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JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION

RICHARD E. WARDWELL
CHAIR

CYNTHIA S. BERTOCCHI
EXECUTIVE ANALYST

TERRY A. HANSON
ADMIN. ASSISTANT

January 18, 2005

Senator Scott W. Cowger
Representative Theodore S. Koffman
Members of the Joint Standing Committee on Natural Resources
#13 State House Station
Augusta, Maine 04333-0013

Dear Senator Cowger, Representative Koffman, Committee Members:

In accordance with 38 MRSA section 341-D(7), I have enclosed a summary of the activities of the Board of Environmental Protection for calendar year 2004 with recommendations for your consideration.

If you have any questions on the issues raised in this report, I would be happy to discuss them with you at your convenience.

Respectfully submitted,

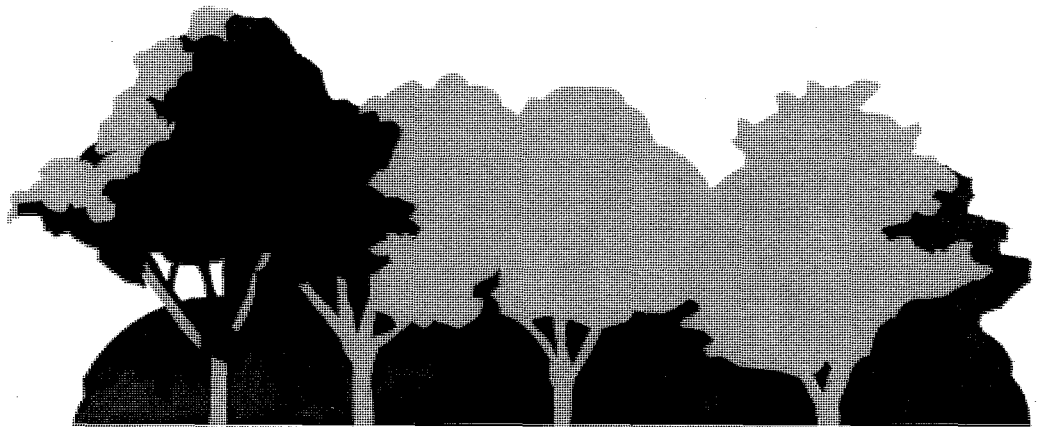
Richard Wardwell, Chair
Board of Environmental Protection

Cc: Dawn R. Gallagher, DEP Commissioner
David P. Littell, DEP Deputy Commissioner



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Report to the Joint Standing Committee On Natural Resources



BOARD OF ENVIRONMENTAL PROTECTION

Summary of Activities Calendar Year 2004

Respectfully Submitted by: Richard E. Wardwell, Chair

**REPORT TO THE JOINT STANDING COMMITTEE ON NATURAL RESOURCES
SUMMARY OF ACTIVITIES – 2004**

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- > Board Members: List and Biographical Information
- > 2004 Meeting Agendas

Report to the Joint Standing Committee on Natural Resources
Recommendations and Summary of Activities for Calendar Year 2004

I. Introduction

Title 38 MRSA section 341-D, 7 requires the Board of Environmental Protection to report to the Joint Standing Committee on Natural Resources by January 15 of the first regular session of each Legislature on the “effectiveness of the environmental laws of the State and any recommendations for amending those laws or the laws governing the board.” In addition to presenting recommendations, the Board wishes to take this opportunity to provide you with a brief update on the Board’s activities in 2004.

II. Membership

Donald Guimond of Fort Kent was appointed to the Board in April 2004 by Governor John Baldacci to fill the seat vacated by Melford Pelletier of Wallagras. Mr. Guimond has served as the Town Manager of Fort Kent since December of 1993. He holds a degree in Business Administration, and has extensive experience in local government, planning, and economic and community development. He is also a partner and operator of a large family farm. The Board is pleased to have another member from northern Maine, and a member with solid experience in local government.

Katharine Littlefield completed her second term on the Board in June 2004. Ms. Littlefield was a hardworking and insightful Board member, dedicated to the well being of Maine’s environment and its citizens. Her contributions are greatly missed.

The seat formerly held by Ms. Littlefield has remained vacant since the end of her term. The Board is hopeful that another member will be appointed in early 2005, so that we may have a full complement of members to address the many important issues that come before the Board for consideration.

III. Summary of Matters before the Board

The Board’s statutory responsibilities are established in 38 M.R.S.A. section 341-B. These responsibilities include rulemaking, decisions on selected permit applications, review (appeals) of Commissioner licensing decisions, review of enforcement actions, and recommendations to the Legislature for changes to law. This section summarizes the major actions of the Board in 2004. Recommendations and issues for further consideration appear in Section IV below.

A. Rulemaking

During 2004, the Board conducted 21 rulemaking proceedings. These rulemaking initiatives are summarized below. Of these, 16 rules (or rule amendments) have been adopted and two rules are still pending. The citizen petition to amend Chapter 127 to allow the sale of federally compliant (but not California compliant, and hence not Maine compliant) diesel powered passenger cars was denied. The Chapter 127 Zero Emission Vehicle Program, and Chapter 500 Storm Water Management and Chapter 502 Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams were provisionally adopted and are being forwarded to your Committee under separate cover for your consideration.

- Chapter 124 Total Reduced Sulfur Control from Kraft Pulp Mills Regulation (amendments): to align the brownstock washer control compliance date with the 2007 federal pulp and paper Maximum Achievable Control Technology (MACT) requirement deadline. The proposed amendment gives affected facilities an additional two years to comply. A public hearing was held on January 15, 2004. The rule amendment was adopted on April 1, 2004.
- Chapter 127 New Motor Vehicle Emission Standards Regulation (citizen petition for amendment): This rulemaking was the result of a citizen petition pursuant to 5 M.R.S.A. section 8055. The petition sought to amend Chapter 127 to allow sale in Maine of federally-compliant diesel-powered passenger cars (model years 2004-2006) that do not meet the California standard that is incorporated into Department rules. A public hearing was held on January 15, 2004. The rule amendment requested by the petitioner was denied on May 6, 2004.
- Chapter 127 New Motor Vehicle Emission Standards Regulation – Heavy Duty Diesel Vehicle Standards (amendments): to adopt California's 2007 heavy-duty diesel engine emission standards for model year 2008 engines and vehicles containing such engines; and to extend beyond 2006 the not-to-exceed (NTE) and Euro III European Stationary Cycle emission test procedures for on-road heavy duty diesel engines (gross vehicle weight greater than 14,000 pounds); to achieve reductions in NOx and particulate matter. A public hearing was held on October 7, 2004. The amendment was adopted on December 2, 2004.
- Chapter 127 New Motor Vehicle Emission Standards Regulation – Zero Emission Vehicle Program (new): to implement a zero emission vehicle program for passenger cars and light-duty trucks delivered for sale in Maine beginning with model year 2009. The rule will achieve reductions in volatile organic compounds (VOC), air toxics and carbon dioxide emissions. A public hearing was held on October 7, 2004. The rule was provisionally adopted on December 2, 2004.

- Chapter 130 Solvent Cleaner (repeal and replace): to further reduce emission of volatile organic compounds from solvents used in solvent cleaning operations, including a requirement to use very low vapor pressure solvents. A public hearing was held on May 20, 2004. The revised rule was adopted on June 17, 2004.
- Chapter 137 Emission Statements and Chapter 100 Definitions (amendments): to incorporate reporting requirements for ammonia and fine particulate matter, amend reporting thresholds for hazardous air pollutants, amend inventory reporting requirements to coincide with EPA's reporting requirements, and add reporting requirements for greenhouse gases. A public hearing was held on April 15, 2004. The rule amendments were adopted on June 17, 2004.
- Chapter 148 Emissions from Smaller Scale Electric Generating Resources (new): to establish nitrogen oxide (NOx), sulfur dioxide (SO₂), particulate matter (PM), and carbon monoxide (CO) emission limits for new stationary electric generators with a capacity of 50 kilowatts or greater. A public hearing was held on June 17, 2004. The rule was adopted on July 15, 2004.
- Chapter 151 Architectural and Industrial Maintenance (AIM) Coatings (new): to reduce emissions by limiting the volatile organic compound (VOC) content of coatings (including products such as paints, stains, varnishes, lacquers, primers, and wood preservatives) for sale or use in Maine. A public hearing was held on September 16, 2004. The rule was adopted on December 2, 2004.
- Chapter 152 Control of Emissions of Volatile Organic Compounds from Consumer Products (new): the rule places limits on the volatile organic compound (VOC) content of approximately 80 consumer product categories sold or offered for sale in Maine, including products such as adhesives, air fresheners, general purpose cleaners, hair products, insecticides, laundry products, lubricants, and paint removers. A public hearing was held on June 17, 2004. The rule was adopted on August 19, 2004.
- Chapter 153 Mobile Equipment Refinishing and Repair Regulation (new): The rule limits emissions of volatile organic compounds (VOC) from mobile equipment refinishing and repair facilities by limiting the VOC content of coatings, requiring the use of high efficiency coating application systems, and establishing work practice standards. A public hearing was held on November 6, 2003. The rule was adopted on February 5, 2004.
- Chapter 155 Portable Fuel Container Spillage Control Regulation (amendments): to correct a reference. The rule was posted for a 30-day written public comment period. The amendment was adopted on June 3, 2004.

- Chapter 305 Permit by Rule (amendments): to make the rules consistent with recent amendments to the sand dunes rules, to remove permanent piers/docks from the permit-by-rule process, and to clarify the standards and applicability of the rule to certain activities. A public hearing is scheduled for January 6, 2005.
- Chapter 355 Coastal Sand Dune Rules (repeal and replace): to clarify a number of provisions of the rule, amend standards governing construction in frontal dunes and unstable back dunes, and address the issue of unconstitutional takings. After an initial hearing in August of 2002, the draft rule was substantially revised and a new hearing was held on March 6, 2003. The Board provisionally adopted the rule on June 19, 2003. Following Legislative review of the rule in 2004, the Board adopted the rule on June 3, 2004 as approved by the Legislature.
- Chapter 424 Lead Management Regulations (amendments): to clarify standards of conduct for lead professionals providing lead-related services to Maine citizens, and to simplify abatement work practices. Posted for a 30-day written public comment period. The amendments were adopted on November 4, 2004.
- Chapter 425 Asbestos Management Rules (amendments): This rule was substantially modified in 2002. The majority of proposed amendments were minor and intended to clarify certain provisions in the rule. Two significant amendments included clarification that only DEP licensed consultants can conduct final visual evaluations and air clearance monitoring, and a provision to allow an alternative form of containment during asbestos abatement activities. The proposed amendments were posted for a 30-day written public comment period in December 2003. The amendments were adopted on May 6, 2004.
- Chapter 500 Storm Water Management and Chapter 502 Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams (amendments): to improve the effectiveness of storm water management by, among other things, eliminating differential regulation based on location; and to streamline and simplify the rule where possible. A public hearing was held on August 19, 2004. The amendments were provisionally adopted on November 4, 2004.
- Chapter 532 Large Commercial Passenger Vessels (new): to regulate the discharge to coastal waters of graywater, or a mixture of blackwater and graywater, from large commercial passenger vessels. The rule was posted for a 30-day written public comment period on November 4, 2004. Board action is anticipated in early 2005.
- Chapter 594 State Contribution to Overboard Discharge Replacement Projects (amendments): to make the rule consistent with recent amendments to statute. A public hearing was held on July 1, 2004. The amendments were adopted on November 4, 2004.

