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Admitted in: MA, ME, NH

June 26, 2020

Via Electronic Mail (Ruth.A.Burke@maine.gov)

Mark C. Draper, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
17 State House Station
Augusta, ME 04333-0017

Re: Central Maine Power Company, New England Clean Energy Connect
Department Order L-27625-26-A-N, L-27625-TB-B-N, L-27625-2C-C-N,
L27625-VP-D-N, L-27625-IW-E-N
Request for Stay of Commissioner's Order

Dear Mr. Draper:

Enclosed is the Opposition of Central Maine Power Company to NRCM's Application for Stay.

Sincerely,



Matthew D. Manahan

Enclosure

cc: Cynthia S. Bertocci
James T. Kilbreth, Esq.
Gerald Reid, Dep Commissioner
DEP Hearing Service List

STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF

CENTRAL MAINE POWER COMPANY)
NEW ENGLAND CLEAN ENERGY CONNECT)
#L-27625-26-A-N/#L-27625-TG-B-N/)
#L-27625-2C-C-N/#L-27625-VP-D-N/)
#L-27625-IW-E-N)

**OPPOSITION OF CENTRAL MAINE POWER COMPANY
TO NRCM'S APPLICATION FOR STAY**

Central Maine Power Company (CMP) hereby responds to the Application for Stay of Agency Decision (Application) of the Natural Resources Council of Maine (NRCM), which requests that the Board of Environmental Protection (Board or BEP) stay the May 11, 2020 Order (DEP Order) of the Commissioner of the Department of Environmental Protection (Department or DEP) approving CMP's applications to the DEP for CMP's New England Clean Energy Connect Project (NECEC or Project).

I. The Board Lacks Jurisdiction to Stay a DEP Commissioner's Order.

First, the Board does not have authority to issue the stay NRCM seeks. NRCM does not cite, because such authority does not exist, any statute or rule that authorizes the Board to stay an order of the Commissioner. To the contrary, the DEP's rules clearly provide that "[t]he filing of an appeal to the Board does not stay the license decision." DEP Reg. Ch. 2 § 24.A. NRCM has filed an appeal to the Board, and the Board's duties thus are prescribed by that rule, which does not include authority to grant a stay of a Commissioner's order.

Lacking authority to support its request for a stay, NRCM instead relies on the Administrative Procedure Act (APA), which provides, in 5 M.R.S. § 11004, that an

“[a]pplication for a stay of an agency decision shall ordinarily be made first to the agency.” But NRCM’s reliance on Section 11004 is misplaced, as it governs the stay of agency action when the petitioner has appealed that agency’s decision to Superior Court, which NRCM has not done here. In any event, even if Section 11004 allowed the agency to issue a stay when the petitioner has not appealed to court, the “agency” here is the DEP, which is administered by the Commissioner, to which a stay request (supported by NRCM) has already been made.¹ Thus, the APA authorizes the Commissioner, but not the Board, to stay an order issued by the Commissioner when the petitioner has appealed that order to court.

Contrary to the suggestion of NRCM, the 1980 opinion of the Office of the Attorney General interpreting Section 11004 also does not stand for the proposition that the BEP may stay an order of the Commissioner. NRCM Application at 2, 5 (citing Me. Op. Att’y Gen. No. 80-116 (July 15, 1980), attached hereto as Attachment I). That opinion addressed whether Section 11004 requires that an application for a stay of a *Board* decision be made to the Board rather than to Superior Court, and found that the APA requires that an application for stay be made to

¹ Intervenor Groups 2 and 10 applied on June 5, 2020 to the DEP for a stay of the DEP Order. On June 19, 2020, NRCM filed a letter in support of that application. Despite its support of Groups 2 and 10’s stay application to the Commissioner, NRCM nevertheless seeks to confuse these issues by submitting a separate but duplicative stay request to the BEP. Furthermore, Groups 2 and 10 made an untimely quid pro quo filing, “join[ing] in NRCM’s request that the Board stay the May 11, 2020 Findings of Fact and Order,” on June 23, 2020. Groups 2 and 10 complain that they were not served with the Board’s letter setting a June 19, 2020 deadline for such comments, but the Board’s email transmitting that letter went to no fewer than five members of Groups 2 and 10 (Ashli Coleman, Chris Russell, Edwin Buzzell, Elizabeth Caruso, and Peter Dostie). Groups 2 and 10 thus had notice of the June 19, 2020 deadline for comments on June 12, 2020. Additionally, counsel to Groups 2 and 10 was copied on the June 19, 2020 submittal of comments by the Appalachian Mountain Club, Trout Unlimited, Western Rivers & Mountains Corporation, and Group 3. Counsel thus had effective notice of the June 19, 2020 deadline on June 19, and not on June 23 as stated in counsel’s cover letter to the Board. The Board thus should disregard the comments of Groups 2 and 10. To the extent the Board considers those comments, CMP incorporates herein by reference its response, filed today with the DEP, to Groups 2 and 10’s stay application.

the tribunal that issued the decision (in that case, the BEP), and not to the reviewing tribunal (in that case, Superior Court). Me. Op. Att’y Gen. No. 80-116 (July 15, 1980) (reviewing the legislative history of Section 11004 and noting that “[t]he law developed by the federal courts under the parallel rule governing stays from district court judgments is quite clear that requests for stays are properly made to the District Court in the first instance, even after an appeal of the judgment has been taken.”).

Consequently, Section 11004, in the opinion of the Office of the Attorney General, confers jurisdiction on the tribunal that issued the underlying decision to consider and act upon a petition for a stay of that tribunal’s decision when the petitioner has appealed that decision to Superior Court. *Id.* (“What is fairly contemplated is that tribunals may properly stay their own orders when they have ruled on an admittedly difficult legal question and when the equities of the case suggest that the status quo should be maintained”). It is not the position of that Office, as NRCM suggests, that Section 11004 confers blanket authority on the Board to issue stays of DEP orders, particularly where, as here, NRCM has not appealed the DEP order to Superior Court, and thus has not even triggered Section 11004. NRCM Application at 2, 5. Because the issuing entity here is the Commissioner, Section 11004 confers jurisdiction upon the Commissioner and not the Board to stay the Commissioner’s Order when the petitioner has appealed that order to court.²

II. The Board Is Not Required to Review CMP’s Applications to the DEP *De Novo*.

Equally unpersuasive is NRCM’s novel interpretation of 38 M.R.S. § 341-D(2), which requires that the Board “decide each application for approval of permits and licenses that in its

² This conclusion is supported not only by the clear language of Section 11004 and the Attorney General Opinion that NRCM cites, but also by the DEP’s rules, which provide that “[t]he filing of an appeal to the Board does not stay the license decision.” DEP Regs. Ch. 2 § 24(A).

judgment represents a project of statewide significance.” 38 M.R.S. § 341-D(2). NRCM’s argument is that this statute requires the Board to make determinations that every project for which DEP has received a permit application are *not* of statewide significance – otherwise, it must assume jurisdiction and review those applications *de novo*. NRCM Application at 3-4. This argument turns the statute on its head. Nowhere is there an affirmative duty on the part of the BEP to make determinations that every project is or is not of statewide significance.

