STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

Susan M. Lessard
Chair
Cynthia S. Bertocci
Executive Analyst

Terry Dawson
Office Specialist II

BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes

March 3, 2011

A meeting of the Board of Environmental Protection was held on Thursday, March 3, 2011, at the Civic Center, 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, Paul Paydos and Frank Woodard

Absent Matt Scott and Lissa Widoff were absent.

Staff: Cynthia Darling, Bureau of Remediation and Waste Management
Paula Clark, Bureau of Remediation and Waste Management
David Burns, Bureau of Remediation and Waste Management

Others: Darryl Brown, Commissioner
Cynthia S. Bertocci, BEP Executive Analyst
Nancy Macirowski, Assistant Attorney General
Terry Dawson, BEP Administrative Assistant

(Meeting adjourned at approximately 12:45 p.m.)

I. DEPARTMENTAL

A. COMMISSIONER'S COMMENTS:

Appointments: Commissioner Brown announced that all the Department's Senior Management positions have been filled. Mr. Brown introduced Samantha Depoy-Warren as the Director of Education and Outreach, noting her writing experience as an asset to the Department in her role as the Department's press person. Additionally, Teco Brown was appointed to lead the Bureau of Land and Water Quality. Teco worked for the DEP years ago evaluating permit applications and working in the field. Julie Churchill was appointed to head the Department's Small Business and Assistance Office. Ms. Churchill will focus on helping business navigate the regulatory landscape. Barbara Parker is Acting Director for the Bureau of Remediation and Waste Management. An announcement of the final appointment for this position will be made in the near future.

Rules: The Department is currently reviewing its existing rules to identify any which may no longer be necessary or effective.

Legislative: Deputy Commissioner Aho is leading the Department's legislative matters before the various committees. LD1 "An Act To Ensure Regulatory Fairness and Reform" is being worked today. Commissioner Brown noted that the Regulatory Fairness and Reform Committee has assigned some components of this bill to other committees of jurisdiction.

B. COMMENTS FROM THE BEP CHAIR: Ms. Lessard noted for the Board that she and the Executive Analyst attended the February 14th public hearing concerning LD1 and that they have been asked to return during the work session to answer questions related to Board processes. A work session has been scheduled for this afternoon.

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).
Board members Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Don Guimond, Susan M. Lessard, P. Andrews Nixon, Paul Paydos and Frank Woodard voted to support the motion. Board members Matt Scott and Lissa Widoff were absent.

1. MAINE WOODS PELLET COMPANY, LLC, Athens - Administrative Consent Agreement (BAQ)

I. REGULAR AGENDA

1. STATE PLANNING OFFICE – JUNIPER RIDGE LANDFILL SOLID WASTE MINOR REVISION / DEPARTMENT ORDER #S-0020700-WD-W-M (appeal submitted by The Municipal Review Committee, Inc. and Penobscot Energy Recovery Company, LP)

   Staff: Cynthia Darling, Bureau of Remediation and Waste Management
   Staff: Paula Clark, Bureau of Remediation and Waste Management

   The Board voted (8-0-0-2) on a motion to deny the appeal and request for public hearing submitted by the Municipal Review Committee, Inc. and the Penobscot Energy Recovery Company, LP. The vote affirms the Commissioner's decision contained in Department Order S-020700-WD-W-M which modified the permit regarding the use of municipal solid waste bypass from Maine Energy as a protective soft layer in landfill cells at Juniper Ridge. The Board Order approved includes corrections of minor typographical errors and the inclusion of language identified as Section 8(I) that was inadvertently omitted from the draft Board Order. The decision also modifies Finding of Fact #3 in the Department's Order S-0020700-WD-W-M by clarifying that MSW bypass from all 4 Maine incinerators may be used for the soft layer. Lastly the Board Order finds that a public hearing is not necessary to understand the evidence presented in the appeal.

   The vote was taken pursuant to 38 M.R.S.A. §§ 1301 to 1310 –Y, and 06-096 CMR Chapter 2 Rules Concerning the Processing of Application and Other Administrative Matters, Chapter 400 Solid Waste Management Rules: General Provisions, and Chapter 401 Solid Waste Management Rules: Landfill Siting, Design and Operation.

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