



**BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes**

April 7, 2025

A meeting of the Board of Environmental Protection was held on April 7, 2025, at the Augusta Civic Center. An audio and video stream of the meeting was provided via Zoom, and an audio recording of the meeting was made pursuant to 38 M.R.S. § 341-E(2). Presiding Officer Robert Duchesne called the meeting to order at approximately 9:00 a.m. with the following individuals in attendance.

Board: Robert Duchesne, Robert Marvinney, Steven Pelletier, and Barbara Vickery were present. Board Chair Susan Lessard was absent and previously designated Robert Duchesne to serve as the Presiding Officer for this Board meeting. Robert Sanford was absent. One Board seat is vacant.

Others: Melanie Loyzim, Commissioner
William Hinkel, Board Executive Analyst
Ruth Ann Burke, Board Clerk
Valerie Wright, Assistant Attorney General
Department staff and others as noted below

I. ADMINISTRATIVE MATTERS, COMMENTS, AND NOTES

- 1. Commissioner's Comments:** No comments.
- 2. Chair's Comments:** No comments.
- 3. Executive Analyst's Comments:** No comments.
- 4. Board Calendar:** The next regular Board meeting is tentatively scheduled for April 17, 2025, at the Marquardt State Office Building.
- 5. Departmental Orders / Applications Accepted for Processing:** No comments.

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

II. APPROVAL OF BOARD MINUTES

1. BEP Meeting Minutes, March 20, 2025

The Board voted (4-0-0-2) on a motion by Steve Pelletier and seconded by Robert Marvinney to approve the minutes of March 20, 2025. The vote was taken pursuant to 38 M.R.S. § 341-D(8) and 5 M.R.S. § 12014(1)(A).

III. CURRENT ITEMS FOR BOARD CONSIDERATION

1. Chapter 138, *Reasonably Available Control Technology for Facilities that Emit Nitrogen Oxides (NOx RACT)*

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

Mr. Crawford and Ms. Muzzey briefed the Board on the proposed amendments to Department rule Chapter 138 and the staff recommendation that the Board adopt the proposed routine technical rule. Pursuant to 38 M.R.S. § 341-H(3-A), the Presiding Officer provided an opportunity for additional public comment directly related to comments received during the formal rulemaking comment period or in response to changes in the proposed rule. No persons offered oral comment.

Following deliberations, the Board voted (4-0-0-2) on a motion by Barbara Vickery and seconded by Robert Marvinney, to adopt the Chapter 138 rule, the associated basis statement, and the response to comments, as presented. The vote was taken pursuant to 38 M.R.S. § 341-D(1-C) and 5 M.R.S. § 8052. Susan Lessard and Robert Sanford were absent.

2. Chapter 90, *Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances*

Staff: Kerri Ferris, Tom Graham, Blazka Zgec, Office of the Commissioner

Ms. Ferris, Mr. Gramham, and Ms. Zgec briefed the Board on the proposed new Department rule, Chapter 90, and the staff recommendation that the Board adopt the proposed routine technical rule. Pursuant to 38 M.R.S. § 341-H(3-A), the Presiding Officer provided an opportunity for additional public comment directly related to comments received during the formal rulemaking comment period or in response to changes in the proposed rule. Five people offered oral comment (see attached sign-in sheet).

Following deliberations, the Board voted (4-0-0-2) on a motion by Steve Pelletier and seconded by Robert Marvinney, to adopt the Chapter 90 rule, the associated basis statement, and the response to comments, as presented and with correction of minor typographical errors, and the addition of “Maine Department of Transportation” at section 4(A)(8). The vote was taken pursuant to 38 M.R.S. § 341-D(1-C) and 5 M.R.S. § 8052. Susan Lessard and Robert Sanford were absent.

IV. ADJOURNMENT

The Board voted (4-0-0-2) on a motion by Barbara Vickery and seconded by Robert Marvinney to adjourn the meeting at approximately 10:45 a.m. Susan Lessard and Robert Sanford were absent.

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