



JANET T. MILLS
GOVERNOR

Mark C. Draper, Chair

William F. Hinkel
Executive Analyst

Ruth Ann Burke
Board Clerk

**BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes**

March 4, 2021

A meeting of the Board of Environmental Protection was held on Thursday, March 4, 2021, by Zoom video conference. Prior to the meeting, Board Chair Mark Draper designated James Parker to preside over the March 4, 2021, meeting. Presiding Officer James Parker called the meeting to order at 9:00 a.m. with the following individuals attending:

Board: James Parker, Robert Duchesne, Robert Sanford, and Steven Pelletier

The two regular agenda items for March 4, 2021, involved enforcement of permits issued pursuant to the National Pollutant Discharge Elimination System. Pursuant to 38 M.R.S. § 341-C(8)(A), Mark Draper, Mark Dubois, and Susan Lessard recused themselves and did not attend or participate in the meeting.

Staff: Laura Crossley, Bureau of Water Quality
Pamela Parker, Bureau of Water Quality

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

I. Departmental

A. Commissioner's Comments: None

B. Chair's Comments: None

C. Executive Analyst's Comments:

Mr. Hinkel congratulated Commissioner Loyzim on her recent confirmation by the Senate.

Mr. Hinkel mentioned one item, having to do with a request that the Board assume original jurisdiction of an application that is pending before the Commissioner. The request is from Jock Robie that the Board take original jurisdiction of a Natural Resources Protection Act permit application for a solar

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facility in Winslow. The applicant is TPE ME WI01, LLC. The Board has been sent a copy of the request and the Commissioner's preliminary determination letter in which she determined that the criteria for Board jurisdiction have not been met.

Mr. Hinkel commented that if the Board wishes to have a substantive discussion of the Commissioner's determination that the application did not warrant original Board jurisdiction and the possibility of the Board assuming original jurisdiction, that would need to be placed on the Board's agenda and scheduled for an upcoming Board meeting. No Board members had questions about the application or requested that that matter be placed on a future agenda for discussion.

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. Votes are recorded in the following order: number voting in favor of a motion – number voting against a motion – number abstaining – number absent)

1. Administrative Consent Agreement, ISF Trading Company (decision)

Staff: Laura Crossley, Bureau of Water Quality
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 ISF Trading Company's Maine Waste Discharge License # W007808 and Maine Pollutant Discharge Elimination System Permit # ME0023957.

The administrative consent agreement stipulates a monetary penalty of \$88,012, with \$76,244 suspended contingent upon adherence to a schedule to terminate the wastewater discharges to the Fore River and connect and direct wastewater discharges to the Portland Water District's sanitary sewer system. The remaining penalty balance of \$11,768 will be paid to the Treasurer, State of Maine.

Following discussion with staff, Joanna Tourangeau, counsel for ISF Trading Company, and Mike Abada of Bear Structure Construction Company, Steven Pelletier made a motion to approve the administrative consent agreement as presented. Robert Duchesne seconded the motion. The Board voted (4-0-0-3) on the motion.

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

2. Administrative Consent Agreement, Pleasant River Lumber Company (decision)

Staff: Laura Crossley, Bureau of Water Quality
Pamela Parker, Bureau of Water Quality

This administrative consent agreement involves violations of the State's waste discharge laws, 38 M.R.S. § 414(5), and Pleasant River Lumber Company's Maine Pollutant Discharge Elimination System Permit, Multi-Sector General Permit for Stormwater Associated with Industrial Activity permit # MER05B882.

The administrative consent agreement stipulates a monetary penalty of \$88,684.00, with \$10,000 to be paid to the Treasurer, State of Maine; \$55,000 to be paid to the Piscataquis Soil and Water Conservation District as a Supplemental Environmental Project; and \$23,684 to be suspended contingent upon Pleasant River Lumber Company completing corrective actions detailed within the administrative consent agreement.

Following discussion with staff, Robert Duchesne made a motion to approve the administrative consent agreement as presented. Steven Pelletier seconded the motion. The Board voted (4-0-0-3) on the motion.

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

(The meeting adjourned at approximately 9:30 a.m.)

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