First, though, this argument is a red herring. Regardless of whether the Board should have taken jurisdiction over the NECEC applications in 2017, and even assuming for purposes of this discussion that the Board has authority to stay a Commissioner decision, this argument would not provide separate grounds to issue such a stay. The grounds for staying an agency decision are set forth in the APA, Section 11004, and nowhere does that section suggest that the BEP may stay a Commissioner decision based on a determination that the Commissioner was without authority to issue that order in the first instance. Rather, that issue would be relevant only if the petitioner can show a strong likelihood of success on the merits of the appeal, based on that “jurisdictional” issue. As discussed below, NRCM fails that test, as well as the other two, for issuance of a stay.

In fact, NRCM’s argument that the Board should have assumed initial jurisdiction over the NECEC application entirely lacks merit. The Board must assume jurisdiction in two instances: (1) where the DEP Commissioner and the applicant jointly so request, and (2) where the Board determines (*i.e.*, the Board holds a vote at a Board meeting, and makes a specific finding) that three of the four Section 341-D(2) statewide significance factors are met. 38 M.R.S. § 341-D(2), 38 M.R.S. § 344(2-A), DEP Regs. Ch. 2 § 17; *see also* BEP Information Sheet: Guidance on Requests for Board Jurisdiction over an Application (attached hereto as

Attachment II). With respect to the second instance, the Board holds such a vote at a Board meeting when (1) an interested person requests Board jurisdiction and the DEP Commissioner agrees, (2) an interested person requests Board jurisdiction and the DEP Commissioner disagrees, (3) the DEP Commissioner determines that three of the four Section 341-D(2) factors are met and he recommends Board jurisdiction, or (4) the Board on its own initiative determines to hold a vote to determine whether it has jurisdiction. *Id.* The Board is not required to vote on all DEP applications; Section 341-D(2) expressly states that the Board *may* – but is not required to – vote to assume jurisdiction. That is, the Board need not vote on the issue at all if none of these situations is presented.

Accordingly, it is only mandatory that the BEP assume jurisdiction when the Commissioner and the applicant together request Board jurisdiction or when the matter comes before the Board via one of the four methods listed above and the Board then votes that at least three of the Section 341-D(2) factors are met. That is, the Board must, without a vote, assume jurisdiction when the Commissioner and the applicant together request Board jurisdiction. In all other scenarios, the BEP might assume jurisdiction, depending on whether, and then how, it votes on the Section 341-D(2) factors.³

³ NRCM’s allegation that the Project is of statewide significance (Application at 4-5) is a fact-based determination that must be made at the outset of the proceeding and not, as NRCM attempts here, after the permit has been issued. By not raising this issue at the time the application was submitted, NRCM has waived this argument, and may not make it now. In any event, the Project does not meet two of the four factors: (F) involves an activity not previously permitted or licensed in the State, and (G) is likely to come under significant public scrutiny. Regarding factor (F), transmission lines are routinely permitted in Maine, and are specifically contemplated in the Site Location of Development Act. *See, e.g.*, 38 M.R.S. §487-A, which governs “Hazardous activities; transmission lines.” Regarding factor (G), which contemplates a determination in the early stages of a proceeding of whether the application is “likely to come” under public scrutiny – not based on a Google search conducted more than 2½ years after the application was submitted – NRCM cites the signatures required to send a citizen-initiated referendum to the November ballot box. But signatures in support of sending a referendum to

Here, the BEP was not required to assume jurisdiction because CMP and the Commissioner did not jointly request jurisdiction, and none of the four scenarios in which the Board would vote on jurisdiction was initiated in this case.

First, no person, and certainly not NRCM, requested Board jurisdiction within the November 2, 2017 deadline set by DEP rule.⁴ Notably, on November 2, 2017, NRCM did file with the DEP a Petition for a Public Hearing that made no reference to Board jurisdiction. *See* Attachment IV. Yet now, over two and one-half years later, and after intensive and protracted proceedings before the DEP, NRCM suddenly demands a do-over before the Board.⁵ However, because no person timely requested Board jurisdiction, the Board cannot hold a vote and assume jurisdiction under either of the first two scenarios. By failing to raise this issue in 2017, NRCM has waived it. NRCM's desperate and untimely request for a stay on purportedly jurisdictional grounds should be denied.

vote are not evidence of support "aimed at stopping the Corridor," as NRCM alleges. Those signatures merely are evidence of support of allowing a vote on an issue, and are not determinative of any outcome.

⁴ The DEP's rules provide that "Any person may request that the Board assume jurisdiction over an application by submitting the request to the Department in writing no later than 20 days after the application is accepted as complete for processing." DEP Regs. Ch. 2 § 17(A); *see also* DEP Regs. Ch. 2 § 16. The DEP accepted CMP's applications as complete for processing on October 13, 2017. *See* Attachment III. The deadline for any person to request that the Board assume jurisdiction therefore was November 2, 2017.

⁵ NRCM argues that it may raise the issue of jurisdiction at any time, including on appeal. NRCM Application at 4 (n.2). The question of whether the Board should take from the Commissioner "jurisdiction" over an application is not the same, however, as whether an agency (in this case the DEP, which includes the Commissioner and the Board) has subject matter jurisdiction. The latter may be raised at any time, but the former is governed by DEP's rules, which specifically set forth a deadline within which parties like NRCM must raise the issue of the Board's potential jurisdiction; that deadline expired over two and one-half years ago. DEP Regs. Ch. 2 §§ 16, 17(A). Thus, NRCM has waived this argument.

Nor did the DEP Commissioner, on his own initiative, determine that three of the four Section 341-D(2) factors were met and thus recommend that the Board assume jurisdiction. 38 M.R.S. § 344(2-A), DEP Regs. Ch. 2 § 17(B). Instead, he exercised his discretion to maintain his own jurisdiction and to set the proceeding for hearing. *See* November 17, 2017 DEP letter attached hereto as Attachment V. Because the Commissioner has no duty to make a recommendation to the Board that it *not* assume jurisdiction, and instead shall only “provide a recommendation to the Board for those applications where the Commissioner *recommends* that the Board consider jurisdiction,”⁶ which did not occur here, the Board cannot hold a vote and assume jurisdiction under the third scenario.

Nor did the Board on its own initiative hold a vote to determine whether it has jurisdiction over the Project, which is the fourth and final scenario in which the Board might consider the Section 341-D(2) factors. Instead, the Board was notified at its November 2, 2017 meeting that DEP staff had determined that CMP’s applications were complete for processing (*see* Attachment VI, Accepted applications for: LAND at 7-8). The minutes of that meeting reflect that the Board reviewed the applications accepted for processing, including the NECEC applications, and took no action (*see* Attachment VII at item I.E). It is clear that the Board did not consider the Project to rise to the level of significance that would warrant a vote, *sua sponte*, on the Section 341-D(2) factors. And it also is clear that the Board has no affirmative duty to determine that a project does not meet the Section 341-D(2) factors, as NRCM alleges, because

⁶ Ch. 2 § 17(B) (emphasis added); 38 M.R.S. § 344(2-A). NRCM alleges that the Commissioner is required to issue a written decision if he declines to refer an application to the BEP. NRCM Application at 4-5. However, the Commissioner need do so only “for those applications where the Commissioner recommends that the Board consider jurisdiction.” Ch. 2 § 17(B); 38 M.R.S. § 344(2-A).

the statutory language for a Board vote *sua sponte* is permissive.⁷ Accordingly, the Board did not hold a vote and did not assume jurisdiction under the fourth scenario.