- Chapter 596 Overboard Discharges – Licensing and Abandonment (amendments): to make the rule consistent with recent amendments to statute and to clarify program requirements. A public hearing was held on July 1, 2004. The amendments were adopted on October 7, 2004.
- Chapter 691 Underground Oil Storage Facilities (amendments): to incorporate updated national and industry pollution prevention standards, incorporate changes in statute, add requirements for overfill protection at bulk plant loading racks, and add requirements for minimizing oil discharges from product dispensers and gas pumps. A public hearing was held on October 2, 2003. The rule amendment was adopted on February 5, 2004.
- Chapter 850 Identification of Hazardous Waste (amendment): to update the toxicity characteristic leaching procedure (TCLP) for identifying hazardous waste. The proposed change was posted for a 30-day written public comment period. The amendment was adopted on July 1, 2004.

B. Major Applications and Other Licensing Matters

Title 38 section 341-D, subsection 2 provides that: “The board shall decide each application for approval of permits and licenses that in its judgment:

- A. Involves a policy, rule or law that the board has not previously interpreted;
- B. Involves important policy questions that the board has not resolved;
- C. Involves important policy questions or interpretations of a rule or law that require reexamination; or
- D. Have generated substantial public interest.”

An application of substantial public interest is further defined in rule as a project which has “the potential to affect a broad geographic area or a natural resource of statewide significance, or has generated more than local interest” [06-096 CMR Chapter 2]. In addition, statute requires that the Board decide some applications.

Major applications before the Board in 2004 included:

- China Lake Water Level: The Board held a public hearing in August 2003 on a citizen petition to change the water level management regime for China Lake. The petition was denied in January 2004. The Board subsequently received a petition for reconsideration, which was denied in March 2004.
- Maine Department of Inland Fisheries and Wildlife Application for a Public Boat Ramp at Mere Point, Brunswick: In response to multiple citizen requests, the Board assumed jurisdiction over this application in September 2003. Processing of the application has been put on hold twice at the request of the applicant. A public hearing is tentatively scheduled for March 2005.

- Application by Anne S. Hannum for Private Recreational Dock in Bar Harbor. The Board denied Ms. Hannum's application in May 2001. The Board's decision was appealed to Superior Court, which upheld the Board's decision. Ms. Hannum subsequently appealed to the Maine Supreme Judicial Court, which remanded the application to the Board for further proceedings. After further consideration, the Board again denied the application in June 2004. The Board's decision has been appealed to Superior Court.
- Use Attainability Analysis for Ragged Lake and Seboomook Lake; Great Lakes Hydro America Storage Project. In accordance with 38 MRSA section 464(2-A), the Board conducted a use attainability analysis (UAA) for Ragged and Seboomook Lakes, located on the West Branch Penobscot River and its tributaries. After public hearing, the Board approved the UAA in November 2004 and is recommending that the Legislature adopt a subcategory of the designated use of habitat for fish and other aquatic life, permitting drawdowns of up to 20 feet for Ragged Lake, and 17 feet for Seboomook. This recommendation has been incorporated in a Department bill for your consideration this session.

The Board denied the following petitions for Board jurisdiction:

- Petition by Town of Wiscasset for Board jurisdiction and a public hearing in the matter of Maine Yankee Atomic Power Company Property Tax Exemption Certification.
- Citizen petition for Board jurisdiction and a public hearing on the application by Town of Wiscasset for Improvements to the Wiscasset Municipal Airport.

Other significant licensing proceedings included:

- Safety-Kleen Hazardous Waste Storage Facility Transfer and Renewal License, Leeds. Approved February 2004.
- ENPRO Services of Maine, Inc., South Portland. Hazardous Waste Transfer Facility, and Waste Oil Storage and Commercial Hazardous Waste Storage and Treatment Facility License. Approved May 2004.

C. Appeal of Commissioner Decisions

The Board considered the appeal of nine Commissioner decisions:

- Four appeals of Natural Resources Protection Act (NRPA) permit decisions (two commercial fishing piers, one recreational pier, one shoreland alteration). In each case the Board affirmed the Commissioner's decisions; granting the permits for the commercial piers and recreational dock, and denying the shoreland alteration. Of these, the Board's decision on the recreational dock has been appealed to Superior Court.

- Appeal of NRPA and Site Location of Development permit approval for a wind power project. The Board affirmed the Commissioner's approval of the permit, with modifications.
- Appeal of a water quality certification for a hydropower project (Flagstaff Storage Project). The Board granted the appeal and denied the water quality certification without prejudice, finding, in part, that the standard employed by the Commissioner had not been approved by EPA for federal law purposes. The Board's decision has been appealed to Superior Court.
- Appeal of a solid waste landfill amendment license (West Old Town Landfill). The Board denied the request for public hearing and affirmed the Commissioner's decision granting the license amendment. The Board's decision has been appealed to Superior Court.
- One appeal of specific conditions of a wastewater discharge license. The Board affirmed the Commissioner's decision.
- One appeal of a denial of a request for exemption from the prohibition on the sale or distribution of mercury added-thermostats. The Board affirmed the Commissioner's decision denying the exemption request.

Some of the significant issues raised by these appeals are discussed in Section IV below.

D. Enforcement Actions

During 2004, the Board approved 91 Administrative Consent Agreements and/or Enforcement Orders. These enforcement actions covered a range of issues and included violations of the following statutes and rules:

Air

- Air emission standards and license conditions (9)
- Gasoline Dispensing Facilities vapor control rule, Chapter 118 (1)
- New Motor Vehicle Emission Standards, Chapter 127 (1)

Hazardous Waste, Solid Waste, Oil Discharge

- Asbestos Management Regulations (8)
- Hazardous Waste Management Regulations (4)
- Lead Management Regulations (1)
- Oil Discharge Prevention statutes and rules (2)
- Septage Management Regulations (1)
- Solid Waste Management Regulations (2)
- Solid Waste, Hazardous Waste and Oil Discharge statutes and rules (1)

Land and Water

- Erosion and Sedimentation Control Law (3): In addition to the three cases in which it was the sole violation, violations of this law occurred in 36 of the other enforcement cases listed in this section.
- Natural Resources Protection Act (32)
- Performance Standards for Excavations (gravel mining) (6)
- Protection and Improvement of Waters Act (7): In addition to the seven cases in which it was the sole violation, violations of this law occurred in 27 of the other enforcement cases listed in this section, often in association with violations of the Erosion and Sedimentation Control Law.
- Site Location of Development Law (5)
- Site Location of Development Law and Natural Resources Protection Act (2)
- Storm Water Management Law (6)

IV. Recommendations and Issues for Consideration

As discussed above, the Board considers a significant number of proposed rules, applications, and appeals each year. While each rule or project presents important issues for consideration and resolution, the Board would like to bring the following matters to your attention.

Chapter 127 New Motor Vehicle Emission Standards Regulation – Zero Emission Vehicle Program (ZEV)

The Board provisionally adopted this rule on December 2, 2004. The zero emission vehicle program applies to passenger cars and light-duty trucks delivered for sale in Maine beginning with model year 2009. The rule requires that approximately 10% of the vehicles meet “ZEV” standards (2% ZEV, 2% advanced technology partial zero emission vehicles or AT-PZEV, and 6% partial zero emission vehicles or PZEV). Implementation of the rule will improve air quality by reducing emissions of criteria pollutants and air toxics from mobile sources; it will also reduce emissions of carbon dioxide (a greenhouse gas).

While some manufacturers expressed concern that they may not be able to meet the requirements of the rule, the Board notes that the program is comparable to other programs recently enacted in Vermont, Massachusetts, New York, Connecticut, and New Jersey, and proposed in Rhode Island. Since the ZEV requirement begins with the 2009 model year, most manufacturers should have sufficient time to comply. In addition, the rule allows manufacturers to earn credits for early introduction of qualifying vehicles beginning with the 2004 model year.

In response to concerns of automobile dealers that there may not be a market for compliant cars, the Board notes that there has been substantial demand for many of the cars that already meet this standard, and a number of manufacturers are re-

designing light-duty trucks to comply with the more stringent emission requirements. We anticipate that as technology continues to improve, more vehicle types will meet the standard, and sufficient public demand for cleaner cars and trucks will exist so that Maine's auto dealers will not be placed at a competitive disadvantage. The Board recommends approval of the rule.

Registration Denial for Vehicles not Meeting Low Emission Vehicle (LEV) Standards

Chapter 127 of the Department's rules also provides that all 2001 and subsequent model-year passenger cars and light-duty trucks, 2003 and subsequent model-year medium-duty vehicles, and 2005 and subsequent model-year heavy-duty engines and vehicles offered for sale, lease or rent in Maine must be California-certified. The citizen petition to amend Chapter 127 to allow sale in Maine of cars which meet federal, but not California (and hence not Maine) emission standards highlighted an important concern.

Under current law, car dealers in Maine may only receive for sale cars that meet our low emission standards (California-certified). Since New Hampshire has not adopted the more stringent California standards, Maine auto dealers have expressed concern that they lose business to New Hampshire dealers, since consumers will purchase the car of their choice, whether or not it meets Maine emission standards. While it is difficult to quantify any loss of business, testimony in support of the citizen petition indicated that at least some Maine consumers likely go to New Hampshire to purchase non-compliant cars. In order to close this loophole and eliminate any disadvantage to Maine auto dealers, the Board recommends that the Legislature enact a registration denial provision so that only cars meeting Maine emission standards (California-certified) may be registered in Maine.

Climate Action Plan for Maine 2004

Commissioner Gallagher briefed the Board on this report at the Board's December 2, 2004 meeting. Board members were favorably impressed with the quality of the report and the amount of work that Department staff and all members of the Stakeholder Advisory Group and its working groups have invested in this important effort. We note that this past year the Board adopted amendments to Chapter 137 that, among other things, added reporting requirements for greenhouse gases. This rule should aid implementation of a number of greenhouse gas reduction strategies identified in the plan. In addition, the Board provisionally adopted a Zero Emission Vehicle rule for your consideration. According to the Climate Action Plan, the ZEV program is a cost-effective means of achieving carbon reductions. We also note the important co-benefits associated with a number of the proposed strategies including further reductions in toxic air emissions, which would greatly benefit public health. The Board looks forward to the Legislature's response to the Climate Action Plan.

