

**Votes of the Board of Environmental Protection: Regular Agenda Items Calendar Year 2005**

**Disclaimer: The following chart is a summary of the votes of the Board of Environmental Protection taken on Regular Agenda Items. The description of the vote is a summary of the action taken not the precise wording of the motion. Motions that fail for lack of a majority are not reflected in the summary table. Additionally, votes on Consent Agenda Items such as Consent Agreements and Enforcement Orders are not recorded below. For a complete description of all votes taken, please refer to the minutes associated with the meeting date.**

	Richard Wardwell	Irving Faunce	Ernest Hilton	Don Guimond	*Vacant	Virginia Plummer	Matt Scott	Jean Wilkinson	Nancy Ziegler	Nancy Anderson
<u>JANUARY 6, 2005</u>										
<b>[1] Chapter 102, Open Burning / Amendments</b> - Motion to post to 30-day written public comment	Y	Y	Y	Y		Y	Y	Y	--	Y
<b>[2] Chapter 143, New Source Performance Standards / Amendment</b> - Motion to post to public hearing for March 3, 2005	Y	Y	Y	Y		Y	Y	Y	--	Y
<b>[3] Chapter 144 National Emission Standards for Hazardous Air Pollution / Amendments</b> - Motion to post to public hearing for March 3, 2005	Y	Y	Y	Y		Y	Y	Y	--	Y
<u>FEBRUARY 17, 2005</u>										
<b>[1] FPL Energy Maine / Fort Halifax Dam Removal</b> - motion to deny request for public hearing and deny appeal of Save Our Sebasticook affirming the Commissioner's decision in Order L-21060-34-B-N	Y	Y	Y	Y		--	Y	Y	Y	Y

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	Richard Wardwell	Irving Faunce	Ernest Hilton	Don Guimond	*Vacant	Virginia Plummer	Matt Scott	Jean Wilkinson	Nancy Ziegler	Nancy Anderson
<b>MARCH 17, 2005</b>										
<b>[1] Chapter 102, Open Burning / Amendments - Motion to adopt as proposed</b>	--	Y	Y	Y		Y	--	Y	Y	Y
<b>[2] State Implementation Plan (SIP) – 15% rate of progress, 5% increment of progress, motor vehicle emission budget and 2002 base year inventory – motion to post to public hearing on April 21, 2005</b>	--	Y	Y	Y		Y	--	Y	Y	Y
<b>[3] Town of Brooksville / permit by rule appeal by James and Sharon Benenson - motion to grant appeal and reverse the Department’s permit to the Town of Brooksville for construction of a boat ramp</b>	--	Y	Y	Y		Y	--	Y	Y	Y
<b>APRIL 21, 2005</b>										
<b>[1] Chapter 532, Large Commercial Passenger Vessels / new - motion to adopt as proposed</b>	Y	Y	Y	Y		Y	Y	Y	Y	Y
<b>[2] Chapter 305, Permit By Rule Standards / amendment - motion to adopt as proposed</b>	Y	Y	Y	Y		Y	Y	Y	Y	Y
<b>[3] Chapter 530, Surface Water Toxics Control Program and Chapter 584, Surface Water Quality Criteria for Toxic Pollutants / repeal and replace - motion to post to public hearing on June 2, 2005</b>	Y	Y	Y	Y		Y	Y	Y	Y	Y
<b>[4] Maine Electronics, Inc. and Rockwell Collins, Inc. / post closure license (approval of draft order – post to 45-day written comment - motion to post to 45-day written public comment period</b>	Y	Y	Y	Y		Y	Y	Y	Y	Y

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- Y = Yes
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	Richard Wardwell	Irving Faunce	Ernest Hilton	Don Guimond	VACANT	Virginia Plummer	Matt Scott	Jean Wilkinson	Nancy Ziegler	Nancy Anderson
<u>MAY 5, 2005</u> <b>[1] Dept of Inland Fisheries and Wildlife / Application for Construction of an all-tidal boat ramp at Mere Point</b> (appeal of Chairs ruling regarding re-opening the record) - motion to affirm the Chair's ruling and deny the request by Friends of Mere Point to re-open the hearing to accept evidence and testimony on the potential impacts of the proposed project on the existing uses of Mere Point Road.	Y	A	Y	--		Y	Y	N	Y	Y
<u>MAY 19, 2005</u> <b>[1] Chapter 143, New Source Performance Standards / Amendment -</b> Motion to post to adopt as presented	Y	Y	Y	Y		Y	Y	--	Y	Y
<b>[2] CHAPTER 144 National Emission Standards for Hazardous Air Pollution / Amendments -</b> motion to adopt amendments as presented	Y	Y	Y	Y		Y	Y	--	Y	Y
<b>[3] STEVE ALLEY / PERMIT BY RULE #36762 APPEAL BY NEWDING -</b> motion to table consideration of the merits of the appeal submitted by Mr. Newding in order to: a) allow time to evaluate the new evidence (1997 Aerial Photo and email from M. Loiselle); b) allow the licensee to respond to the new evidence, and c) allow the Department staff to modify the draft proposed order to include the new evidence.	Y	Y	Y	Y		Y	Y	--	Y	Y
<u>JUNE 2, 2005</u> <b>[1] State Implementation Plan (SIP) – 15% rate of progress, 5% increment of progress, motor vehicle emission budget and 2002 base year inventory</b> – motion to adopt as presented	--	Y	Y	Y		Y	Y	Y	Y	Y

