental

- A. Acting Commissioner's Comments:** Commissioner Loyzim provided an update on the list of Department bills recently published on the internet and legislation proposed by the Department.
- B. Chair's Comments:** None
- C. Executive Analyst's Comments:** Mr. Hinkel commented that the deadline for a judicial appeal of the Board Orders for Nordic Aquaculture is December 21st and that he was not aware that any appeals had been filed to date. Mr. Hinkel commented that, in the matter of Central Maine Power Company's transfer application, on December 4th, the Commissioner issued a partial transfer of the NECEC Order to NECEC Transmission, LLC. The deadline for a Board appeal of that decision is January 4th. Mr. Hinkel informed the Board that on November 13th, Friends of Casco Bay filed a timely appeal of the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4 General Permit). Ms. Lessard commented that she, Chair Draper, and Mr. Dubois may have a NPDES conflict and be unable to participate in the appeal proceeding.
- D. Board Calendar:** No comments
- E. Departmental Orders / Applications Accepted for Processing:** No comments

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

1. BEP Meeting Minutes. November 19, 2020

The Board voted (7-0-0-0) on a motion by James Parker and seconded by Robert Duchesne to approve the minutes of November 19, 2020, as presented.

The vote was taken pursuant to 38 M.R.S. § 341-D.
All Board members voted to support the motion.

2. Administrative Consent Agreement, Kennebec Sanitary Treatment District

Staff: Pamela Parker, Bureau of Water Quality

This administrative consent agreement involves violations of the State's waste discharge laws, 38 M.R.S. §§ 413(1) and 414(5), and Kennebec Sanitary Treatment District's (KSTD) Maine Waste Discharge License # W000687-5M-J-R and Maine Pollutant Discharge Elimination System Permit # ME0100854. KSTD experienced a force main break in Waterville on November 29, 2019, that lasted until December 13, 2019. In total, KSTD discharged an estimated 21.6 million gallons of untreated wastewater directly to the Kennebec River. In addition, KSTD failed to have in place an acceptable Operations and

Maintenance Plan since 2015. The administrative consent agreement stipulates a monetary penalty of \$33,912.00 to be paid to Maine Rivers as a supplemental environmental project, and other remedial corrective actions.

Following a presentation by staff and response to questions of the Board, the Board voted (7-0-0-0) on a motion by Susan Lessard and seconded by Robert Sanford to approve the administrative consent agreement, as presented.

The vote was taken pursuant to 38 M.R.S. § 341-D(4).

All Board members voted to support the motion.

3. Administrative Consent Agreement, Lewiston-Auburn Water Pollution Control Authority (LAWPCA)

Staff: James Pollock, BRWM

This administrative consent agreement involves the amendment of an administrative consent agreement between LAWPCA, the Department, and the Office of the Maine Attorney General dated August 12, 2019, to resolve violations related to ground water contamination resulting from LAWPCA's composting facility in Auburn. The proposed amendment of the August 2019 administrative consent agreement is to allow LAWPCA to reallocate \$20,170.93 of remaining supplemental environmental project funds for a new and second supplemental environmental project.

Following a presentation by staff and response to questions of the Board, the Board voted (7-0-0-0) on a motion by Robert Duchesne and seconded by James Parker to approve the administrative consent agreement, as presented.

The vote was taken pursuant to 38 M.R.S. § 341-D(4).

All Board members voted to support the motion.

4. Administrative Consent Agreement, ND Paper, Inc.

Staff: Ian Isler, BRWM

This administrative consent agreement involves violations of the State's Oil Discharge Prevention and Pollution Control laws, 38 M.R.S. § 543 and §548. On November 6, 2019, the Departments received an anonymous report of a No. 6 oil release at the ND Paper, Inc. facility in Rumford. An investigation conducted by Department staff revealed that ND Paper, Inc. failed to immediately initiate removal of the prohibited oil discharges to the Commissioner's satisfaction; did not notify the Department of the spill as required; and did not assist in cleanup activities and investigation until three weeks after the three documented discharges occurred. Due to ND Paper, Inc.'s failure to timely notify the Department of the spill, it is currently unknown

to what extent petroleum products were discharged to the soil, ground water or river, or the potential impact of the discharges. ND Paper, Inc. has completed corrective actions including spill response and training to employees, equipment repairs, enabling alarms, and video surveillance monitoring to prevent future discharges. The administrative consent agreement stipulates a monetary penalty of \$90,000.00 to be paid to the Maine Ground and Surface Waters Clean-up and Response Fund.

Following a presentation by staff and response to questions of the Board, the Board voted (7-0-0-0) on a motion by Steven Pelletier and seconded by Robert Duchesne to approve the administrative consent agreement, as presented.

The vote was taken pursuant to 38 M.R.S. § 341-D(4).

All Board members voted to support the motion.

5. Administrative Consent Agreement, ND Paper, Inc. and Catalyst Paper Operations, Inc.

Staff: Peter Carleton, BRWM; Tracy W. Kelly, BRWM

This administrative consent agreement involves violations of the Air Emissions License #A-214-70-G-R/A and 40 C.F.R. Part DDDDD. This enforcement action was initiated as the result of failed hydrogen chloride emissions stack tests conducted on Cogen Boilers #6 & #7 in February and March 2017. The Department's investigation revealed a total of 13 violations which resulted in excess emissions to the air, specifically releases of hydrogen chloride, particulate matter, total reduced sulfur compounds, and other gasses, at levels that exceeded standards established in their Air Emission License or established by federal regulations, as well as failure to maintain proper air pollution controls by not operating equipment according to their Air Emission License. This administrative consent agreement stipulates a monetary penalty of \$79,710.00 with \$44,880.80 paid to the Treasurer, State of Maine and \$34,829.20 paid to the Town of Rumford as part of a supplemental environmental project.

Following a presentation by staff and response to questions of the Board, the Board voted (7-0-0-0) on a motion by Robert Duchesne and seconded by Steven Pelletier to approve the administrative consent agreement, as presented.

The vote was taken pursuant to 38 M.R.S. § 341-D(4).

All Board members voted to support the motion.

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