Permanent Piers and Docks

As noted in previous reports to the Committee, applications for permanent piers/docks in coastal waters continue to be contentious, with decisions (either to approve or deny) frequently appealed to the Board, and the courts. In an effort to improve consistency and ensure fair consideration of these applications, the Board and Department have taken steps to clarify our rules and learn from decisions of the court. Last year, the Board adopted Chapter 315 Assessing and Mitigating Impacts to Existing Scenic and Aesthetic Uses. This rule provides guidance to applicants planning their projects and to staff evaluating scenic and aesthetic impacts of proposed projects under the Natural Resources Protection Act (NRPA).

Additionally, the historic inclusion of some piers and docks in the permit-by-rule process has been particularly problematic, especially on appeal. For this reason, Department staff has proposed to remove permanent coastal piers and docks from consideration under the permit-by-rule process. A public hearing on this rule change was held on January 6, 2005. By removing coastal piers/docks from the PBR process, all proposed piers/docks would receive a full NRPA review, which should provide a more detailed record and help ensure consistency in decision-making.

Finally, the Law Court's decision in the Hannum case provided guidance on assessing the cumulative impact of docks and other structures on the environment.

Given the value of the state's coastal resources and the increasing development pressure on these resources, permanent docks will likely continue to be contentious and consume a significant amount of Board and staff time for the foreseeable future.

Solid Waste Management

State acquisition of the West Old Town Landfill and the subsequent application by the State Planning Office to amend the license and increase disposal capacity have once again highlighted the controversial nature of waste disposal facilities, especially for those who live near existing or proposed facilities and along haul routes. The appeal of the West Old Town Landfill license amendment considered by the Board involved a number of issues, two of which the Board would like to bring to your attention: weight limits on the interstate and the need to increase recycling of solid waste.

In the case of West Old Town Landfill, it is ironic that although the facility is located near an exit of the interstate, the heaviest trucks hauling wastes to the facility (those in excess of 80,000 pounds) are not permitted on the interstate, but must travel through communities on local roads increasing community concerns. Intuitively one would think that such trucks belong on the interstate, especially when the interstate is the most direct route to the facility, rather than routed along secondary roads and through community centers. The Board supports the efforts of State officials to obtain an increase in the weight limit on the interstate.

Second, as noted in prior reports to your Committee, the Board strongly supports efforts to increase recycling. Given the environmental, economic and social costs associated with waste management, it is only prudent that we recycle where practicable and thereby reduce our ever-increasing demand for waste disposal capacity. To that end the Board recommends that the State actively explore ways to increase in-state recycling rates. Additionally, while recognizing limitations imposed by the Commerce Clause of the U.S. Constitution, Board members believe that the State should explore mechanisms to require out-of-state generators to document their efforts to recycle and minimize all waste transported to Maine for disposal. The Board believes it is critical that valuable landfill space not be consumed by materials that can and should be recycled.

Parenthetically, the Board notes that the Climate Action Plan identifies recycling/source reduction as a cost-effective means of achieving significant reductions in greenhouse gas emissions.

Use Attainability Analysis for Ragged and Seboomook Lakes

As noted in Section IIIB of this report, the Board is recommending a change in designated use for Ragged and Seboomook Lakes. This recommendation has been incorporated into a Department bill for your consideration this session.

Ragged and Seboomook Lakes are part of a storage project licensed to Great Lakes Hydro America, LLC. The storage project is located on the West Branch Penobscot River and its tributaries, and also includes Canada Falls Lake and Caucomgomoc Lake.

Under provisions of 38 MRSA section 464(2-A), the Board must conduct a Use Attainability Analysis (UAA) prior to proposing to the Legislature the removal of a designated use or the adoption of a subcategory of a designated use that requires less stringent criteria. A UAA is defined as “a structured scientific assessment of the factors affecting the attainment of a designated use in a water body. The assessment may include consideration of physical, chemical, biological and economic factors [38 MRSA section 464(2-A)(F)].”

In its decision, the Board found, among other things, that:

- “Ragged Lake Dam and Seboomook Lake Dam are hydrologic modifications that preclude the attainment of the designated use of Ragged and Seboomook Lakes as habitat for fish and other aquatic life, as established for Class GPA hydropower impoundments, and it is not feasible to restore these impoundments to their original condition or to operate the dams in such a way that would result in the attainment of the use”; and

- “the construction and operation of Seboomook Dam are human caused conditions that prevent the attainment of the designated use of Seboomook Lake as habitat for fish and other aquatic life, as established for Class GPA hydropower impoundments, and it would cause more environmental damage to correct these conditions than to leave them in place.”

The Board carefully considers any proposed change in designated use or classification of a waterbody, and particularly a recommendation to adopt a less stringent standard. In this instance, the Board concluded that creation of a subcategory of designated use for these lakes that would allow annual drawdowns of up to 20 feet for Ragged Lake, and up to 17 feet for Seboomook Lake, is warranted; and the Board recommends you approve the change.

V. Board Process and Outreach

As you are aware, the Legislature established the Board to provide “...informed, independent and timely decisions on the interpretation, administration and enforcement of the laws relating to environmental protection and to provide for credible, fair and responsible public participation in department decisions.” [38 MRSA sec. 341-B] Board members are committed to fulfilling this mandate.

In 2004 the Board continued to take steps to increase accessibility to information about the Board, its processes and proceedings. These efforts included the following:

Web Page: The Department has recently expanded a document imaging effort that will enable staff to post the entire Board packet on the internet by mid 2005. This effort should increase public access to information provided to the Board, reduce Board printing and mailing costs, and facilitate archiving of Board records.

Guide to Statutory Responsibilities and Associated Procedures: As a result of its discussions on Board process, members asked that staff develop a handbook or guide to the Board’s responsibilities and procedures for use by Board members and the general public. This document was finalized in January 2004.

Site Visits: The Board continued its practice of conducting project specific, as well as informational, site visits. These visits serve to familiarize Board members with proposed development sites and/or provide general background information on issues before the Board.

Informational workshops: Department staff provide informational workshops at regularly scheduled Board meetings throughout the year for the benefit of Board members and any members of the public who wish to attend. Workshops in 2004 addressed: the Department's air quality program; ozone formation and transport; climate change; enforcement and compliance policies and procedures; implementation of Chapter 315 Assessing and Mitigating Impacts to Existing Scenic and Aesthetic Uses; and storm water management.

VI. Closing

Board members appreciate the opportunity to serve the people of Maine in this unique capacity. We thank you for this opportunity to update you on our work, and welcome any comments you may have.

Attachments:

- Board Members: List and Biographical Information
- Meeting Agendas

ATTACHMENTS:

Board Members: List and Biographical Information
2004 Meeting Agendas

MEMBERS OF THE BOARD OF ENVIRONMENTAL PROTECTION

<u>Members</u>	<u>Expiration Date</u>	<u>Terms</u>
Richard Wardwell, Chair Orono	October 2, 2007	2 nd
Nancy Anderson Cumberland Foreside	November 03, 2007	1 st
Irving Faunce Wilton	June 3, 2005	1 st
Donald Guimond Fort Kent	September 20, 2007	1 st
Ernest Hilton Starks	January 30, 2006	2 nd
Virginia Plummer Turner	August 26, 2007	2 nd
Matt Scott Belgrade	July 27, 2007	1 st
Jean T. Wilkinson Cumberland Foreside	December 12, 2005	2 nd
Nancy Ziegler So. Portland	January 30, 2006	1 st
Vacancy		

MAINE BOARD OF ENVIRONMENTAL PROTECTION

Richard E. Wardwell, Chair Orono

Board Member Wardwell is a Professional Engineer with degrees in Civil, Geotechnical, and Groundwater Engineering. He has over 20 years of experience as an environmental engineer, specializing in the design of earthen structures, the design and assessment of waste disposal facilities, and the control and remediation of contamination from solid and hazardous waste disposal sites. Mr. Wardwell is an independent consulting engineer based in Orono and an adjunct faculty member of Civil Engineering at the University of Maine where he currently teaches courses in geotechnical, groundwater, and hydrologic engineering. Mr. Wardwell is a commercial pilot and certified flight instructor and serves on the Airport Advisory Committee in Old Town. He was appointed to the Board in April of 2000 and appointed by Governor King as chair in December of 2002.

Nancy C. Anderson, Cumberland Foreside

Board member Anderson has a law degree from Harvard University and an undergraduate degree in Government. As a staff attorney for the Maine Audubon Society from 1982 to 1987, Ms. Anderson was actively involved in habitat protection, conservation and natural resource protection policy issues. Ms. Anderson subsequently served as a Board member, Vice President and President of Maine Audubon from 1988 to 1994 and in those roles continued to work with various interest groups to craft conservation policy. She is currently an organizer and leader of weekend retreats in nature. In addition to her interest in environmental policy, Ms. Anderson is a singer and soloist in the Woodfords Congregational Church Choir in Portland and a concert organizer for local non-profit organizations such as the Maine Time Dollar Network. She also was a co-founder of the Maine Women's Fund, a grant making organization that works in partnership with other non-profits to create solutions to the problems facing Maine's women and girls. Ms. Anderson was appointed to the Board in October of 2003.

Irving B. Faunce, Wilton

Irv Faunce lives on The Wilton Blueberry Farm with his wife Jan Collins and their teenage children - Kathy, Gordon and Sasha. They have 4,500 high-bush blueberry trees on 99 acres of land. Irv works in Wilton as the Director of Program Operations for Western Maine Community Action, an agency that provides nutrition, health, housing, fuel assistance and other services to low and moderate income people in Franklin, Oxford and Androscoggin counties. Irv previously had worked in healthcare management as director of nursing, skilled care and rehabilitation facilities. He is a certified elementary teacher and is a teacher of English as a Second Language. Municipal experience has included city council and school board membership and a term as Mayor of the City of Gardiner. He is a former member of the Maine Human Rights Commission and has been a member of the Board since September 2000.