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**\* Note change to Board membership**

	Richard Wardwell	Elizabeth Ehrenfield	Ernest Hilton	Don Guimond	Denis Culley	Virginia Plummer	Matt Scott	Jean Wilkinson	Nancy Ziegler	Nancy Anderson
<u>JUNE 16, 2005</u>	--	Y	Y	Y	Y	Y	--	Y	Y	Y
<b>[1] Chapter 335, Coastal Sand Dune Rules / amendments – post to hearing - motion to post to public hearing for August 11, 2005</b>	--	Y	Y	Y	Y	Y	--	Y	Y	Y
<b>[2] Arthur Choate / permit by rule #36751 (petition to revoke filed by Landon &amp; Fred Thomas – motion to deny petition</b> – motion to adopt the amended Board order dismissing the petition to revoke.	--	Y	N	Y	Y	Y	--	Y	Y	Y
<b>[3] Steven McGee Construction / Gravel Pit #2 - motion to assume jurisdiction and conduct a public hearing on the application to operate a working pit larger than 10 acres</b>	--	Y	N	N	N	N	--	Y	N	N
<b>[4] International Paper, Jay, Newpage, Rumford, FPL Energy Hydro, Gulf Island Dam (petition for BEP jurisdiction by NRCM and Maine Rivers -----</b> - motion to uphold the chairman’s ruling of June 9, 2005 that petitions were not timely filed for consideration of jurisdiction by the Board  - motion to assume jurisdiction.	--	Y	Y	Y	Y	Y	--	Y	Y	Y
	--	N	N	N	Y	N	--	--	N	N

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	Richard Wardwell	Elizabeth Ehrenfield	Ernest Hilton	Don Guimond	Denis Culley	Virginia Plummer	Matt Scott	Jean Wilkinson	Nancy Ziegler	Nancy Anderson
<u>JULY 7, 2005</u>	--	A	Y	Y	A	Y	Y	Y	Y	Y
<b>[1] Chapter 127, New Motor Vehicle Emission Standards / amendments - motion to adopt as presented</b>	--	A	Y	Y	A	Y	Y	Y	Y	Y
<b>[2] Chapter 415, Reasonable costs for handling and recycling of electronic wastes / new - motion to post to public hearing on August 18, 2005 and establish August 29, 2005 as the deadline for written comments.</b>	--	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>[3] Steve Alley / permit by rule 36762 / appeal by Mr. Newding – motion to direct staff to draft an order that grants the appeal – new order to be considered at a future meeting.</b>	--	Y	Y	N	Y	N	N	N	Y	Y
<b>[4] FPL Energy Wyman LLC &amp; Wyman IV LLC / request for alternative NOx emission limits – motion to post to 60-day written comment period and directed staff to modify the proposed order regarding enforceability to reflect authority of Federal Government to enforce violations</b>	--	Y	Y	Y	Y	Y	Y	Y	Y	Y

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	Richard Wardwell	Elizabeth Ehrenfeld	Ernest Hilton	Don Guimond	Denis Culley	Virginia Plummer	Matt Scott	Jean Wilkinson	Nancy Ziegler	Nancy Anderson
<u>JULY 21, 2005</u>	--	Y	N	Y	--	--	Y	N	Y	--
<b>[1] Arthur Choate, Tier I Approval (appeal by Landon Thomas and Fred Thomas - motion to deny the appeal and affirm the Commissioner's decision</b>	--	Y	N	Y	--	--	Y	N	Y	--
<b>[2] Chapter 151 Architectural and Industrial Maintenance Coatings / amendment - motion to post to 30-day written public comment</b>	--	Y	Y	Y	--	--	Y	Y	Y	--
<b>[3] Houlton Water Company / sludge utilization A. Fitzpatrick Site - motion to deny appeal and affirm the commissioners decision appeal submitted by E. Vaughn &amp; Carol Deal and deny an after-the- fact permit approval for construction of commercial wharf and bait shed in Cushing (motion failed by evenly divided vote which affirms the Commissioner decision and grants approval for the after-the- fact permit)</b>	--	Y	Y	Y	--	--	Y	Y	Y	--
<u>AUGUST 11, 2005</u>										
<b>[Information to be provided – pending BEP approval of minutes]</b>										

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**\*Note BEP membership change**

	VACANT	Elizabeth Ehrenfeld	Ernest Hilton	Don Guimond	Denis Culley	Virginia Plummer	Matt Scott	Jean Wilkinson	Nancy Ziegler	Nancy Anderson
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<u>AUGUST 18, 2005</u> [Information to be provided – pending BEP approval of minutes]										

<u>SEPTEMBER 8, 2005</u> [Information to be provided – pending BEP approval of minutes]										

