

**BOARD OF ENVIRONMENTAL PROTECTION  
Meeting Minutes**

July 1, 2010

A meeting of the Board of Environmental Protection was held on Thursday, July 1, 2010, at the Holiday Inn / Ground Round, Augusta, Maine. Susan M. Lessard, Chair, called the meeting to order at 09:00 a.m. with the following individuals present:

**Board:** Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Don Guimond, Susan M. Lessard, P. Andrews Nixon, Matt Scott, and Lissa Widoff.

**Absent:** Frank Woodard and Nancy Ziegler

**Staff:** Andy Fisk, Bureau of Land and Water Quality  
Tim MacMillin, Bureau of Land and Water Quality  
John Kerry, Director Governor's Office of Energy Independence and Security  
Jennifer Puser, Deputy Director Governor's Office of Energy Independence and Security

**Others:** Jody L. Breton, DEP Deputy Commissioner  
Nancy Macirowski, Assistant Attorney General  
Terry Hanson, BEP Administrative Assistant

***(Meeting adjourned at approximately 11:30 p.m.)***

**I. DEPARTMENTAL**

- A. COMMISSIONER'S COMMENTS:** Deputy Commissioner Jody Breton reported the following on behalf of Commissioner Littell.

Gulf Oil Spill: In April the Department expressed its willingness to aid in oil spill clean-up efforts. All of the Department's response staff have eagerly volunteered to aid in efforts to contain and clean-up the oil. Mobilization efforts began last month and on Tuesday the Department shipped two skimmers and deployed its first clean-up team to the gulf. Clean-up teams will work on a two-week rotating basis; all teams are accompanied by a supervisor.

**B. COMMENTS FROM THE BEP CHAIR:** None

**C. EXECUTIVE ANALYST COMMENTS:** None

**D. BOARD CALENDAR:** Reviewed

**E. DEPARTMENTAL ORDERS/ APPLICATIONS ACCEPTED FOR PROCESSING:** Reviewed

**F. EXECUTIVE SESSION:** None

**II. CONSENT AGENDA ITEMS:**

The Board voted (8-0-0-2) to approve consent agenda item 1 as presented.

The vote was taken pursuant to 38 M.R.S. A. §341-D(6).

*Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Don Guimond, P. Andrews Nixon, Sue Lessard, Matt Scott, and Lissa Widoff voted to support the motion. Board members Frank Woodard and Nancy Ziegler were absent.*

1. MAINE ENERGY RECOVERY COMPANY, Biddeford – Administrative Consent Agreement (BRWM)

**II. Regular Agenda**

1. CHAPTER 583 NUTRIENT CRITERIA FOR FRESH SURFACE WATERS / NEW (request to terminate rulemaking)

Staff: Andy Fisk, Director, Bureau of Land and Water Quality

The Board voted (8-0-0-2) on a motion grant the request for termination of rulemaking related to Chapter 583 Nutrient Criteria for Fresh Surface Waters. This proposed regulation would have established criteria for nutrient enrichment of waterbodies that would be used to assess whether existing water quality standards for Class AA, A, B, C, and GPA surface waters are being met. The Department is in discussions with U.S. EPA concerning the interpretation of Section 303 of the Clean Water Act as it relates to phosphorus concentrations when a waterbody is attaining designated uses.

The vote was taken pursuant to 38 M.R.S.A. §341-D(1-B), 464, 465, and 465-A.

*Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Don Guimond, P. Andrews Nixon, Sue Lessard, Matt Scott, and Lissa Widoff voted to support the motion. Board members Frank Woodard and Nancy Ziegler were absent.*

2. 2010 SMALL COMMUNITY GRANT PROGRAM PRIORITY LIST (approval)

Staff: Tim MacMillan, Bureau of Land and Water Quality

The Board voted (7-0-1-2) on a motion to approve the 2010 Small Community Grant Program Priority List as amended. This program eliminates discharges of untreated sewage by providing financial assistance through the State Revolving Loan Fund for the construction of wastewater treatment facilities, and individual and/or cluster septic systems.

Amendment to Priority 2-Shellfishery Protection table (page 4 of the rule)

FRIENDSHIP	\$17,500	STOCKTON SPRINGS	\$10,000
JONESBORO	\$15,000	<del>VAN BUREN</del>	<del>\$12,000</del>
LONG ISLAND	\$25,000	WEST BATH	\$15,000

Grant Request: ~~\$94,500~~. \$82,500

The vote was taken pursuant to 38 M.R.S.A. § 411.

*Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, P. Andrews Nixon, Sue Lessard, Matt Scott, and Lissa Widoff voted to support the motion. Board member Don Guimond abstained. Board members Frank Woodard and Nancy Ziegler were absent.*

**Informational Session:**

GOVERNOR'S OFFICE OF ENERGY INDEPENDENCE AND SECURITY ( briefing on the scope of the wind energy assessment and report requested by the Joint Standing Committee on Utilities and Energy)

John Kerry, Director Governor's Office of Energy Independence and Security

Jennifer Puser, Deputy Director Governor's Office of Energy Independence and Security

The Board received an overview related to wind energy generation and the status of commercial wind energy development in Maine. It was noted that feasibility studies have confirmed that wind power development is viable; however, transmission systems associated with getting the electricity to the grid for consumption is a complex issue.

The Office of Energy Independence and Security will be developing a report for submission to the Joint Standing Committee on Utilities and Energy concerning noise associated with wind power projects.

*Next Regular Meeting –Thursday, August 5, 2010 – Holiday Inn / Ground Round*