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Donald Guimond, Fort Kent

Board member Guimond is the Town Manager of Fort Kent, a position he has held since December of 1993. As Town Manager Mr. Guimond is responsible for many aspects of local government including budget preparation and implementation; personnel management; oversight of police, fire and public works departments; as well as oversight of economic and community development initiatives. Other professional experience includes service as the Planning and Economic Development Coordinator for the Town of Fort Kent, Program Assistant for the Farm Service Agency, and Manager of the Fort Kent Federal Credit Union. He has also served as Director for the Greater Fort Kent Area Chamber of Commerce and Director of the Aroostook Municipal Association. Mr. Guimond is a partner/operator of a family farm consisting of over 1000 acres, maintaining a cow/calf operation in excess of 100 broad cows as well as the harvesting of grains, hay, straw and forest products. He was recognized as the St. John Valley Outstanding Conservation Farmer in 1990 and Maine Beef Producer of the Year in 1993. Mr. Guimond is also a certified official for the United States Biathlon Association. Mr. Guimond holds a Bachelors Degree in Business Administration from Husson College. He was appointed to the Board in April 2004 by Governor John E. Baldacci.

Ernest W. Hilton, Starks

Board Member Hilton is an Attorney and Professional Engineer with a law and engineering office in Madison, Maine. He holds a law degree from the Dickenson School of Law in Carlisle, Pennsylvania and engineering degrees from the University of Maine at Orono in engineering physics and from West Virginia University in mining engineering. Mr. Hilton has worked with both private sector clients and public agencies on legal, technical and policy issues since 1978. He worked as a mining consultant for a number of years in Pennsylvania where he is still a registered engineer. He has also worked as an attorney, engineer and consultant for the Maine Public Utilities Commission on a variety of construction, generation, transmission and conservation issues. His civic experience includes two years as a Selectman for the Town of Starks, nine years as Chairman of the Starks Board of Appeals, and ten years on the SAD #59 School Board. In addition, Mr. Hilton has founded and been active in a number of historical societies as well as conservation and environmental organizations. He and his family live on a family farm in Starks where they have raised sheep, cattle, and horses, harvest hay, and manage a woodlot. Mr. Hilton was appointed to the Board in May of 1999.

Virginia N. Plummer, Turner

Board Member Plummer is a writer, an independent filmmaker, and a Human Services Consultant, providing services to state agencies and numerous non-profit organizations. Past professional experience includes that of Executive Staff and Principal Writer for the Department of Human Services Commissioner's Task Force on Incapacitated and Dependent Adults, Executive Director of the Maine Committee on Aging, and Director of Special Projects for the Maine Committee on Aging including the WGME television production entitled "Gray Matters". Ms. Plummer is a member of the International Women's Writing Guild; Board member of the Nezinscot Guild, an agency that employs developmentally disabled individuals; a coach for Odyssey of the Mind teams in SAD #52, and Board member of the Student Based Health Center in SAD #52. Ms. Plummer was appointed to the Board in October of 1999.

MAINE BOARD OF ENVIRONMENTAL PROTECTION

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Matt Scott, Belgrade

Board Member Scott is an Aquatic Biologist, a Certified Fisheries Scientist, and an elected Fellow to the American Institute of Fishery Research Biologists. He holds both Bachelors and Masters degrees in Wildlife Management, Fishery Science and Public Administration from the University of Maine. Following retirement from 38 years of service in Maine State Government, including service as Deputy Commissioner for the Department of Inland Fisheries and Wildlife, Mr. Scott was given Emeritus status by the American Fisheries Society, American Institute of Fishery Research Biologists, and the North American Lake Management Society. In addition to his State Service, Mr. Scott has been an adjunct faculty member at Colby College and has served as Executive Secretary for Project SHARE (Salmon Habitat and River Enhancement). He is a past President of the North American Lake Management Society, a past President of the Sportsman's Alliance of Maine, and, as a hobby beekeeper, a past President of the Eastern Apicultural Society of North America. Mr. Scott is also a Registered Master Maine Guide, and serves on the Maine Guides Advisory Board. Matt's volunteer and community service work has included pro bono work for many conservation and environmental organizations, service on the Belgrade Planning Board, and service as Scoutmaster and Committee Chairman for Boy Scout Troop 453 in Belgrade. He resides in Belgrade on his 100 acre farm where he manages a woodlot and maintains several colonies of bees for pollination and honey production. Governor John E. Baldacci appointed Mr. Scott to the Board in June 2003.

Jean T. Wilkinson, Cumberland Foreside

Board Member Wilkinson has a financial background with a Bachelors Degree in Economics from Wellesley College and a Masters Degree in Education from the University of Southern Maine. Her business career has been in investment research and trust management, and she is retired from Fleet Bank of Maine (now Bank of America), where she served as a Vice President and Relationship Manager in its Private Clients Group. Ms. Wilkinson also is a committed volunteer and a civic leader, with a breadth of interests and long-term involvements. In addition to the Board of Environmental Protection, she currently serves on other boards, including Maine Humanities Council, University of New England, North Yarmouth Academy, Maine College of Art, Chewonki Foundation, and the Episcopal Diocesan Trustees. She was Chairman of the Boards of University of New England (1989-1995) and of Blue Cross Blue Shield of Maine (1990-1993), where she served on that board and its successor, Anthem Blue Cross, from 1986 until 2004. Ms. Wilkinson was appointed by Governor Angus King to the Board of Environmental Protection in 1998 and was reappointed for a second term in 1992.

Nancy Ziegler, So. Portland

Board Member Ziegler is a graduate in History of the University of California at Berkeley and of the University of Maine School of Law. She was admitted to practice law in Maine and Federal Court in 1981. Following law school, Ms. Ziegler worked as a research associate at the Marine Law Institute in Portland. She then became an associate with the Portland law firm of Curtis, Thaxter, Stevens, Broder and Micoleau (1984-1994), with a practice in civil litigation including several significant cases involving land use, regulatory and environmental matters. Ms. Ziegler has fourteen years of experience as a debate and mock trial coach at Cape Elizabeth High School where she coached five varsity Lincoln-Douglas Debate state champions. Ms. Ziegler was the author of the 2003 Maine State High School Mock Trial competition case sponsored by the Maine State Bar Association. She has served on the Boards of the Maine Suzuki Association, the Jewish Community Center of Portland, and the East End Children's Workshop. Ms. Ziegler was an Assistant Editor of WomenSports Magazine (1973-1975) and a freelance writer with articles published in Runner's World Magazine, Mother Jones Magazine, and San Francisco City Magazine. Ms. Ziegler was appointed to the Board in April of 2002.

(May 2004)

BOARD OF ENVIRONMENTAL PROTECTION
Senator Inn / Best Western – Western Avenue, Augusta Maine at 11:30 a.m.
January 15, 2004

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders
- F. Executive Session

ADMINISTRATIVE CONSENT AGREEMENT(S):

Proposed wastewater discharge enforcement resolution open for public comment
Pursuant to 38 M.R.S.A. §347-A(6))

Eastern Maine Mussel Corporation, Hancock (Staff: John Glowa 287-3901)

Rockland Marine Corporation, Rockland (Staff: John Glowa 287-3901)

Tentatively scheduled for Board Action on February 5, 2004

II. CONSENT AGENDA ITEMS

- 005 1. CITY OF EASTPORT, Eastport – Administrative Consent Agreement and Enforcement Order. (BLWQ – Water)
- 013 2. TOWN OF MOUNT DESERT, Mount Desert – Administrative Consent Agreement and Enforcement Order (BWLQ – Water)
- 025 3. ABATEMENT SOLUTIONS, INC., Old Town and York – Administrative Consent Agreement (BRWM)
- 031 4. "FILL-IT-UP, PLEASE" INC., South Portland – Administrative Consent Agreement (BAQ)
- 035 5. GUILFORD BERUBE, Acton – Administrative Consent Agreement (BLWQ-Land)
- 039 6. TOWN OF TURNER, Turner – Administrative Consent Agreement and Enforcement Order (BLWQ-Land)

II. REGULAR AGENDA ITEMS

- 043 1. CHINA LAKE / WATER LEVEL (approval of draft order)
Staff: Dana P. Murch, Bureau of Land and Water Quality
- 087 2. CHAPTER 691, RULES FOR UNDERGROUND OIL STORAGE FACILITIES (adoption)
Staff: George Seel, Bureau of Remediation and Waste Management

*** At its meeting the Board will accept additional public comment on a rule proposed for adoption. Additional public comment will be accepted if it is directly related to comments received during the formal rulemaking comment period or is in response to proposed changes. Comments must be presented orally except by leave of the Chair.**

- 3. ANNE S. HANNUM /Remand (distribute record / discuss schedule)

Staff: Cynthia Bertocci, BEP Executive Analyst

Note: no printed documentation included in draft packet

BOARD TO RECONVENE AND CONDUCT PUBLIC HEARING(S) AS FOLLOWS:

2:00 p.m. **Chapter 124** Total Reduced Sulfur Control From Kraft Pulp Mills / Amendments

2:30 p.m. **Chapter 127** New Motor Vehicle Emission Standards Regulation / Amendments

Next Regular Board Meeting – Thursday, February 5, 2004 – Civic Center / Augusta

BOARD OF ENVIRONMENTAL PROTECTION
Augusta Civic Center, Augusta Maine at 9:00 a.m.
February 5, 2004

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders
- F. Executive Session

II. CONSENT AGENDA ITEMS

- 005 1. BEP MINUTES, November 6, 2003 – approve
- 009 2. BEP MINUTES, November 20, 2003 – approve
- 015 3. EASTERN MAINE MUSSEL CORPORATION, Hancock – Administrative Consent Agreement and Enforcement Order. (BLWQ – Water)
- 019 4. ROCKLAND MARINE CORPORATION, Rockland – Administrative Consent Agreement and Enforcement Order (BWLQ – Water)
- 025 5. SPRAGUE ENERGY, CORP., Searsport – Administrative Consent Agreement (BAQ)
- 029 6. ATLANTIC PARK L.L.C., Old Orchard Beach – Administrative Consent Agreement and Enforcement Order (BLWQ-Land)
- 033 7. FRASER BROTHERS, INC., Jefferson – Administrative Consent Agreement (BLWQ-Land)
- 037 8. RF JORDAN & SONS CONSTRUCTION, INC. Ellsworth - Administrative Consent Agreement (BLWQ-Land)
- 041 9. DISNEY ENVIRONMENTAL SERVICES, INC., Auburn – Administrative Consent Agreement (BRWM)

II. REGULAR AGENDA ITEMS

- 047 1. SAFETY-KLEEN SYSTEMS INC., Leeds / Hazardous Waste Storage Facility Transfer and Renewal (final approval of draft order)
Staff: Joan Jones, Bureau of Remediation and Waste Management
- 127 2. ENPRO SERVICES OF MAINE INC., So. Portland / Hazardous Waste Transfer / Waste Oil Storage Facility and Commercial Hazardous Waste Storage & Treatment Renewal (approval / post to 45-day public comment)
Staff: Richard Kaselis, Bureau of Remediation and Waste Management
- 183 3. CHAPTER 153, MOBILE EQUIPMENT REPAIR and REFINISHING / NEW (adoption)
Staff: Jeff Crawford, Bureau of Air Quality
- 195 4. CHAPTER 691, RULES FOR UNDERGROUND OIL STORAGE FACILITIES (discussion/adoption)
Staff: George Seel, Bureau of Remediation and Waste Management

INFORMATIONAL SESSION

Bureau of Air Quality Control (overview)

Staff: James P. Brooks, Director – Bureau of Air Quality

4. ANNE S. HANNUM /Remand (work-session)

Staff: Cynthia Bertocci, BEP Executive Analyst

Staff: Stacie Beyer, Bureau of Land and Water Quality

Note: no printed documentation included in draft packet

Next Regular Board Meeting – Thursday, February 19, 2004 – Holiday Inn / Ground Round, Augusta

BOARD OF ENVIRONMENTAL PROTECTION
Holiday Inn / Ground Round, Augusta Maine at 9:00 a.m.

