

IN THE MATTER OF

NORDIC AQUAFARMS, INC.) APPLICATIONS FOR AIR EMISSION,
Belfast and Northport) SITE LOCATION OF DEVELOPMENT,
Waldo County, Maine) NATURAL RESOURCES PROTECTION ACT, and
) MAINE POLLUTANT DISCHARGE ELIMINATION
A-1146-71-A-N) SYSTEM (MEPDES)/WASTE DISCHARGE
L-28319-26-A-N) LICENSES
L-28319-TG-B-N)
L-28319-4E-C-N) MGL INTERVENORS ADOPTION OF PRIOR-
L-28319-L6-D-N) FILED MATERIALS IN LIEU OF POST-HEARING
L-28319-TW-E-N) BRIEF
W-009200-6F-A-N)

Dated: April 27, 2020

The MGL Intervenors have repeatedly filed exhibits, statements, testimony, argument and authorities in the Record detailing the following points relating to the above-referenced pending applications:

- The applications are inaccurate and incomplete and require amendment to reflect the true nature of the project proposed;
- Amendment of the pending NRPA, SLODA and MEPDES applications are required to reflect the change in the project reflected in the haul route and presentation first revealed during the March 2, 2020 DMR “public hearing”;
- Additional permit applications, including an additional MEPDES permit application for the proposed point source discharge of pollutants through de-watering 20,000 cy of contaminated dredge spoils, first revealed during the March 2, 2020 DMR “public hearing,” is required under the Clean Water Act and related State and federal regulations implementing the Clean Water Act;
- Sediment testing, at least under the Tier 2 standards, using the RIM Manual for all contaminants and the PRMS standard for mercury, must be required prior to further action on the pending NRPA and MEPDES application and the required additional MEPDES application (relating to newly proposed de-watering of 20,000 cy of contaminated dredge spoils);
- All comments, including those submitted by MGL Intervenors, that were submitted to DMR as part of the advisory process on the fisheries and fishing industry impacts of this project (38 M.R.S. § 480-D(9)) need to be put in the Board’s Record for this project and considered by the Board in its deliberations over the pending (and additional) permit applications, and provided to all Intervenors, Interested Parties and the public; and

- Incomplete, inaccurate and premature DMR assessment should not be considered, that fail to include an assessment of the impact of the potential for spreading buried HoltraChem mercury posed by this project, should be returned to DMR for further evaluation – including evaluation of the Comment submitted by Dr. Dianne Kopec (expert for the federal court in the Mallinckrodt litigation) that was improperly excluded from the DMR assessment and the Board’s Record.

All of the above prior filings are referenced as support for the MGL Intervenors’ opposition to the granting of the applications NAF has filed. MGL Intervenors reference these prior filings in lieu of expending any additional limited resources restating the same arguments again to the Board.

Further, MGL Intervenors believe that filing any additional repetitive arguments that are ably addressed by the comprehensive brief being filed by Upstream Watch would needlessly expend the Board’s resources and detract from a proper evaluation of the arguments and filings in the Record (or omitted from the Record but which require inclusion now).

This filing is also submitted on behalf of the Friends of the Harriet L. Hartley Conservation Area who, although denied Intervenor status, have property interests that the proposed permit applications improperly threaten. As such, Friends has a right to assert and preserve their interests as it has a right as and “Aggrieved Party” to challenge any permit decisions made that adversely impact Friends’ rights and duties as Holder of the Conservation Easement for the Harriet L. Hartley Conservation Area.

Respectfully submitted,



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Maine Bar No. 6969
Counsel for Intervenors Jeffrey Mabee and
Judith Grace; and Parties in Interest Friends
of the Harriet L. Hartley Conservation Area,
Holders of a Recorded Conservation
Easement as Shown on A Survey Plan Recorded
in the WCRD at Book 24, Page 54

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