Because CMP and the Commissioner did not jointly request jurisdiction, and none of the four scenarios in which the Board would vote on jurisdiction was initiated in this case, the Board was not required to assume jurisdiction here. The Board does not have, as NRCM suggests, an affirmative duty to make determinations that every project is or is not of statewide significance. Imposing that duty on the Board would be an immense undertaking given the sheer number of applications before it at each meeting (*see, e.g.*, Attachment VI, listing 202 applications accepted for processing between August 16 and October 20, 2017), and it would be contrary to longstanding BEP practice and the permissive language of the statute. NRCM's request that the BEP stay the DEP Order on the ground that the BEP must review the NECEC application *de novo* should be denied.

III. NRCM Cannot Meet the High Burden for a Stay.

Even if the Board had authority to issue a stay of the DEP Order, NRCM's Application should be denied because NRCM fails to meet the high burden for a stay. A petitioner for a stay or other injunctive relief bears the burden of showing that the circumstances of the case justify the exercise of such discretionary action. *In re Maine Today Media, Inc.*, 2013 ME 12, ¶ 13, 59 A.3d 499, 502 (Me. 2013) (citing *Respect Maine PAC v. McKee*, 622 F.3d 13, 15 (1st Cir. 2010)). This burden is high, as injunctive relief is "an extraordinary remedy only to be granted

⁷ "The board *may* vote to assume jurisdiction of an application if it finds that at least 3 of the 4 criteria of this subsection have been met." 38 M.R.S. § 341-D(2) (emphasis added). *See also* DEP Regs. Ch. 2 § 17(B) ("The Board may assume jurisdiction over any application on its own initiative if it finds that at least 3 of the 4 criteria in section 17(C) are met."). The Board will assume jurisdiction if it in its judgment determines to hold a vote, and if the result of that vote is a finding that at least three of the Section 341-D(2) factors are met.

with utmost caution when justice urgently demands it and the remedies at law fail to meet the requirements of the case.” *Bar Harbor Banking & Tr. Co. v. Alexander*, 411 A.2d 74, 79 (Me. 1980) (citing R. Whitehouse, *Equity Jurisdiction* § 563 (1900)).

Pursuant to the APA, a petitioner for a stay must affirmatively demonstrate three elements: (1) irreparable injury to the petitioner, (2) a strong likelihood of success on the merits, and (3) no substantial harm to adverse parties or the general public. 5 M.R.S. § 11004. The Law Court has stated that the first two criteria are the most critical, and require a showing of more than mere possibility. *In re Maine Today Media, Inc.*, 2013 ME 12, ¶ 13, 59 A.3d 499, 502 (Me. 2013) (citing *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 129 S. Ct. 365, 375-76 (2008); *Respect Maine PAC v. McKee*, 622 F.3d 13, 15 (1st Cir. 2010)). However, failure to demonstrate any one of these criteria requires that injunctive relief must be denied. *See Bangor Historic Track, Inc. v. Dep’t of Agric.*, 2003 ME 140, ¶ 10, 837 A.2d 129, 132-33 (Me. 2003). NRCM fails to meet any, let alone all, of these necessary elements for a stay, and thus its Application must be denied.

First, NRCM fails to show irreparable injury. Proof of irreparable injury is a prerequisite to the granting of injunctive relief. *Bangor Historic Track*, 2003 ME 140, ¶ 10, 837 at 133. Even if CMP could now begin construction,⁸ NRCM failed to demonstrate how construction will injure it or its members, and further failed to demonstrate any “irreparable injury,” which is defined as “injury for which there is no adequate remedy at law.” *Id.* (citing *Bar Harbor Banking & Trust Co. v. Alexander*, 411 A.2d 74, 79 (Me. 1980)). Here, the injury NRCM alleges –

⁸ CMP must still obtain a U.S. Department of Energy (DOE) Presidential Permit and a U.S. Army Corps of Engineers (Corps) Permit under Clean Water Act Section 404 prior to construction of the Project at the Canadian border and in Segment 1, respectively, as well as the authorization of each municipality the NECEC crosses.

impact to habitat and existing uses – has already been carefully examined by the DEP, which determined that there is no unreasonable impact (i.e., no injury), and specifically conditioned its Order to avoid any unreasonable harm to habitat and existing uses.⁹ NRCM Application at 6-8. Additionally, even if there were any such injury it would not be irreparable, given that any vegetation cut will regrow and given the appeals process available to and utilized by NRCM.

The DEP must consider a project’s impact on habitat and existing uses under the Natural Resources Protection Act,¹⁰ the Site Location of Development Act,¹¹ and their implementing regulations¹² – and such impact was litigated as explicit hearing topics in this proceeding.¹³ Indeed, the harm that NRCM alleges in support of its stay application was the gravamen of its position throughout this proceeding,¹⁴ and the six days of DEP hearings “highlighted the impacts the proposed project would have on fish and wildlife habitat, scenic character, and recreational uses of the Segment 1 area.”¹⁵ After thorough examination of the testimony, public comment, and record evidence over the course of this proceeding,¹⁶ the Commissioner conditioned DEP approval on additional mitigation that is supported by testimony from Group 4, of which NRCM

⁹ NRCM also argues, with no citation or support, that “if CMP is allowed to begin construction, it could limit NRCM’s ability to address CMP’s inadequate alternative analysis during the course of this appeal.” NRCM Application at 8. In fact, Project construction, if it were to occur, would not limit NRCM’s ability to appeal the issue of alternatives, or any other issue addressed in the DEP proceeding.

¹⁰ 38 M.R.S. § 480-D(1).

¹¹ 38 M.R.S. § 484(3).

¹² DEP Regs. Chs. 315, 335 and 375.

¹³ DEP Second Procedural Order ¶ 7.

¹⁴ *See, e.g.*, Group 4 Initial Brief at 11-53; Publicover Direct at 3; Reardon Direct at 6.

¹⁵ DEP Order at 1.

¹⁶ DEP Order at 56.

was a member.¹⁷ The Commissioner found that, with such conditions, “adequate provision for the protection of wildlife will be achieved.”¹⁸

With regard to existing uses, the Commissioner concluded that “because the scenic impact of the project is not unreasonable, the Department further finds the project will not have an unreasonable adverse effect on existing uses that are related to the scenic character.”¹⁹ But the Commissioner did not stop there. To the contrary, he also “evaluated the potential impact of the applicant’s project on existing uses, looking beyond the scenic impacts,” particularly regarding “the potential impact of Segment 1,” and concluded that “the project will not have an unreasonable adverse impact on existing uses, including recreational or navigational uses.”²⁰ It is entirely illogical for NRCM to now argue that a stay is required to prevent the alleged harm that the DEP has already thoroughly considered and mitigated through the conditions in the DEP Order.

Second, NRCM cannot show a strong likelihood of success on the merits. This criterion is critical, and requires a showing of more than mere possibility of success on the merits. *In re Maine Today Media, Inc.*, 2013 ME 12, ¶ 13, 59 A.3d 499, 502 (Me. 2013) (citing *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 129 S. Ct. 365, 375-76, 172 L.Ed.2d 249 (2008); *Respect Maine PAC v. McKee*, 622 F.3d 13, 15 (1st Cir. 2010)).²¹ While the Board is not bound by the Commissioner’s findings of fact or conclusions of law, a petitioner for a stay nonetheless

¹⁷ DEP Order at 77.