March 4, 2004

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders
- F. Executive Session

II. CONSENT AGENDA ITEMS

- 007 1. BEP MINUTES, December 4, 2004 - approve
- 011 2. BEP MINUTES, December 18, 2003 -approve
- 015 3. SIERRA WOODS, INC., Saco – Administrative Consent Agreement (BLWQ-Land)
- 019 4. NORTHPORT VILLAGE CORPORATION and LYNCH CONSTRUCTION, Northport -
Administrative Consent Agreement (BLWQ-Land)
- 023 5. DONALD S. BUBAR, Unity – Administrative Consent Agreement (BLWQ-Land)
- 027 6. JO-AN KRIVITSKY, Raymond – Administrative Consent Agreement and Enforcement
Order (BLWQ-Land)
- 031 7. REGINALD GRANT, Linneus - Administrative Consent Agreement and Enforcement
(BLWQ - Land).
- 035 8. STEPHEN E. HASKELL, China – Administrative Consent Agreement (BLWQ - Land).
- 039 9. DAVID B. BRAGG, Sumner – Administrative Consent Agreement and Enforcement Order
(BLWQ – Land)
- 045 10. BLOUIS MOTORS INC., Augusta – Administrative Consent Agreement and Enforcement
Order (BRWM)

III. REGULAR AGENDA ITEMS

- 1. CHAPTER 850, IDENTIFICATION OF HAZARDOUS WASTES / AMENDMENT (post to written comment).
Staff: Stacy Ladner, Bureau of Remediation & Waste Management.
- 2. CHAPTER 137, EMISSION STATEMENTS / AMENDMENT (post to public hearing).
Staff: David Wright, Bureau of Air Quality
- 3. ANNE S. HANNUM / Remand (deliberative session).
Staff: Cynthia Bertocci, BEP Executive Analyst
Staff: Stacie Beyer, Bureau of Land and Water Quality
Note: no printed documentation included in draft packet

Next Regular Board Meeting – Thursday, March 18, 2004 – Civic Center, Augusta

BOARD OF ENVIRONMENTAL PROTECTION
Civic Center, Augusta Maine at 9:00 a.m.

March 18, 2004

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders
- F. Executive Session

II. CONSENT AGENDA ITEMS

- 007 1. BEP MINUTES, January 15, 2004 – approval
- 011 2. FERRAILOLO CORP., Farmingdale - Administrative Consent Agreement and Enforcement Order (BRWM)
- 019 3. MICHEAL COUTU, Pittsfield - Administrative Consent Agreement and Enforcement Order (BLWQ-Land)
- 023 4. MICHAEL KEATING and ROCKPORT POST AND BEAM, St. George – Administrative Consent Agreement and Enforcement Order (BLWQ-Land)

III REGULAR AGENDA ITEMS

- 027 1. CHINA LAKE / WATER LEVEL (petition for reconsideration)
Staff: Dana P. Murch, Bureau of Remediation & Waste Management.

INFORMATIONAL SESSION

Waste management Disposal Services of Maine (Update / Construction and Operations)
(Staff: Mike T. Parker, Bureau of Remediation and Waste Management)

Enforcement and Compliance Overview (Staff: James E. Dusch, Office of the Commissioner)
➤Summary of Authority
➤Compliance Policy
➤Enforcement Guidance

*At its meeting the Board will accept additional public comment on a rule proposed for adoption. Additional public comment will be accepted only if it is directly related to comments received during the formal rulemaking comment period or is in response to proposed changes. Comments must be presented orally except by leave of the Chairman

Next Regular Board Meeting – Thursday, April 1, 2004 – Holiday Inn / Ground Round, Augusta

BOARD OF ENVIRONMENTAL PROTECTION
Civic Center, Augusta Maine at 9:00 a.m.

April 1, 2004

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders
- F. Executive Session

II. CONSENT AGENDA ITEMS

- 005 1. W&S WOOD PRODUCTS, INC., Jefferson – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 009 2. INTERSTATE BRANDS CORP., Biddeford - Administrative Consent Agreement and Order (BAQ)

III REGULAR AGENDA ITEMS

- 027 1. CHAPTER 124, TOTAL REDUCED SULFUR CONTROL FROM KRAFT PULP MILLS / AMENDMENT (adoption)
Staff: Jeffrey S. Crawford, Bureau of Air Quality
- 041 2. CHAPTER 155, PORTABLE FUEL CONTAINER SPILLAGE CONTROL / AMENDMENT (post to 30 day written public comment)
Staff: Jeffrey S. Crawford, Bureau of Air Quality
- 051 3. MAINE YANKEE PROPERTY TAX EXEMPTION CERTIFICATION (petition for BEP jurisdiction)
Staff: James E. Dusch, Office of the Commissioner

BOARD TO RECONVENE AT 1:00 FOR THE FOLLOWING:

- 451 4. FPL ENERGY MAINE HYDRO LLC / FLAGSTAFF STORAGE PROJECT (appeal)
Staff: Dana P. Murch, Bureau of Land and Water Quality

*At its meeting the Board will accept additional public comment on a rule proposed for adoption. Additional public comment will be accepted only if it is directly related to comments received during the formal rulemaking comment period or is in response to proposed changes. Comments must be presented orally except by leave of the Chairman

Next Regular Board Meeting – Thursday, April 15, 2004 – Holiday Inn / Ground Round, Augusta

BOARD OF ENVIRONMENTAL PROTECTION
Holiday Inn / Ground Round, Augusta Maine at 10:00 a.m.

April 15, 2004

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders
- F. Executive Session

ADMINISTRATIVE CONSENT AGREEMENT(S):

Proposed wastewater discharge enforcement resolution open for public comment
Pursuant to 38 M.R.S.A. §347-A(6)

J. Goodison Co., Inc., Southwest Harbor (Staff: Jim Crowley, 287-3901)
Industrial Welding & Machine Inc., Southwest Harbor (Staff: Jim Crowley, 287-3901)
Tentatively scheduled for Board Action on June 3, 2004

II. CONSENT AGENDA ITEMS

- 007 1. MARCOR REMEDIATION, INC., Kittery – Administrative Consent Agreement (BRWM)
- 013 2. MCGEE PROPERTIES, LLC, Winthrop - Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 017 3. MERL "SAM" DUNHAM, INC., Dexter – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 021 4. TERRY ARMSTRONG, Northport – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 025 5. TOWN OF GREENVILLE, Greenville – Administrative Consent Agreement

III REGULAR AGENDA ITEMS

- 031 1. CHAPTER 130, SOLVENT CLEANER / REPEAL AND REPLACE (post to hearing)
Staff: Jeffrey S. Crawford, Bureau of Air Quality

INFORMATIONAL SESSION:

Overview – Bureau of Air Quality (continued from BEP meeting of 2/5/04)
Staff: James P. Brooks, Bureau of Air Quality

BOARD TO RECONVENE AND CONDUCT A PUBLIC HEARING @ 1:30:

Chapter 137, Emission Statement / Amendment

Next Regular Board Meeting – Thursday, May 6, 2004 – Holiday Inn / Ground Round, Augusta

UPDATED AGENDA
BOARD OF ENVIRONMENTAL PROTECTION
Holiday Inn / Ground Round, Augusta Maine at 09:00 a.m.

May 6, 2004

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders
- F. Executive Session

ADMINISTRATIVE CONSENT AGREEMENT(S):

Proposed wastewater discharge enforcement resolution open for public comment
Pursuant to 38 M.R.S.A. §347-A(6)

J. Goodison Co., Inc., Southwest Harbor (Staff: Jim Crowley, 287-3901)
Industrial Welding & Machine Inc., Southwest Harbor (Staff: Jim Crowley, 287-3901)
Tentatively scheduled for Board Action on June 3, 2004

II. CONSENT AGENDA ITEMS

- 005 1. BEP MINUTES, February 5, 2004 (approval)
- 011 2. MARIE S.W. BARHAM and JOHN CHALAPATAS and TOMASSO CICCOMANCINI,
Freeport – Administrative Consent Agreement (BLWQ - Land)
- 015 3. SCOTT VERRILL, Cumberland - Administrative Consent Agreement (BLWQ – Land)
- 019 4. YARMOUTH LUMBER, INC., Gray – Administrative Consent Agreement and
Enforcement Order (BRWM)
- 031 5. NORTHERN BEDROOMS, INC., Oxford – Administrative Consent Agreement and
Enforcement Order (BRWM)
- 040-A 6. CITY OF LEWISTON – Administrative Consent Agreement and Enforcement Order
(BRWM)

III REGULAR AGENDA ITEMS

- 041 1. NATIONAL ELECTRICAL MANUFACTURERS ASSOCIATION (appeal)
Staff: John James, Bureau of Remediation and Waste Management

BOARD TO RECONVENE AT 1:00 AND CONTINUE WITH REMAINDER OF REGULAR AGENDA ITEMS:

- 161 2. CHAPTER 425 ASBESTOS MANAGEMENT REGULATIONS (adoption*)
Staff: Ed Antz, Bureau of Remediation and Waste Management
- 241 3. CHAPTER 152 CONTROL OF EMISSIONS OF VOLATILE ORGANIC COMPOUNDS
FROM CONSUMER PRODUCTS (post to public hearing)
Staff: Andrea Lani, Bureau of Air Quality

Board of Environmental Protection
May 6, 2004 Agenda (cont.)

