



STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION

Susan M. Lessard, Chair

JANET T. MILLS
GOVERNOR

William F. Hinkel
Executive Analyst

Ruth Ann Burke
Board Clerk

**BOARD OF ENVIRONMENTAL PROTECTION
Hearing and Meeting Minutes**

October 16, 2025

I. PUBLIC HEARING

1. Chapter 428, *Stewardship Program for Packaging*

The Board of Environmental Protection held a public hearing on October 16, 2025, beginning at approximately 9:00 a.m. at the Augusta Civic Center for the purpose of receiving testimony from members of the public regarding proposed revisions to Chapter 428, *Stewardship Program for Packaging*.

Following an introduction by Department staff, Board member Robert Duchesne, who was previously designated by Board Chair Susan Lessard to serve as the Presiding Officer for the hearing, invited testimony from members of the public. A copy of the hearing sign-in sheets of persons who testified is attached. Presiding Officer Duchesne announced that written comment on the proposed rule may be submitted until 11:59 p.m. on October 7, 2025, and then closed the hearing at approximately 9:47 a.m. An audio and video stream of the hearing was provided via Zoom, and an audio recording of the hearing was made pursuant to 38 M.R.S. § 341-E(2). A written transcript of the hearing was made by Dostie Reporting Services.

The following individuals were in attendance:

Board: Robert Duchesne, Betsy Fitzgerald, Robert Marvinney, Steven Pelletier, Robert Sanford, and Barbara Vickery were present. Susan Lessard was absent.

Staff: Brian Beneski, Jessica Nadeau, and Kayla Michaud, Bureau of Remediation and Waste Management

Others: Melanie Loyzim, Commissioner
William Hinkel, Board Executive Analyst
Ruth Ann Burke, Board Clerk
Valerie Wright, Assistant Attorney General
Robin Dostie, Dostie Reporting Services

2. Triennial Review of Maine's Water Quality Standards

The Board of Environmental Protection held a public hearing on October 16, 2025, beginning at approximately 9:50 a.m. at the Augusta Civic Center for the purpose of receiving testimony from members of the public regarding the proposed Triennial Review of Maine's Water Quality Standards.

Following an introduction by Department staff, Board member Robert Duchesne, who was previously designated by Board Chair Susan Lessard to serve as the Presiding Officer for the hearing, invited testimony from members of the public. A copy of the hearing sign-in sheets of persons who testified is attached. Presiding Officer Duchesne announced that written comment on the proposed Triennial Review may be submitted until 11:59 p.m. on October 22, 2025, and then closed the hearing at approximately 12:25 p.m. An audio and video stream of the hearing was provided via Zoom, and an audio recording of the hearing was made pursuant to 38 M.R.S. § 341-E(2). A written transcript of the hearing was made by Dostie Reporting Services.

The following individuals were in attendance:

Board: Robert Duchesne, Robert Marvinney, Steven Pelletier, Robert Sanford, and Barbara Vickery were present. Betsy Fitzgerald was recused. Susan Lessard was absent.

Staff: Meagan Sims, Wendy Garland, Brian Kavanah, Bureau of Water Quality

Others: Melanie Loyzim, Commissioner
William Hinkel, Board Executive Analyst
Ruth Ann Burke, Board Clerk
Jack Dafoe, Assistant Attorney General
Robin Dostie, Dostie Reporting Services

Following the two Board hearings on October 16, 2025, a meeting of the Board of Environmental Protection was held at the Augusta Civic Center, beginning at approximately 12:34 p.m. 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). Chair Susan Lessard previously designated Robert Duchesne to serve as the Presiding Officer over the meeting due to her unavoidable absence. Presiding Officer Duchesne called the meeting to order with the following individuals in attendance.

Board: Robert Duchesne, Betsy Fitzgerald, Robert Marvinney, Steven Pelletier, Robert Sanford, and Barbara Vickery were present. Susan Lessard was absent.

