



STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION

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Memorandum

Date: June 18, 2009

To: Board of Environmental Protection
From: Cynthia S. Bertocci, Executive Analyst
Re: Petitions to Intervene in the Proceeding on Appeal of the Commissioner's Designation of Uncontrolled Hazardous Substance Site and Order in the Matter of United States Surgical Corp / Mallinckrodt LLC: HoltraChem Site

On November 24, 2008 the Department of Environmental Protection issued a Designation of Uncontrolled Hazardous Substance Site and Order concerning the site of the former chlor-alkali manufacturing facility located in Orrington, Maine known as HoltraChem.

On December 19, 2008, United States Surgical Corp and Mallinckrodt LLC (collectively "Mallinckrodt") filed a timely appeal of the Order and request for hearing with the Board.

On May 29, 2009, Chair Lessard issued the Second Procedural Order in this matter finding that the appeal hearing is an adjudicatory proceeding within the meaning of the Maine Administrative Procedure Act, Title 5, Chapter 375. The Board subsequently published notice of the opportunity to intervene in the proceeding on Wednesday, June 3, 2009.

The Board received three timely petitions to intervene from: Town of Orrington, Heather Foster, and Maine People's Alliance. Copies of the notice of opportunity to intervene and the petitions received are enclosed.

The Commissioner of Environmental Protection and Mallinckrodt, who are the parties to this proceeding, have an opportunity to comment on the petitions prior to Board consideration. The deadline for such comments is 2:00 p.m., Monday June 15, 2009. Any comments received will be forwarded under separate cover to Board members electronically and via US Postal Service Overnight Express Mail prior to the Board meeting.

At the Board meeting on June 18, 2009, the Board will consider the requests for intervention. Under provisions of the Section 9054 of the Maine Administrative Procedure Act, the agency conducting the proceeding "shall allow any person showing that he is or may be, or is a member of a class which is or may be, substantially and directly affected by the proceeding, or any other agency of federal, state or local government, to intervene as a party to the proceeding."



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