- 273 4. CHAPTER 596 OVERBOARD DISCHARGES – LICENSING AND ABANDONMENT / AMENDMENTS (post to public hearing)
 Staff: Pamela Parker, Bureau of Land and Water Quality
- 317 5. CHAPTER 594 STATE CONTRIBUTION TO OVERBOARD DISCHARGE REPLACEMENT PROJECTS / AMENDMENTS (post to public hearing)
 Staff: Richard Green, Bureau of Land and Water Quality
- 327 6. 2004 SMALL COMMUNITY GRANT PROGRAM / PRIORITY LIST (approval)
 Staff: Richard Green, Bureau of Land and Water Quality
- 333 7. CHAPTER 127, NEW MOTOR VEHICLE EMISSION STANDARDS REGULATIONS / AMENDMENTS (adoption*)
 Staff: Ron Severance, Bureau of Air Quality
- 391 8. CHAPTER 148, EMISSIONS FROM SMALLER SCALE ELECTRIC GENERATING RESOURCES / NEW (post to hearing)
 Staff: Jeffrey S. Crawford, Bureau of Air Quality

*At its meeting the Board will accept additional public comment on a rule proposed for adoption. Additional public comment will be accepted only if it is directly related to comments received during the formal rulemaking comment period or is in response to proposed changes. Comments must be presented orally except by leave of the Chairman

Next Regular Board Meeting – Thursday, May 20, 2004 – Holiday Inn / Ground Round, Augusta

BOARD OF ENVIRONMENTAL PROTECTION
Holiday Inn / Ground Round, Augusta Maine at ~~09:00~~ **10:00 a.m.**

**** Amended ****

May 20, 2004

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders
- F. Executive Session

ADMINISTRATIVE CONSENT AGREEMENT(S):

Proposed wastewater discharge enforcement resolution open for public comment
Pursuant to 38 M.R.S.A. §347-A(6)

J. Goodison Co., Inc., Southwest Harbor (Staff: Jim Crowley, 287-3901)
Industrial Welding & Machine Inc., Southwest Harbor (Staff: Jim Crowley, 287-3901)
Tentatively scheduled for Board Action on June 3, 2004

II. CONSENT AGENDA ITEMS

- 005 1. TOWN OF FORT KENT, Fort Kent – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 009 2. JOHN W. GOODWIN, JR. CONSTRUCTION, Dover-Foxcroft – Administrative Consent Agreement and Enforcement Order (BLWQ - Land)

III. REGULAR AGENDA ITEMS

- 013 1. ENPRO SERVICES OF MAINE INC. / HAZARDOUS WASTE TRANSFER FACILITY AND WASTE OIL STORAGE AND COMMERCIAL HAZARDOUS WASTE STORAGE AND TREATMENT (approval, renewal license)
Staff: Richard Kaselis, Bureau of Remediation and Waste Management
- 069 2. DEPARTMENT OF INLAND FISH AND WILDLIFE – APPLICATION FOR ALL TIDE BOAT RAMP AT MERE POINT (appeal of Fifth Procedural Order)
Staff: Cynthia S. Bertocci, BEP Executive Analyst

INFORMATIONAL SESSION:

WETLAND MITIGATION

Judy Gates, Bureau of Land and Water Quality

BOARD TO RECONVENE AT 1:30 AND CONTINUE WITH REMAINDER OF REGULAR AGENDA ITEMS:

Public Hearing: Chapter 130 Solvent Cleaner / Repeal & Replace

TENTATIVE -- INFORMATIONAL SESSION:

ENFORCEMENT AND COMPLIANCE OVERVIEW (continued from 3/18/04)

Jim Dusch, Office of the Commissioner

BOARD OF ENVIRONMENTAL PROTECTION
Holiday Inn / Ground Round, Augusta Maine at 09:00a.m.

June 3, 2004

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders
- F. Executive Session

II. CONSENT AGENDA ITEMS

- 005 1. J. GOODISON CO., INC., Southwest Harbor – Administrative Consent Agreement and Enforcement Order (BLWQ – Water)
- 009 2. INDUSTRIAL WELDING & MACHINE, INC., Southwest Harbor – Administrative Consent Agreement and Enforcement Order (BLWQ - Water)
- 013 3. MAUREEN WEEKS and WILLIAM D. WEEKS, Turner – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 017 4. MARTIN BROTHERS LOGGING, Washington and Palermo – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 023 5. THE LANE CONSTRUCTION CORPORATION, Bangor – Administrative Consent Agreement (BAQ)

III REGULAR AGENDA ITEMS

- 027 1. CHAPTER 155, PORTABLE FUEL CONTAINER SPILLAGE CONTROL / AMENDMENT (adoption*)
Staff: Jeffrey Crawford, Bureau of Air Quality
- 039 2. CHAPTER 355, COASTAL SAND DUNE RULES / AMENDMENTS (adoption*)
Staff: Jeff Madore, Bureau of Land and Water Quality
- 059 3. ANNE S. HANNUM / Remand (decision on draft Board Order)
Staff: Stacie Beyer, Bureau of Land and Water Quality
- 089 4. TOWN OF WISCASSET - WISCASSET MUNICIPAL AIRPORT (petition for BEP jurisdiction)
Staff: Judy Gates, Bureau of Land and Water Quality

INFORMATIONAL SESSION:

CHAPTER 500, STORMWATER MANAGEMENT, CHAPTER 502, DIRECT WATERSHEDS OF WATERBODIES MOST AT RISK FROM NEW DEVELOPMENT (briefing)

WETLAND MITIGATION (overview)

CHAPTER 315 ASSESSING and MITIGATING IMPACTS TO EXISTING SCENIC AND AESTHETIC USES (update)

Judy Gates, Bureau of Land and Water Quality

*At its meeting the Board will accept additional public comment on a rule proposed for adoption. Additional public comment will be accepted only if it is directly related to comments received during the formal rulemaking comment period or is in response to proposed changes. Comments must be presented orally except by leave of the Chairman

BOARD OF ENVIRONMENTAL PROTECTION
Holiday Inn / Ground Round, Augusta Maine at 09:00a.m.

June 17, 2004

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders
- F. Executive Session

II. CONSENT AGENDA ITEMS

- 005 1. BEP Minutes, March 4, 2004 (approval)
- 009 2. BEP Minutes, March 18, 2004 (approval)
- 013 3. WAUSAU PAPERS OTIS MILL, INC., Jay – Administrative Consent Agreement (BAQ)
- 017 4. NEWCASTLE SHORES, INC. and HANLEY CONSTRUCTION, INC., Newcastle –
Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 021 5. SUGARLOAF LAND PARTNERS I, Carrabasset Valley – Administrative Consent
Agreement and Enforcement Order (BLWQ - Land)
- 027 6. BIX FURNITURE STRIPPING & REFINISHING SERVICE, INC., Auburn –
Administrative Consent Agreement and Enforcement Order (BRWM)

III REGULAR AGENDA ITEMS

- 037 1. CHAPTER 130, SOLVENT CLEANERS / NEW (adoption*)
Staff: Donald L. Anderson, Bureau of Air Quality
- 061 2. CHAPTER 100, DEFINITIONS REGULATION and CHAPTER 137, EMISSION
STATEMENTS (adoption*)
Staff: David Wright, Bureau of Air Quality
- 133 2. LINDA & VITO COUCH / AFTER THE FACT DENIAL (appeal)
Staff: Lisa-kay Keen, Bureau of Land and Water Quality

BOARD TO RECONVENE AND CONDUCT PUBLIC HEARINGS:

1:30 p.m. Chapter 152, Control of Emission of Volatile Organic Compounds from Consumer Products / New

2:30 p.m. Chapter 148, Emissions from Smaller-Scale Generating Facilities / New

*At its meeting the Board will accept additional public comment on a rule proposed for adoption. Additional public comment will be accepted only if it is directly related to comments received during the formal rulemaking comment period or is in response to proposed changes. Comments must be presented orally except by leave of the Chairman

Next Regular Board Meeting – Thursday, July 1, 2004 – Holiday Inn / Ground Round, Augusta

BOARD OF ENVIRONMENTAL PROTECTION
Holiday Inn / Ground Round, Augusta Maine at 09:00a.m.

July 1, 2004

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders
- F. Executive Session

II. CONSENT AGENDA ITEMS

ADMINISTRATIVE CONSENT AGREEMENT(S):

Proposed wastewater discharge enforcement resolution open for public comment
Pursuant to 38 M.R.S.A. §347-A(6)

SOUTHWEST BOAT MARINE SERVICES, INC. (Staff: Jim Corwley, 287-3901)
Tentatively scheduled for Board Action on August 5, 2004

- 005 1. BEP Minutes, March 4, 2004 (approval)
- 009 2. BEP Minutes, March 18, 2004 (approval)
- 013 3. BEP Minutes, April 1, 2004 (approval)
- 017 4. BEP Minutes, April 15, 2004 (approval)
- 023 5. SHEPARD BROTHERS and SHEPARD SALES INC., and SHEPARD CHEVROLET, INC.,
Thomaston - Administrative Consent Agreement and Enforcement Order (BLWQ - Land)

III REGULAR AGENDA ITEMS

- 027 1. CHAPTER 850, IDENTIFICATION OF HAZARDOUS WASTES / AMENDMENT (adoption*)
Staff: Stacy Ladner, Bureau of Remediation and Waste Management
- 031 2. CHAPTER 500, STORMWATER MANAGEMENT and CHAPTER 502, DIRECT WATERSHEDS OF LAKES MOST AT RISK FROM NEW DEVELOPMENT, AND URBAN IMPAIRED STREAMS (post to public hearing)
Staff: Judy Gates / Don Witherill, Bureau of Land and Water Quality
- 113 3. DANIEL H. STAPLES (appeal)
Staff: Kristen Haley, Bureau of Land and Water Quality

BOARD TO RECONVENE AND CONDUCT PUBLIC HEARINGS:

11:00 a.m. Chapter 596, Overboard Discharges – Licensing and Abandonment / *Amendments*

1:00 p.m. Chapter 594, State Contribution to Overboard Discharge Replacement Projects / *Amendments*

***At its meeting the Board will accept additional public comment on a rule proposed for adoption. Additional public comment will be accepted only if it is directly related to comments received during the formal rulemaking comment period or is in response to proposed changes. Comments must be presented orally except by leave of the Chairman**

Next Regular Board Meeting – Thursday, July 1, 2004 – Holiday Inn / Ground Round, Augusta

BOARD OF ENVIRONMENTAL PROTECTION
Holiday Inn / Ground Round, Augusta Maine at 09:00a.m.
July 15, 2004

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders
- F. Executive Session

II. CONSENT AGENDA ITEMS

ADMINISTRATIVE CONSENT AGREEMENT(S):

Proposed wastewater discharge enforcement resolution open for public comment
Pursuant to 38 M.R.S.A. §347-A(6)

SOUTHWEST BOAT MARINE SERVICES, INC. (Staff: Jim Crowley, 287-3901)
Tentatively scheduled for Board Action on August 5, 2004