¹⁸ DEP Order at 76-77.

¹⁹ *Id.*

²⁰ *Id.* at 56-58.

²¹ NRCM’s citation to the 1980 Attorney General Opinion for the proposition that it need show only a “merely a substantial possibility of success” is 30-years stale, and subsequent case law requires a showing of more than a “substantial possibility” of success. NRCM Application at 8.

must show specific circumstances that justify the exercise of this extraordinary remedy. *In re Maine Today Media*, 2013 ME at ¶ 13, 59 A.3d at 502; *Bar Harbor*, 411 A.2d at 79. And should the matter be further appealed to Superior Court, that reviewing court will uphold the DEP’s factual findings if supported by substantial evidence, *i.e.*, if there is “any” competent evidence in the record to support them. *Concerned Citizens v. BEP*, 2011 ME 39, ¶ 24, 15 A.3d 1263, 1271 (Me. 2011). This high level of judicial deference is informative here, as a reviewing court will vacate the Commissioner’s findings of fact “only if there is no competent evidence in the record to support a decision.” *Friends of Lincoln Lakes*, 2010 ME 18, ¶ 14, 989 A.2d at 1134.

Where, as here, the proceeding has occupied nearly three years of intensive and iterative work, building a record of tens of thousands of pages, the likelihood of NRCM’s success on the merits is exceptionally small, as evidenced by its lackluster citation of contrary evidence. The DEP Order is a comprehensive, 236-page document that specifically sets forth the arguments of the parties, many of which NRCM now echoes, and the DEP’s reasoned findings and conclusions on those arguments. Based on conditions developed in large part by NRCM’s own witness testimony, the DEP found that the mitigation ordered sufficiently assuaged the harm NRCM now alleges.²² Given that the record is replete with competent evidence supporting the DEP Order, NRCM cannot show a likelihood of success on the merits, let alone the required “strong likelihood.”

Nor do NRCM’s specific allegations of error comport with the record. Its complaint that “the Department did not permit NRCM to present evidence about the greenhouse gas effects of the Corridor” and that the DEP erred by relying, without independent assessment, on CMP’s representations of climate benefits is patently false. NRCM Application at 9. While NRCM’s

²² *See, e.g.*, DEP Order at 76-92.

January 24, 2019 written request to include greenhouse gas (GHG) emissions as a hearing topic was denied,²³ the Presiding Officer allowed the parties to submit written evidence on this issue into the record, determining that “[t]he issue can be adequately addressed through written submissions.”²⁴ NRCM availed itself of this opportunity, filing extensive comments on May 9, 2019. The DEP considered that evidence, as well as the GHG documents in the Maine Public Utilities Commission’s (PUC’s) proceeding that also included NRCM’s evidence in that proceeding, in reaching its conclusions on the emissions benefits of the Project.²⁵ Similarly, NRCM has already raised, and the DEP has already considered, the allegation at pages 9-10 of NRCM’s Application that the Bureau of Parks and Lands lease is void.²⁶ Put simply, that argument is without merit, for the reasons already articulated in the record.

With respect to NRCM’s argument that the Commissioner was without authority to issue the permit in the first instance because the NECEC allegedly is a project of statewide significance, that argument has virtually no chance of success for the reasons discussed above, in Section II. Accordingly, NRCM raises no error that shows a strong likelihood of success on the merits.

Third, NRCM fails to show that a stay will not result in substantial harm to CMP or the general public. Because CMP needs to begin construction well before any appeals are resolved

²³ DEP Third Procedural Order at 3-4.

²⁴ DEP Third Procedural Order at 4.

²⁵ DEP Order at 104-05. The Law Court recently affirmed the Maine PUC’s findings that the Project would result in a reduction of greenhouse gas emissions, which was properly considered as part of its overall public need analysis. *NextEra Energy Res., LLC v. Maine PUC*, 2020 ME 34, ¶¶ 30, 36-38, -- A.3d – (Mar. 17, 2020) (“The Commission’s conclusions regarding the NECEC project and Maine’s Renewable Energy Goals were reasonable and consistent with the law”).

²⁶ *See, e.g.*, Group 4 Initial Brief at 4-6, DEP Order at 8.

in the Law Court in order to meet its required in-service date, CMP would be harmed by a stay of the DEP Order to the extent that it would not be able begin construction where otherwise fully authorized.²⁷

Such a delay, and possible cancellation (pursuant to contractual in-service obligations) of the Project, also would result in harm to the general public because of the loss of economic benefits of the Project: it will create an average of 1,691 jobs per year in Maine, peaking in 2021 at 3,506 jobs; it will increase Maine's Gross Domestic Product by nearly \$64 million over the six-year period; it will generate approximately \$18 million of additional municipal tax revenue; and it will reduce wholesale electricity cost.²⁸

Importantly, the Commissioner's Order is crucial in the fight against climate change, and any delay in construction that would result from a stay therefore also is detrimental to the general public. As the Order noted, climate change "is the single greatest threat to Maine's natural environment":

It is already negatively affecting brook trout habitat, and those impacts are projected to worsen. It also threatens forest habitat for iconic species such as moose, and for pine marten, an indicator species much discussed in the evidentiary hearing. Failure to take immediate action to mitigate the GHG emissions that are causing climate change will exacerbate these impacts.²⁹

Combating climate change is perhaps the greatest public benefit of the Project, and Mainers

²⁷ NRCM also argues that CMP should not be allowed to begin construction on any part of the Project until it obtains the approval of Maine voters in November. NRCM Application at 11. The November 2020 referendum NRCM references, which purportedly could strip CMP of its Maine PUC Certificate of Public Convenience and Necessity, is entirely irrelevant to the three stay criteria, and the outcome of the referendum is entirely unknown. Not only is the constitutionality of the referendum being challenged now in Cumberland County Superior Court, but there is no way to know how the people will vote in November, assuming the courts allow it on the ballot at all.

²⁸ See CMP's Site Law Application at § 1.4 (Sept. 27, 2017).

²⁹ DEP Order at 105.

cannot afford to await the outcome of appeals, potentially several years down the road, for the Project to reduce “overall GHG emissions through corresponding reductions of fossil fuel generation (primarily natural gas) in the region.”³⁰

For the foregoing reasons, CMP requests that the Board deny NRCM’s Application for Stay of Agency Decision.

Dated this 26th day of June, 2020.



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³⁰ *Id.*

ATTACHMENT I

Susan P. Herman
Assistant Attorney General

Office of the Attorney General

State of Maine
Opinion No. 80-116
July 15, 1980

Subject: Authority to Issue a Stay Pending Resolution of an Appeal.

Board of Environmental Protection
Dept.Environmental Protection

QUESTION: Does the Board of Environmental Protection have authority or jurisdiction to issue a stay of a Board Order after an appeal of that order has been filed?

ANSWER: Yes.

DISCUSSION: The Natural Resources Council of Maine has filed a petition with the Board seeking a stay of the Board's action in granting an air emission license to the Martin Marietta Corporation. However, before that petition was filed, NRCM had filed an appeal in the Superior Court to obtain judicial review of the same Board action. The question presented is whether the filing of an appeal deprives the Board of jurisdiction to consider a petition for a stay of the order under appeal.

