



Mark C. Draper, Chair

William F. Hinkel
Executive Analyst

Ruth Ann Burke
Board Clerk

JANET T. MILLS
GOVERNOR

**BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes**

August 5, 2021

A meeting of the Board of Environmental Protection was held on Thursday, August 5, 2021, at the Augusta Civic Center in Augusta, Maine. An audio and video recording of the meeting was created, and a live audio and video stream of the meeting was provided via Zoom. Board Chair Mark Draper called the meeting to order at approximately 9:00 a.m. with the following individuals attending:

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

Staff: Stacy Knapp, Bureau of Air Quality
Jeff Crawford, Bureau of Air Quality
Lynn Muzzey, Bureau of Air Quality
Brian Kavanah, Bureau of Water Quality
Susanne Meidel, Bureau of Water Quality

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

I. Departmental

A. Commissioner's Comments: No comments.

B. Chair's Comments: Chair Draper welcomed Executive Analyst William Hinkel to the Board, as this was the first physical meeting of the Board since he was hired in September 2020.

C. Executive Analyst's Comments: Mr. Hinkel noted that the Board would not need to meet on August 19, 2021, and that the next meeting tentatively scheduled for the Board was September 2, 2021.

D. Board Calendar: As above.

E. Departmental Orders / Applications Accepted for Processing: No comments.

F. Requests for Board Jurisdiction: No comments regarding the Commissioner's determination in response to requests from Deirdre McArdle and Robert Bushwaller that the Board assume original jurisdiction of the applications of American Aquafarms for a Maine Pollutant Discharge Elimination System permit for a proposed net pen aquaculture facility in Gouldsboro.

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. BEP Meeting Minutes, June 17, 2021

The Board voted (6-0-0-1) on a motion by James Parker and seconded by Robert Duchesne to approve the minutes of June 17, 2021, as presented.

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

2. Chapter 168: Statewide Greenhouse House Gas Emissions Regulation, Draft Rule for Posting for Public Comments (decision)

Staff: Stacy Knapp, Bureau of Air Quality

Ms. Knapp briefed the Board on the proposed Chapter 168 rule and Department recommendation that the Board post the proposed rule for public comment.

The Board voted (6-0-0-1) on a motion by Robert Sanford and seconded by Steven Pelletier to post for comment the proposed Chapter 168 rule, as presented.

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

3. Chapter 169: Stationary Generators, Draft Rule to be Posted for Public Hearing (decision)

Staff: Jeff Crawford and Lynn Muzzey, Bureau of Air Quality

Mr. Crawford and Ms. Muzzey briefed the Board on the proposed Chapter 169 rule and Department recommendation that the Board post the proposed rule for public comment and a hearing. Mr. Crawford recommended that the Board include two proposed revisions to the draft rule for posting: to change the occurrences of the term "engine" used in subsections 4(B)(2) and 4(B)(3) to be plural. The revisions are intended to clarify that subsections 4(B)(2) and 4(B)(3) apply to both a single emergency generator with a rated output equal to or

greater than 1,000 kilowatts and to the use of multiple smaller generators that collectively have a rated output equal to or greater than 1,000-kilowatts.

Mr. Sanford asked for an explanation of the term “stationary engine” as defined by the proposed rule in section 2(H). Ms. Muzzy discussed the intended scope of the draft definition, which was derived from the U.S. Environmental Protection Agency regulations.

The Board voted (6-0-0-1) on a motion by Steven Pelletier and seconded by James Parker to post for comment and a hearing the proposed Chapter 169 rule, as presented with revisions to change the occurrences of the term “engine” used in sections 4(B)(2) and 4(B)(3) to be plural.

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

Chair Draper noted that the next item on the agenda is a Clean Water Act related matter for which he and certain Board members may not participate pursuant to Title 38 Section 341-C(8)(A). Chair Draper designated Mr. Duchesne to preside over the remainder of the meeting. Board members Draper and Dubois recused themselves and relocated to the audience seating area.

4. 2021 Triennial Review of Water Quality Standards, Posting for Public Comment and Public Hearing (decision)

Staff: Susanne Meidel, Bureau of Water Quality
 Brian Kavanah, Bureau of Water Quality

Ms. Meidel briefed the Board on the Department’s proposed recommendations for changes to Maine’s water quality classification system and related standards and request to post the proposed changes for public comment and a hearing. Mr. Kavanah and Ms. Meidel responded to Board member questions regarding the proposed water quality standards.

Mr. Sanford acknowledged that he is a long-time member of the Friends of the Presumpscot River, an organization that is participating in the 2021 Triennial Review of Water Quality Standards. Mr. Sanford stated that he has no fiduciary interest in the organization and can be impartial with respect to his role on the Board to recommend changes to Maine’s water quality classification system and related standards to the Legislature.

Mr. Pelletier acknowledged that he has done some work in the past for Friends of Merrymeeting Bay, an organization that is participating in the 2021 Triennial Review of Water Quality Standards. Mr. Pelletier stated that he can be impartial with respect to his role on the Board to recommend changes to Maine’s water quality classification system and related standards to the Legislature.

The Board voted (4-0-2-1) on a motion by James Parker and seconded by Steven Pelletier to post for comment and a hearing the 2021 Triennial Review of Water Quality Standards.

The vote was taken pursuant to 38 M.R.S. § 341-D. Board members Draper and Dubois abstained from participation in this matter. Board member Lessard was absent.

(The meeting adjourned at approximately 10:30 a.m.)