- 005 1. BEP Minutes, May 6, 2004 (approval)
- 011 2. BEP Minutes, May 20, 2004 (approval)
- 015 3. MAIETTA ENTERPRISES, INC., South Portland – Administrative Consent Agreement (BAQ)

III REGULAR AGENDA ITEMS

- 019 1. CHAPTER 424, LEAD MANAGEMENT REGULATIONS / AMENDMENTS (post to written public comment)
Staff: Jamie Tansey, Bureau of Remediation and Waste Management
- 095 2. CHAPTER 148, EMISSIONS FROM SMALLER SCALE ELECTRIC GENERATING RESOURCES / NEW (adoption*)
Staff: Jeffrey Crawford, Bureau of Air Quality

*At its meeting the Board will accept additional public comment on a rule proposed for adoption. Additional public comment will be accepted only if it is directly related to comments received during the formal rulemaking comment period or is in response to proposed changes. Comments must be presented orally except by leave of the Chairman

- 127 3. FPL ENERGY MAINE HYDOR LLO / FLAGSTAFF STORAGE PROJECT (appeal decision)
Staff: Cynthia S. Bertocci, BEP Executive Analyst
Staff: Dana Murch, Bureau of Land and Water Quality

INFORMATIONAL SESSION:

Climate Change

Staff: James P. Brooks, Director – Bureau of Air Quality

BOARD TO RECONVENE AT 1:00 P.M. TO CONSIDER THE FOLLOWING:

- 223 4. STATE PLANNING OFFICE / WEST OLD TOWN LANDFILL (Appeal - Presiding Officer Ruling)
 Staff: Cynthia S. Bertocci, BEP Executive Analyst
- 309 5. STATE PLANNING OFFICE / WEST OLD TOWN LANDFILL (Request for Public Hearing)
 Staff: Cyndi Darling, Bureau of Remediation and Waste Management

Next Regular Board Meeting – Thursday, August 5, 2004 – Holiday Inn / Ground Round, Augusta

BOARD OF ENVIRONMENTAL PROTECTION
Holiday Inn / Ground Round, Augusta Maine at 09:00 a.m.
August 5, 2004

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders
- F. Executive Session

II. CONSENT AGENDA ITEMS

- 005 1. PENOBSCOT ENERGY RECOVERY COMPANY, Orrington – Administrative Consent Agreement (BAQ)
- 009 2. DICK BOURNIVAL DODGE, INC., York – Administrative Consent Agreement (BAQ)
- 013 3. SOUTHWEST BOAT MARINE SERVICES, INC., Southwest Harbor – Administrative Consent Agreement and Enforcement Order (BLWQ – Water)
- 017 4. ABATEMENT SOLUTIONS, INC., Lewiston – Administrative Consent Agreement (BRWM)
- 023 5. THE AULSON CO., INC., Lewiston – Administrative Consent Agreement (BRWM)
- 029 6. BIOSAFE ENVIRONMENTAL SERVICES, INC., Portland – Administrative Consent Agreement (BRWM)

III REGULAR AGENDA ITEMS

- 035 1. CHAPTER 151, ARCHITECTURAL AND INDUSTRIAL MAINTENANCE (AIM) COATINGS / NEW (post to public hearing)
Staff: Carolyn Wheeler, Bureau of Air Quality
- 057 2. SMIS LUMBER LLC / VOLATILE ORGANIC COMPOUND (VOC) OFFSET CREDIT (post to 30-day written public comment)
Staff: Marc Cone, Bureau of Air Quality

WORKSHOP:

Enforcement and Compliance (Continuation from May 20, 2004)

Staff: James Dusch, Office of the Commissioner

Next Regular Board Meeting – Thursday, August 19, 2004 – Holiday Inn / Ground Round, Augusta

BOARD OF ENVIRONMENTAL PROTECTION
Holiday Inn / Ground Round, Augusta Maine at 09:00 a.m.
August 19, 2004

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders
- F. Executive Session

II. CONSENT AGENDA ITEMS

- 005 1. BEP MINUTES – June 3, 2004 (approval)
- 009 2. BEP MINUTES – June 17, 2004 (approval)
- 015 3. VITO COUCH and LINDA COUCH AND DAVID HALLOWELL, Belgrade –
Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 019 4. VIRGINIA FAUCHER, Sidney – Administrative Consent Agreement and Enforcement
Order (BLWQ - Land)
- 023 5. JAMES LAFEMINA, Madison – Administrative Consent Agreement and Enforcement
Order (BLWQ - Land)
- 027 6. BRYANT HOPKINS, Oakland – Administrative Consent Agreement and Enforcement
Order (BLWQ - Land)
- 031 7. DOUGLAS BROUGHTON and CAROL BENTO, Shapleigh – Administrative Consent
Agreement (BLWQ – Land)
- 035 8. BRYAN M. MAGLIOCCA, SR. and CROSS EXCAVATION, Woodstock – Administrative
Consent Agreement and Enforcement Order (BLWQ – Land)
- 039 9. W/S ALFRED ROAD PROPERTIES, L.L.C., Biddeford – Administrative Consent
Agreement (BLWQ – Land)

III REGULAR AGENDA ITEMS

- 043 1. CHAPTER 152, CONTROL OF EMISSIONS OF VOLATILE ORGANIC COMPOUNDS
FROM CONSUMER PRODUCTS / NEW (adoption)
Staff: Andrea Lani, Bureau of Air Quality

*At its meeting the Board will accept additional public comment on a rule proposed for adoption. Additional public comment will be accepted only if it is directly related to comments received during the formal rulemaking comment period or is in response to proposed changes. Comments must be presented orally except by leave of the Chairman

- 083 2. GREAT LAKES HYDRO AMERICA, L.L.C. (GLHA) HYDRO STORAGE PROJECT –
Water Quality Certification Ragged & Seboomook Lakes / Use Attainability Analysis
(request for public hearing)
Staff: Dana P. Murch, Bureau of Land and Water Quality

- 153 3. DAVID LASH / PRIVATE RECREATIONAL DOCK, MEDOMAK RIVER (appeal)
 Staff: Mike Mullen, Bureau of Land and Water Quality

BOARD TO RECONVENE AT 1:30 TO CONDUCT PUBLIC HEARING(S):

Chapter 500, Stormwater Management / Amendments

Chapter 502, Direct Watersheds of Lakes most at risk from New Development and Urban Impaired Streams / Amendments

Next Regular Board Meeting – Thursday, September 2, 2004 – Holiday Inn / Ground Round, Augusta

BOARD OF ENVIRONMENTAL PROTECTION
Holiday Inn / Ground Round, Augusta Maine at 09:00 a.m.
September 2, 2004

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders
- F. Executive Session

II. CONSENT AGENDA ITEMS

- 007 1. ELIOT BUSINESS PARK, INC. and ELIOT BUSINESS PARK II, INC., Eliot –
Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 013 2. DANA E. HALL, Berwick – Administrative Consent Agreement and Enforcement Order
(BLWQ – Land)

III REGULAR AGENDA ITEMS

- 017 1. EVERGREEN WIND POWER FARM (appeal by Maine Audubon)
Staff: Robin Clukey, Bureau of Land and Water Quality
- 189 2. CHAPTER 127, NEW MOTOR VEHICLE EMISSION STANDARDS REGULATIONS /
AMENDMENTS (post to public hearing)
Staff: Melissa Morrill, Bureau of Air Quality
- 3. STATE PLANNING OFFICE / WEST OLD TOWN LANDFILL (Overview of Project -
Distribution of Record) – no vote to be taken
Staff: Cynthia S. Bertocci, BEP Executive Analyst
Staff: Cyndi Darling, Bureau of Remediation and Waste Management

Next Regular Board Meeting – Thursday, September 16, 2004 – Holiday Inn / Ground Round, Augusta

BOARD OF ENVIRONMENTAL PROTECTION
Holiday Inn / Ground Round, Augusta Maine
September 16, 2004

BOARD TO RECONVENE AT 9:00 TO CONDUCT PUBLIC HEARING(S):

Chapter 151, Architectural and Industrial Maintenance (AIM) Coatings / New

BOARD TO RECONVENE AT APPROXIMATELY 10:30 TO ITS REGULAR MEETING AGENDA:

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders
- F. Executive Session

II. CONSENT AGENDA ITEMS

- 005 1. BEP MINUTES – July 1, 2004 (approval)
- 009 2. BEP MINUTES – July 15, 2004 (approval)
- 015 3. JOSEPH CARLOS and ALBINA CARLOS, Waldoboro – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 019 4. SCOTT CONNORS, Wiscasset – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 023 5. S&G CONSTRUCTION, INC., Sangerville – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 029 6. HANINGTON TIMBERLANDS, INC., Dennysville – Administrative Consent Agreement (BLWQ – Land)
- 033 7. MID-MAINE WASTE ACTION CORPORATION, Auburn – Administrative Consent Agreement (BAQ)
- 037 8. COUNTY ABATEMENT, INC. Orono – Administrative Consent Agreement (BRWM)
- 043 9. D.H. PINNETTE & SONS, INC., Skowhegan – Administrative Consent Agreement (BRWM)

III REGULAR AGENDA ITEMS

- 049 1. USE ATTAINABILITY ANALYSIS for RAGGED AND SEBOOMOOK LAKES / GLHA HYDRO STORAGE PROJECT (petitions to intervene)
Staff: Dana Murch, Bureau of Land and Water Quality
- 059 2. DEPARTMENT OF INLAND FISH AND WILDLIFE / ALL TIDAL BOAT RAMP AT MERE POINT (set public hearing date)
Staff: Cynthia S. Bertocci, BEP Executive Analyst
- 061 3. EVERGREEN WIND POWER FARM / APPEAL BY MAINE AUDUBON (revised Board Order)
Staff: Robin Clukey, Bureau of Land and Water Quality
- 4. STATE PLANNING OFFICE / WEST OLD TOWN LANDFILL (Overview of Project - Distribution of Record) – no vote to be taken
Staff: Cynthia S. Bertocci, BEP Executive Analyst
Staff: Cyndi Darling, Bureau of Remediation and Waste Management

Next Regular Board Meeting – Thursday, October 7, 2004 – Holiday Inn / Ground Round, Augusta

**** REVISED ****

BOARD OF ENVIRONMENTAL PROTECTION

Holiday Inn / Ground Round, Augusta Maine at 12:00 - noon

October 7, 2004

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders / Accepted for Processing
- F. Executive Session

ADMINISTRATIVE CONSENT AGREEMENT(S)

Proposed Wastewater discharge enforcement resolution open for public comment
Pursuant to 38 M.R.S.A. §347-A(6)