Unless specifically overridden by another State statute, every appeal to the courts of a state agency decision is governed by provisions of the Maine Administrative Procedure Act, [5 M.R.S.A Sections 11001 et seq.](#) Among those statutes is Section 11004 governing the stay of an administrative decision during the pendency of a judicial review proceeding. That statute provides that

Application for a stay of an agency decision shall ordinarily be made first to the agency, which may issue a stay upon issuing of irreparable injury to the petitioner, a strong likelihood of success on the merits, and no substantial harm to adverse parties or the general public. A motion for such relief may be made to the Superior Court, but the motion shall show that application to the agency for the relief sought is not practicable, or that application has been made to the agency and denied,... or that the action of the agency did not afford the relief which the petitioner had requested.

On its face, it seems apparent that this statute requires that an application for a stay be made to the Board rather than to the Superior Court, regardless of whether an appeal has yet been taken.

This conclusion is reinforced by a review of the legislative history of Section 11004 and the associated law of stays pending appeal. The statement of fact on the bill enacting Section 11004 recites that the statute was based upon [Rule 18 of the Federal Rules of Appellate Procedure](#) (governing stays of decisions of federal agencies pending their review in the federal Courts of Appeals), and notes that the enactment of the section changes the prior law, under which a stay was available only from the Superior Court. Although no cases could be located discussing the jurisdiction of a federal agency under [F.R. App. P.18](#), the official comments by the drafters of the rule state simply that [Rule 18](#) merely assimilates the procedure for obtaining stays in agency proceedings with that for obtaining stays an appeals from the district courts. The same considerations which justify the requirement of an initial application to the district court for a stay pending appeal support the requirement of an initial application to the agency pending review.

Advisory Committee Note to [F.R. App. P.18](#).

The law developed by the federal courts under the parallel rule governing stays from district court judgments is quite clear that requests for stays are properly made to the District Court in the first instance, even after an appeal of the judgment has been taken. [Smith v. American Shipbuilding](#), 22 F.R. Serv. 2d 538 (N.D. Ohio, 1976), [Betts v. Coltes](#), 449 F.Supp. 751 (D

[Haw., 1978](#)). Also see generally 9 Moore's Federal Practice, 2d ed., Sections 218.01 and 208.04. The theory set forth in these rules, as interpreted by the courts, is that the lower court or agency has no power to modify the judgment or order being appealed because that would alter the subject of the appeal and thus affect the jurisdiction of the appellate court. A petition for a stay however seeks no change in the order being appealed but merely seeks to preserve the status quo while the appeal is pending. Whether a stay is granted or denied, the appeal itself and the appellate court's jurisdiction over it are unaffected.

Two Maine Supreme Court cases in the last decade bear noting and discussion. Both [Gagne v. Inhabitants of the City of Lewiston](#), 281 A.2d 579 (Me. 1971) and [Ethyl Corporation v. Adams](#), 375 A.2d 1065 (Me. 1977) have held that [T]he filing of an appeal removes the cause from the administrative tribunal to the Superior Court. We hold that the appeal terminates the authority of a tribunal to modify its decisions unless the court remands the matter to the tribunal for further action, thereby reviving its authority.

[Gagne, supra](#), at 583.

See also a September 12, 1978 Attorney General's Opinion that the Board had no jurisdiction to act on a petition to reconsider a Board Order with respect to the Westbrook Sludge Composting Site.

In addition to the fact that these cases predate the Maine Administrative Procedure Act, they are not inconsistent with the provisions of [5 M.R.S.A. Section 11004](#). The court cases are clearly limited, in their language and by their facts, to situations where the agency is asked to modify the terms of the decision under appeal. Such a modification would alter the subject matter of the appeal and thus the jurisdiction of the appellate court. The issuance or denial of the stay has no such effect.

Consequently, in my opinion, [Section 11004](#) provides the law governing this question and confers jurisdiction upon the Board to consider and act upon a petition for stay of a Board Order, regardless of whether an appeal of that order is then pending.

The test for determining whether or not a stay should be issued in any particular case is by now well established in the law, and the criteria are set forth in [Section 11004](#). First, the Board needs to consider what is called the "balance of the equities," weighing on the one hand the harm that may befall the petitioner if the stay is denied ^[FN1] against, on the other, the harm that will result to any adverse party if the stay is granted. A third factor, the interests of the public generally, must then be put into this balance on the appropriate side. Conducting this balance may be difficult or imprecise. Any or all of these three factors may be difficult to quantify. Frequently the test involves weighing one kind of harm against another completely different harm.

In order to obtain a stay, the petitioner must not only prevail in the balancing test, but also present a substantial question on appeal. It is clear from case law that this latter requirement need not amount to a probability that the appeal will succeed but rather merely a "substantial possibility of success." [Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc.](#), 559 F. 2d 841, 844 (D.C. Cir., 1977), following [Hamilton Watch Co. v. Benrus Watch Co.](#), 206 F. 2d 738 (2d Cir. 1953). As the D.C. Circuit said in [Holiday Tours](#), prior recourse to the initial decision maker would hardly be required as a general matter if it could properly grant interim relief only on the prediction that it has rendered an erroneous decision. What is fairly contemplated is that tribunals may properly stay their own orders when they have ruled on an admittedly difficult legal question and when the equities of the case suggest that the status quo should be maintained.

Gregory W. Sample
Assistant Attorney General

Footnotes

¹ The U. S. Department of Labor may not agree with this interpretation of its conflict of interest regulation. In such an instance, the Department of Labor would have the authority to disallow the costs associated with this lease pursuant to the provisions of 20 CFR

§ 676.88(C).

² P.L. 1980 Ch. 734, effective July 3, 1980 repealed [5 MRSA, § 15](#) and enacted §§ 18 and 19.

³ Executive employee is defined as:
CS=MEAG

¹ The statute and the usual formation of the test require a petitioner for a stay to show “irreparable injury” which will result from denial of the stay. This merely means that the harm, once suffered, will remain although the decision which brought it about may be reversed. Some losses may be fully restored or replaced, so that the harm is undone; others may not. The latter, whether great or small, are “irreparable”.

Me. Op. Atty. Gen. No. 80-116 (Me.A.G.), 1980 WL 119359

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ATTACHMENT II



BEP INFORMATION SHEET

Guidance on Requests for Board Jurisdiction over an Application

Date: April 2019 Contact: (207) 287-2811 or 287-2452

What is “Board jurisdiction”?

“Board jurisdiction” means that the Board of Environmental Protection (Board), rather than the Commissioner of the Department of Environmental Protection, is responsible for reviewing an application with the assistance of Department staff and deciding whether to grant a license. When the Board assumes jurisdiction over an application, the Board will hold a public hearing on the application unless it votes not to hold a hearing at the time it assumes jurisdiction.

Most license applications are processed at the Department staff level, and the decision to grant or deny a license is made by the Commissioner or the Commissioner’s designee. However, some applications are referred directly to the Board for review and a decision. This may happen because: (1) state law requires that the Board decide the matter (for example, an application for a commercial hazardous waste facility), (2) the application is referred to the Board jointly by the Commissioner and the applicant, or (3) more commonly, because the project meets the definition of a project of statewide significance.

