



STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION

Robert S. Duchesne, Chair

JANET T. MILLS
GOVERNOR

William F. Hinkel
Executive Analyst

Ruth Ann Burke
Board Clerk

**BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes**

January 15, 2026

A meeting of the Board of Environmental Protection was held on January 15, 2026, at the Public Safety State Office Building in Augusta. 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). Board Chair Susan Lessard called the meeting to order at approximately 9:00 a.m. with the following individuals in attendance.

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

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

I. ADMINISTRATIVE MATTERS, COMMENTS, AND NOTES

1. Commissioner's Comments: Commissioner Loyzim offered remarks of gratitude to Chair Lessard for her many years of service to the Board.

2. Chair's Comments: No comments.

3. Executive Analyst's Comments: Mr. Hinkel provided the following comments.

- The location of the next Board meeting will be held at the Augusta Armory on Western Avenue.
- Mr. Hinkel observed some report errors in the Department Orders and Applications Accepted reports for the Biomedical, Solid Waste, and Overboard Discharge programs that recently migrated to the MELS application system. Rather than provide inaccurate reports to the Board, those reports were not included with the January 15th Board packet. The Department is actively working to resolve the errors so that accurate reports can be provided for the next Board meeting.
- The draft meeting minutes from December 18th will be included in the next Board packet.
- Legislative updates: 1) On January 14th, Bureau of Water Quality Director Brian Kavanah briefed the ENR Committee on the Board's 2025 Triennial

Review Recommendations; 2) On January 21st Mr. Hinkel will present the Board's Government Evaluation Report that the Board submitted to the ENR Committee in December; and 3) Mr. Hinkel submitted the Board's 2025 Summary Report to the ENR Committee on January 8th.

Several current and prior Department staff offered remarks of gratitude to Board Chair Susan Lessard, whose second four-year term ends on January 30, 2026.

4. Board Calendar: The next regular Board meeting is tentatively scheduled for February 5, 2026.

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. CURRENT ITEMS FOR BOARD CONSIDERATION

1. Chapter 145, *NOx Control Program*

Staff: Jeff Crawford and Michelle Radley, Bureau of Air Quality

Board Counsel: Emma Akrawi

Mr. Crawford and Ms. Radley briefed the Board on proposed amendments to Chapter 145 and the staff recommendation that the Board adopt the proposed routine technical rule. No persons offered additional comment pursuant to 38 M.R.S. § 341-H(3-A).

The Board voted (7-0-0-0) on a motion by Robert Duchesne and seconded by Steven Pelletier to adopt the Chapter 145 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.

2. Chapters 850 through 859, *Hazardous Waste Management Rules*

Staff: Cherrie Plummer and Clara Hopkins, Bureau of Remediation and Waste Management

Board Counsel: Jeffrey Skakalski

Ms. Plummer and Ms. Hopkins briefed the Board on proposed amendments to Chapters 850-858 and a proposed new rule, Chapter 859, *Hazardous Waste Pharmaceuticals*, and the staff recommendation that the Board post the proposed rules for public comment and a joint public hearing.

Following deliberations, the Board voted (7-0-0-0) on a motion by Betsy Fitzgerald and seconded by Robert Marvinney to post the proposed rules, as presented and with minor revisions based on the Board's deliberation, for public comment and a joint

public hearing. The vote was taken pursuant to 38 M.R.S. § 341-D(1-C) and 5 M.R.S. § 8052.

III. ADJOURNMENT

The Board voted (7-0-0-0) on a motion by Barbara Vickery and seconded by Steven Pelletier to adjourn the meeting at approximately 10:04 a.m.