<u>SEPTEMBER 22, 2005</u> [Information to be provided – pending BEP approval of minutes]										

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	VACANT	Elizabeth Ehrenfeld	Ernest Hilton	Don Guimond	Denis Culley	Virginia Plummer	Matt Scott	Jean Wilkinson	Nancy Ziegler	Nancy Anderson
<u>OCTOBER 6, 2005</u>		Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>[1] Chapter 151, Architectural and Industrial Maintenance Coatings / amendments (adoption)</b> - motion to adopt as presented		Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>[2] Chapter 1000, Guidelines for Municipal Shoreland Zoning Ordinances (request for extension of written comment)</b> - motion to extend until December 1, 2005		Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>[3] Dragon Products Company (BEP jurisdiction)</b> – motion to assume jurisdiction and contact a public hearing on the pending solid waste facility license.		Y	Y	N	Y	Y	Y	N	Y	Y

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<u>OCTOBER 20, 2005</u>										
[1] <b>Central Maine Power – interim hazardous waste storage facility / facility closure and termination of interim license (approval)</b> - motion to approve as presented		Y	Y	Y	Y	Y	Y	--	Y	Y
[2] <b>Chapter 415 Reasonable Costs for the Handling and Recycling of Electronic Wastes / new (adoption)</b> - motion to adopt with minor amendments		Y	Y	Y	Y	Y	Y	--	Y	Y
[3] <b>Chapter 418, Beneficial Use, Chapter 409, Processing Facilities, Chapter 405, Water Quality Monitoring, Leachate Monitoring and Waste Characterization and Chapter 402, Transfer Stations and Storage Sites for Solid Waste / amendments (post to hearing)</b> - motion to post to public hearing on November 17, 2005.		Y	Y	Y	Y	Y	Y	--	Y	Y

<u>NOVEMBER 3, 2005</u>										
[1] <b>Messalonskee Stream Hydro / Union Gas Project (appeal by Friends of Kennebec Salmon)</b> - motion to affirm Department permit L-22230-34-A-N for reconstruction of the Union Gas Dam Hydro project and deny the appeal		Y	N	Y	Y	Y	N	Y	Y	N
[2] <b>Chapter 531, Regulations for Wastewater Operator Certification / Amendment (post to hearing)</b> - motion to post to a public hearing with minor changes to educational reference section 1.C on December 15, 2005		Y	Y	Y	--	Y	Y	Y	Y	Y
[3] <b>Chapter 685, Payment and Reimbursement of Oil Transfer Fees / new (adoption)</b> - motion to adopt including minor typographical changes contained in the errata sheet dated November 3, 2005		Y	Y	Y	--	Y	Y	Y	Y	Y

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	VACANT	Elizabeth Ehrenfeld	Ernest Hilton	Don Guimond	Denis Culley	Virginia Plummer	Matt Scott	Jean Wilkinson	Nancy Ziegler	Nancy Anderson
<u>NOVEMBER 17, 2005</u> <b>[1] Chapter 355, Coastal Sand Dune Rules / amendment (provisional adoption)</b> - motion to provisionally adopt with amendments to Section 5.E.2 (a)ii and 5.E.2 (b) and Section 8.E		Y	Y	Y	--	Y	Y	Y	Y	Y
<u>DECEMBER 1, 2005</u> <b>[1] Chapter 100, Definitions, Chapter 115, Major and Minor Source Air Emission License Regulations and Chapter 140, Part 70 Air Emission License Regulations / Amendments (adoption)</b> - motion to adopt as presented		Y	Y	--	Y	Y	Y	Y	Y	Y
<b>[2] Chapter 127, New Motor Vehicle Emission Standards / Amendment (adoption)</b> - motion to adopt rule as presented		Y	Y	--	Y	Y	Y	Y	Y	Y
<b>[3] Chapter 335, Significant Wildlife Habitat / Amendment (provisional adoption)</b> - motion to adopt with modifications to sections 9C(2), 9B(6),10B(1) and Section 3.D.		Y	Y	--	Y	Y	Y	Y	Y	Y
<b>[4] Chapter 375, No Adverse Environmental Effect Standard of the Site Location Law, Section 15. Wildlife and Fisheries / amendment (adoption)</b> - motion to adopt rules as presented		Y	Y	--	Y	Y	Y	Y	Y	Y
<b>[5] Municipality of Hodgdon / Municipal Septage Management Compliance License (Appeal)</b> - motion to deny the request for a public hearing and deny the appeal filed by Mr. Stacy Tidd affirming the Commissioner's permit S-022224-SI-A-N		Y	Y	--	Y	Y	Y	Y	Y	Y

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\* Note Board member Change – new vacancy Jean T. Wilkinson

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<u>DECEMBER 15, 2005</u> <b>[1] Chapter 402 Transfer Stations and Storage Sites for Solid Waste, Chapter 405 Water Quality Monitoring, Leachate Monitoring and Waste Characterization, Chapter 409, Processing Facilities and Chapter 418, Beneficial Use / Amendments (deliberative session) – Board conducted a 3-hour deliberative session and directed staff to schedule a second deliberative session in January 2006 – No vote taken</b>										
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