Definition of Project of Statewide Significance

State law requires that the Board decide each application for approval of permits and licenses that in the Board’s judgment represents a project of statewide significance. (38 M.R.S. § 341-D(2)). A project is of statewide significance if it meets at least 3 of the following 4 criteria:

- The project will have an environmental or economic impact in more than one municipality, territory or county;
- The project involves an activity not previously permitted or licensed in the State;
- The project is likely to come under significant public scrutiny; and
- The project is located in more than one municipality, territory or county.

Projects the Board Cannot Assume Jurisdiction Over

By law, the Board cannot assume jurisdiction over an application for an expedited wind energy development as defined in Title 35-A, section 3451, subsection 4; for a certification for a small-scale wind energy development pursuant to Title 35-A, section 3456; for a general permit for an offshore wind energy demonstration project pursuant to Title 38, section 480-HH; or a general permit for a tidal energy demonstration project pursuant to Title 38 section 636-A.

Public Request for Board Jurisdiction

Any person may submit a written request for the Board to assume jurisdiction over an application. Requests must be submitted to the Commissioner of the Department of Environmental Protection no later than 20 days after the application is accepted as complete for processing. The person requesting Board jurisdiction should consult Chapter 2, section 17 of the Department’s *Rule Concerning the*

Processing of Applications and Other Administrative Matters for guidance. In general, the request should state why the project meets the definition of a “project of statewide significance.” A request must be received at the Department by 5:00 p.m. on a regular business day either by mail, in-hand delivery, fax, or electronic mail at the following address:

Dept. of Environmental Protection, Attn Commissioner
#17 State House Station
38 Tyson Drive
Augusta, Maine 04333-0017
Fax: (207) 287-2814
Call 207-287-2811 for the appropriate email address.

If the request is sent by electronic mail, it must contain either a facsimile or scanned copy of a handwritten signature or an electronic signature in a form acceptable to the Department, with any attachments supplied in an unalterable format such as a pdf.

Review of Public Requests for Board Jurisdiction

The Commissioner reviews all requests for Board jurisdiction and makes a preliminary determination on whether the statutory criteria for Board jurisdiction are met.

- If the Commissioner determines that the criteria for Board jurisdiction are met, the Commissioner prepares a written recommendation for the Board’s consideration. The Commissioner’s recommendation is provided to the Board, the person requesting jurisdiction, the applicant, interested governmental agencies, and other interested persons¹. The Commissioner’s recommendation is considered by the full Board at a Board meeting.
- In instances where the Commissioner determines that the criteria for Board jurisdiction are not met, a letter stating the Commissioner’s determination is sent to the person requesting jurisdiction. The Board receives a copy of the request and the Commissioner’s determination. If upon notification the Board determines that the criteria for Board jurisdiction may be met, the Board may schedule the matter for consideration at a Board meeting.

Other Ways an Application may be Referred to the Board

Commissioner Initiated. Even if a public request is not received, all applications filed with the Department are screened by staff to determine whether they meet the criteria for Board jurisdiction. If the Commissioner determines that an application meets at least three of the four criteria for jurisdiction, the Commissioner will recommend that the Board take jurisdiction. The Board will consider the Commissioner’s recommendation at a Board meeting.

Referral by Commissioner and Applicant. If both the Commissioner and the applicant request Board jurisdiction over an application, the Board will assume licensing jurisdiction.

¹ Interested person. “Interested Person” means any person who submits written comments on an application or who requests, in writing, receipt of materials related to a particular application. [Chapter 2, section 1(J.)]

Board Initiated. The Board may assume jurisdiction over an application on its own initiative if it finds that at least three of the four criteria for jurisdiction are met. In these cases, the Board will notify the Commissioner of its interest in considering Board jurisdiction over an application, and the matter will be considered by the Board at a Board meeting.

Board Consideration of Requests for Jurisdiction over an Application

Recommendations that the Board assume licensing jurisdiction over an application are considered at a regularly scheduled meeting of the Board. At the meeting, the Board will provide an opportunity for the person requesting Board jurisdiction, the applicant, interested governmental agencies, and interested persons to comment on the request. Following discussion, the Board will deliberate on a motion and vote on the matter. The Board's decision on a request for Board jurisdiction is not subject to judicial review.

Note: This Information Sheet is provided for general guidance only; it is not intended to be legally binding or to be used as a legal reference.

ATTACHMENT III



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

October 13, 2017

Burns & McDonnell
Attn: Mark Goodwin
27 Pearl Street
Portland, ME 04101

RE: DEP APPLICATION #L-27625-26-A-N/#L-27625-TG-B-N/#L-27625-2C-C-N/
#L-27625-VP-D-N/#L-27625-IW-E-N; NEW ENGLAND CLEAN ENERGY CONNECT
PROJECT; MULTIPLE MUNICIPALITIES AND TOWNSHIPS

Dear Mr. Goodwin:

Your client's applications for a Site Location of Development Law permit and a Natural Resources Protection Act permit were received by the Maine Department of Environmental Protection (Department) and found to be acceptable for processing on October 13, 2017. Acceptance of the applications does not preclude the Department from requesting additional information during processing. Your client's applications have been given the above-referenced license numbers.

The applications will now be examined to determine whether a license can be issued. The statutory timeframe to complete the application review is 185 days. As we have discussed, the application processing time may be placed 'on hold' during the Department's review. Due to the project's scale and complexity, additional application information may be required by the Department. No construction related to the proposed activities currently under review may be started prior to receiving a final approval from the Department.

For questions regarding the Department's review of this application, please contact Marybeth Richardson at (207) 592-1692, or via the project email address at NECEC.DEP@maine.gov.

Sincerely,

Mark Bergeron, P.E.
Director, Bureau of Land Resources

cc: Gerry Mirabile, Central Maine Power
Marybeth Richardson, Maine DEP
File

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

ATTACHMENT IV

Petition for a Public Hearing

Natural Resources Council of Maine, Conservation Law Foundation, and Appalachian Mountain Club

November 2, 2017

Regarding Central Maine Power's Site Location of Development, Natural Resources Protection Act and Water Quality Certification Applications to Construct the **New England Clean Energy Connect Transmission Project**

In accordance with Chapter 2, Section 7 of Department of Environmental Protection (Department) rules, the Natural Resources Council of Maine (NRCM), Conservation Law Foundation (CLF) and Appalachian Mountain Club (AMC) (together "Petitioners") hereby petition for a public hearing to be held regarding Central Maine Power's (CMP) Site Location of Development, Natural Resources Protection Act and Water Quality Certification applications to construct the New England Clean Energy Connect (NECEC) transmission project.

The NECEC project consists of an electric transmission line from the border with Quebec, Canada in Beattie Township, Maine to a new converter station in Lewiston, Maine. Approximately 40 miles of the 147-mile transmission line would be built in a new, undeveloped corridor partially owned by CMP in western Somerset and Franklin counties. The remainder would be built in largely undeveloped areas within CMP's existing transmission corridor.

The location of the transmission project, including but not limited to the 40 miles of new corridor, in a remote, largely undeveloped area of the state raises many important issues that the Department will need to examine. As a single example, the proposed transmission route crosses at least six parcels of conserved land, each with unique purposes and uses.

