



## BEP INFORMATION SHEET

### **History / Board of Environmental Protection**

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The Board of Environmental Protection and the Department of Environmental Protection trace their origins back to the Sanitary Water Board, which was created in 1941. In 1951 the Sanitary Water Board was renamed the Water Improvement Commission and, in 1969, the Environment Improvement Commission.

On July 1, 1972, the Legislature re-designated the Environment Improvement Commission the Board of Environmental Protection and created a new Department of Environmental Protection, consisting of the Board, a Commissioner, and three program bureaus. Initially the Board focused on wastewater issues and its membership consisted of representatives from state agencies who had specific technical expertise. Over time, there was a shift from members who represented various state agencies to a citizen board. The scope of the Board's mandate expanded with the State's environmental laws from wastewater issues to all aspects of environmental regulation.

The structure and function of the Board and its role within the Department of Environmental Protection has been reviewed periodically by the Legislature and modified in response to changing needs.

In 1982 the Trafton Commission recommended several changes in the Board. The only recommendation implemented by the Legislature in 1983 was the removal of the Commissioner as a member of the Board. The Board continued to have oversight of all licensing, enforcement actions and rulemaking initiatives.

In 1989 the Legislature formed a sub-committee to review the role of the Board. Public Law 1989, c. 503 "An Act to Clarify the Role of the Board of Environmental Protection" made significant changes in the allocation of responsibilities between the Board and the Commissioner. The majority of licensing decisions were delegated to the Commissioner except those for applications deemed to be of "significant public interest" as well as certain categories of applications, such as applications for hazardous waste management facilities. The Board would hear appeals of Commissioner licensing decisions except for petroleum cleanup reimbursement cases, which would be considered by the Fund Insurance Review Board. Additionally, the Board would continue to do all rulemaking.

In 1997 the Joint Standing Committee on Natural Resources appointed the "Task Force to Study the Operation of and Support for the Board of Environmental Protection." The findings of the Task Force provided the basis for PL 1999, c. 784, which established the position of Executive Analyst. There were no changes in the Board's responsibilities or authority.

Most recently, in 2011 Public Law 2011, c. 304 "An Act to Ensure Regulatory Fairness and Reform" (LD 1) made a number of changes to the Board's composition and duties. In brief:

- Membership was reduced from 10 to 7 persons and a requirement was added that at least 3 of the members have technical or scientific backgrounds in environmental issues.

- The Board’s rulemaking authority was limited to major substantive rules and certain procedural rules, with routine technical rules delegated to the Commissioner.
- The Board continues to have licensing jurisdiction over projects of statewide significance; however, the definition of such projects was clarified to better reflect legislative intent.
- The Board continues to consider petitions to modify a license, but actions to revoke or suspend a license will be undertaken by the Commissioner.
- Approval of administrative consent agreements to resolve violations of licenses and environmental laws was delegated to the Commissioner.
- The Board’s appeal function with respect to licensing matters and emergency orders was retained.

For an overview of the Board's purpose, operations, and responsibilities see the BEP Information Sheet titled Purpose.

**For more information:** Visit the Board’s web page at: [www.maine.gov/dep/bep](http://www.maine.gov/dep/bep).