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

II. ADMINISTRATIVE MATTERS, COMMENTS, AND NOTES

1. **Commissioner's Comments:** No comments.
2. **Chair's Comments:** No comments from Presiding Officer Duchesne.
3. **Executive Analyst's Comments:** No comments.
4. **Board Calendar:** The next regular Board meeting is tentatively scheduled for November 6, 2025, at the Deering 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)

III. APPROVAL OF BOARD MINUTES

1. BEP Meeting Minutes, September 18, 2025

The Board voted (6-0-0-1) on a motion by Robert Marvinney and seconded by Steven Pelletier to approve the minutes of September 18, 2025, as presented. The vote was taken pursuant to 38 M.R.S. § 341-D(8) and 5 M.R.S. § 12014(1)(A). Susan Lessard was absent.

2. BEP Meeting Minutes, October 2, 2025

The Board voted (6-0-0-1) on a motion by Betsy Fitzgerald and seconded by Barbara Vickery to approve the minutes of October 2, 2025, as presented. The vote was taken pursuant to 38 M.R.S. § 341-D(8) and 5 M.R.S. § 12014(1)(A). Susan Lessard was absent.

IV. CURRENT ITEMS FOR BOARD CONSIDERATION

1. Chapter 426, *Responsibilities Under the Returnable Beverage Container Law* (Post for Public Comment and Public Hearing)

Staff: Brian Beneski and Elena Bertocci, Bureau of Remediation
and Waste Management

Department staff briefed the Board on proposed amendments to Chapter 426 and the staff recommendation that the Board post the proposed amendments for public comment and a public hearing. Staff circulated to Board members a handout identifying minor revisions, clarifications, and corrections to section 22 of the proposed rule.

The Board voted (6-0-0-1) on a motion by Barbara Vickery and seconded by Robert Sanford to post the proposed revisions to Chapter 426, with the additional revisions noted by staff on the handout and further revision of the language in sections 22(2)(a)(i) and 22(2)(b) (to change “with 90% confidence, \pm 2%” to “within 2%”), for public comment and a public hearing to be scheduled at a later date. The vote was taken pursuant to 38 M.R.S. § 341-D. Susan Lessard was absent.

V. ADJOURNMENT

The Board voted (6-0-0-1) on a motion by Betsy Fitzgerald and seconded by Robert Marvinney to adjourn the meeting at approximately 1:13 p.m. Susan Lessard was absent.

COMMENTS NEITHER FOR NOR AGAINST:

TRIENNIAL REVIEW OF MAINE'S WATER QUALITY STANDARDS

THURSDAY, OCTOBER 16, 2025, AUGUSTA CIVIC CENTER, 76 COMMUNITY DRIVE, AUGUSTA

PRINTED NAME	AFFILIATION OR TOWN	EMAIL ADDRESS
✓ Peter Rubins ^①	GROW LA	prubins1@gmail.com
✓ Scott Sells ^①	Friends of Merrymeetns	sls@tnitoner.com
✓ Anastasia Fischer	Eastern Maine (EMCI) Conservation Initiative	grantinfo@emcmaine.org
✓ William C. Silvester	Auburn	wcs.forestry@gmail.com
✓ Ed Friedman ^①	FOUR For Lower Andro upgrade	ed.friedman@comcast.net
✓ Andrew Fisk	American Rivers	AFISK@AMERICANRIVERS.ORG
✓ Peter Stuckey	Friends of the Presumpscot River	stuckey42@comcast.net
✓ Stephanie Noyes	Falmouth	stephnoyes@gmail.com
✓ Luke Frankel	NRCM	lfrankel@nrcm.org
✓ Kijana Plenderleith	Maine Forest+ Products Council	kplenderleith@preti.com
✓ STEPHEN HEINZ	MAINE COUNCIL OF TROUT UNLIMITED	bern@maine.org.com
✓ ADRIAN KENDALL	Kingfish Maine	akendall@ahdlaw.com

① Testified as a single group.

THIS PAGE INTENTIONALLY LEFT BLANK