



BEP FACT SHEET

Board of Environmental Protection

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What is the Board of Environmental Protection or BEP?

The BEP is a seven-member citizen board whose members are appointed by the Governor and confirmed by the Legislature. The purpose of the Board is 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.

The Board is administratively part of the Department of Environmental Protection; however, statute directs the Board to exercise independent judgment on the matters before it. The Board is not bound by the views of others, or in the case of an appeal, the Commissioner's decision. Board members serve staggered four-year terms, and no member may serve more than two consecutive terms. The Chair is appointed by the Governor. State law requires that at least three members have technical or scientific backgrounds in environmental issues and no more than four members may live in the same Congressional district. Board members are volunteers and not Department employees.

What are the Board's responsibilities?

The Board works with the Commissioner and Department staff to implement the State's environmental laws. The Board's duties are specified in law and include:

- **Rulemaking:** The Board has authority to adopt, amend or repeal Department rules that have been designated as major substantive rules by the Legislature. Additionally, the Board adopts the procedural rules that govern the general conduct of the Department's business including matter such as the processing of applications and the conduct of hearings. All other rules are adopted, amended or repealed by the Commissioner.
- **Major Applications:** State law requires that some applications be decided by the Board. Additionally, state law requires that the Board decide applications for projects that are of statewide significance. The factors which determine whether a project is of statewide significance are found in statute at 38 M.R.S.A. § 341-D(2).
- **Appeals of Commissioner Licensing Decisions:** Any person aggrieved by a licensing decision of the Commissioner may appeal that decision to the Board by the deadline established in law. The Board will review the matter at a regular Board meeting and may approve, approve with conditions, or deny the license.
- **License Modification or Corrective Action:** At the request of the Commissioner and after an opportunity for a hearing, the Board may modify a license or issue an order requiring corrective action if necessary to protect public health or the environment or to ensure compliance with environmental laws.
- **Enforcement:** The Board hears appeals of emergency orders issued by the Commissioner.
- **Report to the Legislature:** The Board has a responsibility to report periodically to the Legislature on the effectiveness of environmental laws and to make recommendations for amending those laws.

Who serves on the Board?

Members are selected by the Governor to represent a broad range of interests, experiences, and expertise. Biographical information on the current members can be found on the Board web page at: www.maine.gov/dep/bep/bepbio.htm.

For more information: Visit the Board's web page at: www.maine.gov/dep/bep/index.htm.