PORTLAND WATER DISTRICT, PORTLAND

(Staff: John Glowa, 287-7783)

tentatively scheduled for Board Action on November 17, 2004

II. CONSENT AGENDA ITEMS

- 005 1. GREENVILLE STEAM COMPANY, Greenville Junction – Administrative Consent Agreement (BAQ)
- 009 2. PERCY HARRIS d/b/a AAA INTERSTATE SEPTIC TANK SERVICE, New Sharon – Administrative Consent Agreement and Enforcement Order
- 015 3. R. ROLFE CORPORATION, INC., Bridgton – Administrative Consent Agreement (BLWQ – Land)
- 019 4. DEVON KIRKPATRICK & JERILYN KIRKPATRICK, Camden – Administrative Consent Agreement (BLWQ – Land)
- 023 5. FIRST STEP LAND DEVELOPMENT INC., Kittery – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 027 6. MARK TALTY, Knox – Administrative Consent Agreement (BLWQ – Land)
- 031 7. ROBERT EISENBERG and SHORELINE BUILDERS, LTD., Kennebunkport – Administrative Consent Agreement (BLWQ – Land)
- 035 8. GLM ASSOCIATES, INC., South Portland – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 039 9. ERIC FERNANDES d/b/a FERNADES AND SONS LANDSCAPING and JOYCE HEMENWAY BROWN, Kittery – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)

III. REGULAR AGENDA ITEMS

- 043 1. CHAPTER 596, OVERBOARD DISCHARGES – LICENSING AND ABANDONMENT / AMENDMENTS (adoption*)
Staff: Pamela Parker, Bureau of Land and Water Quality

*At its meeting the Board will accept additional public comment on a rule proposed for adoption. Additional public comment will be accepted only if it is directly related to comments received during the formal rulemaking comment period or is in response to proposed changes. Comments must be presented orally except by leave of the Chairman

1:00PM TO CONDUCT PUBLIC HEARING:

Chapter 127, New Motor Vehicle Emission Standards Regulations / Amendments

CONSIDERATION OF REGULAR AGENDA IMMEDIATELY FOLLOWING THE PUBLIC HEARING

- 153 2. DAVID LASH / PRIVATE RECREATIONAL DOCK, MEDOMAK RIVER (appeal)
 Staff: Mike Mullen, Bureau of Land and Water Quality

NOTE: Documentation for this item was printed in the August 19, 2004 Draft Packet –
 not duplicated in this packet

Next Regular Board Meeting – Thursday, October 21, 2004 – Black Bear Inn / Orono

BOARD OF ENVIRONMENTAL PROTECTION
Black Bear Inn / Orono at 09:00 a.m.
October 21, 2004

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders / Applications Accepted for Processing
- F. Executive Session

ADMINISTRATIVE CONSENT AGREEMENT(S)

Proposed Wastewater discharge enforcement resolution open for public comment
Pursuant to 38 M.R.S.A. §347-A(6)

PORTLAND WATER DISTRICT, PORTLAND

(Staff: John Glowa, 287-7783)

Tentatively scheduled for Board Action on November 17, 2004

II. CONSENT AGENDA ITEMS

- 005 1. S.D.R. LOGGING, INC., Milo – Administrative Consent Agreement and Enforcement Order (BLWQ-Land)
- 009 2. SHEPARD BROTHERS, SHEPARD SALES INC., and SHEPARD CHEVROLET, INC., THOMASTON – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 013 3. RIVERSIDE LANE CORPORATION, Bangor – Administrative Consent Agreement (BRWM)
- 019 4. J.S. MCCARTHY CO., INC., Augusta – Administrative Consent Agreement and Enforcement Order (BRWM)

III REGULAR AGENDA ITEMS

- 029 1. STATE PLANNING OFFICE / WEST OLD TOWN LANDFILL (appeal by We The People and Paul Schroeder)
Staff: Cyndi Darling, Bureau of Remediation and Waste Management

Next Regular Board Meeting – Thursday, November 4, 2004 – Holiday Inn / Ground Ground, Augusta

BOARD OF ENVIRONMENTAL PROTECTION
Holiday Inn / Ground Round, Augusta at 09:00 a.m.
November 4, 2004

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders / Applications Accepted for Processing
- F. Executive Session

ADMINISTRATIVE CONSENT AGREEMENT(S)

Proposed Wastewater discharge enforcement resolution open for public comment
Pursuant to 38 M.R.S.A. §347-A(6)

PORTLAND WATER DISTRICT, PORTLAND

(Staff: John Glowa, 287-7783)

Tentatively scheduled for Board Action on November 17, 2004

II. CONSENT AGENDA ITEMS

- 005 1. DOMTAR MAINE CORP., Baileyville – Administrative Consent Agreement and Enforcement Order (BAQ)
- 16a 2. BEP MINUTES – August 19, 2004 (approval)

III. REGULAR AGENDA ITEMS

- 017 1. TOWN OF PITTSFIELD (appeal by the applicant)
Staff: William Hinkel, Bureau of Land and Water Quality
- 135 2. CHAPTER 424, LEAD MANAGEMENT REGULATIONS / AMENDMENTS (adoption*)
Staff: Jamie Tansey Darling, Bureau of Remediation and Waste Management
- 211 3. CHAPTER 594, STATE CONTRIBUTION TO OVERBOARD DISCHARGE REPLACEMENT PROJECTS / AMENDMENTS (adoption*)
Staff: Richard Green, Bureau of Land and Water Quality
- 229 4. CHAPTER 500, STORMWATER MANAGEMENT and CHAPTER 502, DIRECT WATERSHEDS OF LAKES MOST AT RISK FROM NEW DEVELOPMENT, AND URBAN IMPAIRED STREAMS / AMENDMENTS (provisional adoption)
- 339 5. CHAPTER 532 LARGE COMMERCIAL PASSENGER VESSELS / NEW (post to written public comment)
Staff: Hetty Richardson, Bureau of Land and Water Quality

Next Regular Board Meeting – Thursday, November 17, 2004 – Atrium Conference Center / Brunswick

*At its meeting the Board will accept additional public comment on a rule proposed for adoption. Additional public comment will be accepted only if it is directly related to comments received during the formal rulemaking comment period or is in response to proposed changes. Comments must be presented orally except by leave of the Chairman

BOARD OF ENVIRONMENTAL PROTECTION
Augusta Civic Center, Augusta at 09:00 a.m.
Wednesday -- November 17 2004

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders / Applications Accepted for Processing
- F. Executive Session

II. CONSENT AGENDA ITEMS

- 005 1. BEP MINUTES – September 16, 2004 (approval)
- 011 2. BEP MINUTES – October 7, 2004 (approval)
- 015 3. BEP MINUTES – October 21, 2004 (approval)
- 019 4. JOHN MULHOLLAND, Augusta – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 023 5. STEVEN A. McGEE and STEVE McGEE CONSTRUCTION LLC, Augusta – Administrative Consent Agreement and Enforcement Order (BLWQ - Land)
- 031 6. STEVE McGEE and STEVE McGEE CONSTRUCTION LLC, Augusta – Administrative Consent Agreement (BLWQ – Land)
- 035 7. SABATTUS SCHOOL DISTRICT and ARTHUR C. DUDLEY CONTRACTOR/BUILDER, INC., and STEVE McGEE CONSTRUCTION, LLC, Sabattus – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 041 8. WINTHROP STAPLES, SR., Wiscasset – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 045 9. NORTHERN MAINE COMMERCIAL PROPERTIES LLC, Presque Isle – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 049 10. BRIAN ESTABROOK and KAREN ESTABROOK, Raymond – Administrative Consent Agreement (BLWQ – Land)
- 053 11. GERALD MACKENZIE, Sidney – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 057 12. WILFORD MARTIN, Nobleboro – Administrative Consent Agreement
- 061 13. HERVACHON BUILDERS, LLC, Jefferson – Administrative Consent Agreement
- 065 14. PORTLAND WATER DISTRICT, Portland – Administrative Consent Agreement and Enforcement Order (BLWQ – Water)
- 085 15. D.A.WILSON & COMPANY, LLC, Greenwood – Administrative Consent Agreement and Enforcement Order (BRWM)

III REGULAR AGENDA ITEMS

- 103 1. USE ATTAINABILITY ANALYSIS FOR RAGGED & SEBOOMOOK LAKES / GLHA HYDRO STROAGE PROJECT (decision)
Staff: Dana P. Murch, Bureau of Land and Water Quality

Next Regular Board Meeting – Thursday, December 2, 2004 – Holiday Inn / Ground Round, Augusta

BOARD OF ENVIRONMENTAL PROTECTION
Holiday Inn / Ground Round, Augusta at 09:00 a.m.
December 2 2004

I. DEPARTMENTAL

- A. Commissioner's Comments
 Informational Session: Global Climate Change
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders / Applications Accepted for Processing
- F. Executive Session

ADMINISTRATIVE CONSENT AGREEMENT

Proposed Wastewater discharge enforcement resolution open for public comment
Pursuant to 38 M.R.S.A. §347-A(6)

IRVING FOREST PRODUCTS, INC., NASHVILLE PLANTATION Contact: John Glowa 287-7783
Tentatively scheduled for Board Action on January 6, 2005

II. CONSENT AGENDA ITEMS

- 007 1. Raffie, LLC, Belfast – Administrative Consent Agreement and Enforcement Order

III. REGULAR AGENDA ITEMS

- 011 1. SHANNON PEASE / COMMERCIAL WHARF CONSTRUCTION (appeal by Mr. Young and Mr. Garcia)
 Kristen Haley, Bureau of Land and Water Quality
- 153 2. CHAPTER 305, PERMIT BY RULE STANDARDS / AMENDMENT (post to public hearing)
 Staff: Mike Mullen, Bureau of Land and Water Quality

BOARD TO RECONVENE AT 1:00PM TO CONSIDER REMAINDER OF REGULAR AGENDA

- 175 3. CHAPTER 151, ARCHITECTURAL and INDUSTRIAL MAINTENANCE (AIM) COATINGS / NEW (adoption*)
 Jeffrey Crawford, Bureau of Air Quality
- 255 4. CHAPTER 127, NEW MOTOR VEHICLE EMISSION / HEAVY DUTY DIESEL / AMENDMENT (adoption*)
 Lynne Cayting Severance, Bureau of Air Quality
- 277 5. CHAPTER 127, NEW MOTOR VEHICLE EMISSION / ZERO EMISSION VEHICLE PROGRAM (provisional adoption*)
 Ron Severance, Bureau of Air Quality

Next Regular Board Meeting – Thursday, January 6, 2004 – Holiday Inn / Ground Round, Augusta

*At its meeting the Board will accept additional public comment on a rule proposed for adoption. Additional public comment will be accepted only if it is directly related to comments received during the formal rulemaking comment period or is in response to proposed changes. Comments must be presented orally except by leave of the Chairman