The Petitioners and our members have significant information about the conservation, scenic, recreational and wetland resources that may be impacted by this project—information that is likely very different from information possessed by CMP. CMP is a transmission and distribution utility whose primary function is to operate the poles, wires and other infrastructure that makes up the electricity grid. In contrast, the staff and members of our organizations have decades of experience working to understand, improve and protect the conservation, scenic, recreational and wetland resources in this part of the state.

Petitioners believe a public hearing will provide the Department with important opportunities to establish the factual basis for its licensing decision.

As stated in CMP's application, this project is unusual because it is proposed in response to a Request for Proposals for renewable energy by Massachusetts. The winning bids are to be

selected by January 25, 2018. We therefore request that the Department schedule a hearing after this date, as the outcome of the RFP could have an important impact on the nature of the proceeding. Petitioners would consider withdrawing its request for a hearing after learning the results of the RFP, and delaying a public hearing *could* avoid the unnecessary allocation of resources by the Department, applicant and other parties.

We recognize that the statutory deadline for a Department decision is in late March 2018. However the Department should be aware that in its application to the Maine Public Utilities Commission (MPUC) for a Certificate of Public Convenience and Necessity (CPCN) for this project, CMP waived MPUC's statutory review period. Of course, CMP has a separate right to retain or waive the Department's review period, but in its application to the MPUC, CMP stated that a final decision "within a year from the date of the [application] submission" would "allow sufficient time for CMP to construct the NECE Transmission Project." *CMP Request for CPCN for the NECES, Volume I, page 14*. In response the MPUC has scheduled a proceeding that includes a public hearing in July and final decision in September 2018.

Respectfully,



Dylan Voorhees
Clean Energy Director
Natural Resources Council of Maine

Emily Green
Staff Attorney
Conservation Law Foundation

Kaitlyn Bernard
Maine Policy Manager
Appalachian Mountain Club

ATTACHMENT V



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

November 17, 2017

Natural Resources Council of Maine
ATTN: Dylan Voorhees
3 Wade Street
Augusta, ME 04348

Appalachian Mountain Club
ATTN: Kaitlyn Bernard
15 Moosehead Lake Road
Greenville, ME 04441

Conservation Law Foundation
ATTN: Emily Green
53 Exchange Street, Ste 200
Portland, ME 04101

Moosehead Region Futures Committee
ATTN: John Willard
P.O. Box 164
Greenville Junction, ME 04442

RE: Central Maine Power Company's New England Clean Energy Connect Project
Natural Resources Protection Act and Site Location of Development Act Applications,
DEP Project #L-27625-26-A-N/#L-27625-TG-B-N/#L-27625-2C-C-N/
#L-27625-VP-D-N/#L-27625-IW-E-N, Public Hearing Determination

Dear Mr. Voorhees, Ms. Green, Ms. Bernard and Mr. Willard:

Thank you for your recent letters requesting that the Maine Department of Environmental Protection (Department) hold a public hearing as part of the review of the Central Maine Power Company's (CMP) Natural Resources Protection Act (NRPA), Water Quality Certification (WQC), and Site Location of Development Act (Site Law) applications for a transmission line from Beattie Township to Lewiston and other related infrastructure improvements.

According to the Department's *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. ch. 2, § 7(B) (last amended October 19, 2015), the Commissioner may conduct a hearing on any application, and the Department will hold a hearing in those instances where the Department determines there is credible conflicting technical information and it is likely that a hearing will assist the Department in understanding the evidence.

In these public hearing request letters, comments were made regarding the proposed project's potential impacts to regional conservation efforts, scenic impacts, recreational impacts and wetland impacts. The Department has determined that the general concerns listed in the request letters do not rise to the level of being credible conflicting technical information specified in Ch. 2 § 7(B). However, the Department notes that the scope and scale of the proposed project is very large, the proposed transmission line would cross rivers that are

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17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
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(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

Letter to Mr. Voorhees, Ms. Green, Ms. Bernard and Mr. Willard
November 17, 2017
Page 2 of 2

designated in the Natural Resources Protection Act as outstanding river segments, and the proposed transmission line would cross the Appalachian Trail in multiple locations. Consequently, the Commissioner is exercising his discretion and will conduct a public hearing for this proposed project.

The Department will specify the parameters and timing of the public hearing in separate correspondence.

Thank you for your interest in this proposed project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Melanie Loyzim", with a long horizontal flourish extending to the right.

Melanie Loyzim
Deputy Commissioner

C: Paul Mercer, DEP
Jim Beyer, DEP
Gerry Mirabile, CMP

ATTACHMENT VI

BOARD OF ENVIRONMENTAL PROTECTION
[www.maine.gov/dep/bep/]
Augusta Civic Center, 76 Community Drive, Augusta
Thursday, November 2, 2017 at 9:00 AM
Agenda

I. Departmental

- A. Commissioner's Comments
- B. Chair's Comments
- C. Executive Analyst's Comments
- D. [Board Calendar](#)
- E. [Department Orders](#) / [Applications Accepted](#) for Processing

II. Regular Agenda Items

1. [BEP Minutes September 7, 2017 \(approval\)](#)
2. Chapter 200 Metallic Mineral Exploration, Advanced Exploration and Mining (final adoption)
 - [Staff memorandum](#)
 - [P.L. 2017, c. 142 \(LD 820\) "An Act to Protect Maine's Clean Water and Taxpayers from Mining Pollution" / Annotated to indicate sections of the rule modified to incorporate changes directed by the Legislature](#)
 - [Chapter 200 as Provisionally Adopted with Changes in Legislative Format](#)
 - [Chapter 200 Basis Statement and Response to Comments](#)
 - [Maine Metallic Mineral Mining Act \(2012\)](#)

<p><u>Opportunity for Additional Public Comment:</u> At this meeting the Board will accept additional public comment on the rule proposed for final adoption in accordance with 38 M.R.S. § 341-H(3)(C). Additional comment must be directly related to changes made to the proposed rule in response to Public Law 2017, c.142. The Board does not accept additional written comment at this meeting; comments must be made orally except by leave of the Chair.</p>

3. Appeal of Commissioner's License Decision / Informational Session

No packet materials for this agenda item.

Next Regular Meeting: Thursday, November 16, 2017, Civic Center, 76 Community Drive, Augusta



Department of Environmental Protection

Applications Accepted For Processing

From: 08/16/2017 To: 10/20/2017

Accepted applications for: **AIR**



Print Date: 10/20/2017

MAINE WOODS PELLET COMPANY, LLC
A-000989 **A-000989-70-A-I**

CITY: **ATHENS**
DATE ACCEPTED: 10/11/2017

DESCRIPTION: Initial Part 70 license

DEPT OF VETERANS AFFAIRS
A-000372 **A-000372-71-R-R/A**

CITY: **AUGUSTA**
DATE ACCEPTED: 08/30/2017

DESCRIPTION: replace no 5 emergency generator with new slightly larger one. this action combined with the existing license renewal action previously submitted and accepted under tracking number 569626

SOUTHPORT YACHTS, LLC
A-001122 **A-001122-71-B-T**

CITY: **AUGUSTA**
DATE ACCEPTED: 08/28/2017

DESCRIPTION: Transfer application for the transfer of license A-1122-71-A-N from Southport Boats, LLC to Southport Yachts, LLC.

MAINE ARMY NATIONAL GUARD
A-000802 **A-000802-71-G-A**

CITY: **AUGUSTA**
DATE ACCEPTED: 09/22/2017

DESCRIPTION: amendment to their license to document changes in their equipment that has already made (converting to natural gas) as well to correct information in current license and to change interval for changing spray booth filters

WOODLAND PULP LLC
A-000215 **A-000215-70-R-A**

CITY: **BAILEYVILLE**
DATE ACCEPTED: 08/21/2017

DESCRIPTION: Admin Revision to align PM testing deadlines with boiler MACT

UNIFIRST CORPORATION
A-000644 **A-000644-71-I-M**

CITY: **BANGOR**
DATE ACCEPTED: 09/18/2017

DESCRIPTION: AVX has requested that ethylene glycol be added to their existing license

PINE GROVE CREMATORIUM
A-000949 **A-000949-71-D-A**

CITY: **BANGOR**
DATE ACCEPTED: 10/03/2017

DESCRIPTION: Amendment to remove Cremator #1 and replace it with a new, higher capacity (1,000 lb.) cremator.

FIBER MATERIALS INC.
A-000262 **A-000262-71-AA-M**

CITY: **BIDDEFORD**
DATE ACCEPTED: 09/25/2017

DESCRIPTION: Replacement of Boiler #4 with two new 1.1 MMBtu/hr gas-fired boilers

MERLIN ONE, LLC
A-000240 **A-000240-70-H-R**

CITY: **CARIBOU**
DATE ACCEPTED: 10/02/2017

DESCRIPTION: PART 70 RENEWAL

HANCOCK LUMBER COMPANY, INC.
A-000629 **A-000629-71-N-R/A**

CITY: **CASCO**
DATE ACCEPTED: 09/11/2017

DESCRIPTION: Minor modification to remove oil-fired Boiler #2, add biomass-fired Boiler #4, and replace leaky tubes on biomass-fired Boiler #3.

HOSPITAL ADMINISTRATIVE DISTRICT NO. 4
A-000186 **A-000186-71-H-M**

CITY: **DOVER-FOXCROFT**
DATE ACCEPTED: 10/11/2017

DESCRIPTION: minor revision to correct boiler capacities



Department of Environmental Protection

Applications Accepted For Processing

From: 08/16/2017 To: 10/20/2017

Accepted applications for: **AIR**



Print Date: 10/20/2017

PORTSMOUTH NAVAL SHIPYARD
A-000452 **A-000452-70-F-A**

CITY: **KITTERY**
DATE ACCEPTED: 10/05/2017

DESCRIPTION: Part 70 amendment to roll NSR #9 (installation of 60 kW emergency generator and 1.1 mW emergency turbine) into the facility's Part 70 license.

PORTSMOUTH NAVAL SHIPYARD
A-000452 **A-000452-77-9-A**

CITY: **KITTERY**
DATE ACCEPTED: 10/05/2017

DESCRIPTION: NSR modification for the installation of a 60 kW emergency generator and a 1.1 mW emergency turbine.

GERALD L. WOOD & SON, LLC
A-001130 **A-001130-71-A-N**

CITY: **MACHIASPORT**
DATE ACCEPTED: 09/21/2017

DESCRIPTION: initial license for 2 rock crushers, 2 screens and 4 generators

MOOSE RIVER LUMBER COMPANY, INC.
A-000779 **A-000779-77-2-A**

CITY: **MOOSE RIVER**
DATE ACCEPTED: 10/02/2017

DESCRIPTION: Addition of two lumber kilns

IRVING FOREST PRODUCTS, INC.
A-000314 **A-000314-77-4-M**

CITY: **NASHVILLE PLANTATION**
DATE ACCEPTED: 10/11/2017

DESCRIPTION: NSR application to extend the commence construction period by 18 months from May 6, 2018 to November 6, 2019

TEX-TECH INDUSTRIES, INC.
A-000473 **A-000473-71-I-M**

CITY: **NORTH MONMOUTH**
DATE ACCEPTED: 10/02/2017

DESCRIPTION: installation of a calennder and associated stack

FMC CORPORATION
A-000366 **A-000366-70-I-T**

CITY: **ROCKLAND**
DATE ACCEPTED: 10/06/2017

DESCRIPTION: Transfer from FMC Corporation to DuPont Nutrition USA, Inc.

EVONIK CYRO LLC
A-000393 **A-000393-71-AB-M**

CITY: **SANFORD**
DATE ACCEPTED: 10/12/2017

DESCRIPTION: Removal of polymerization process, new framing operation, and clarification of control language

MAINE MEDICAL CENTER
A-000934 **A-000934-71-F-A**

CITY: **SCARBOROUGH**
DATE ACCEPTED: 08/17/2017

DESCRIPTION: Addition of an 80 kW emergency generator

LIGNETICS OF MAINE, LLC
A-000342 **A-000342-71-X-M**

CITY: **STRONG**
DATE ACCEPTED: 08/28/2017

DESCRIPTION: Installation of blend air duct and bypass stack

DRAGON PRODUCTS COMPANY, LLC
A-000326 **A-000326-77-10-A**

CITY: **THOMASTON**
DATE ACCEPTED: 09/19/2017

DESCRIPTION: Amend to add new auxiliary kiln drive engine



Department of Environmental Protection

Applications Accepted For Processing

From: 08/16/2017 To: 10/20/2017

Accepted applications for: **AIR**



Print Date: 10/20/2017

DRAGON PRODUCTS COMPANY, LLC
A-000326 **A-000326-70-H-A**

CITY: **THOMASTON**
DATE ACCEPTED: 09/19/2017

DESCRIPTION: Part 70 Sig Mod to incorporate NSR amendment for new auxiliary kiln drive engine

T&D WOOD ENERGY LLC
A-001129

CITY: **WEST BALDWIN**
DATE ACCEPTED: 09/28/2017

DESCRIPTION: New wood pellet manufacturing facility

Distinct Application Numbers: **23**

Department of Environmental Protection

10/20/2017

Applications Accepted For Processing

From: 8/16/2017 To: 10/20/2017

Accepted applications for: **LAND**

KASSBOHRER ALL TERRAIN VEHICLES INC	LOCATION:	AUBURN
DEP Number: L-027586-26- B-D	DATE ACCEPTED:	9/29/2017
DESCRIPTION: CONSTRUCTION OF A RECREATIONAL VEHICLHLE SALES & SERVICE FACILITY		
JOHN F MURPHY HOMES INC	LOCATION:	AUBURN
DEP Number: L-027633-TB- A-N	DATE ACCEPTED:	10/16/2017
DESCRIPTION: CONSTRUCTION OF A NEW 14 BED, 14,000 SF NURSING HOME & ASSOCIATED INFRASTRUCTURE		
RJF MORIN BRICK LLC	LOCATION:	AUBURN
DEP Number: L-021385-80- F-M	DATE ACCEPTED:	10/10/2017
DESCRIPTION: MINOR REVISION / ELIMINATE GROUNDWATER QUALITY MONITORING / MORIN BRICK COMPANY		
KASSBOHRER ALL TERRAIN VEHICLES INC	LOCATION:	AUBURN
DEP Number: L-027586-TB- A-N	DATE ACCEPTED:	8/16/2017
DESCRIPTION: CONSTRUCTION OF A RECREATIONAL VEHICLHLE SALES & SERVICE FACILITY		
DEVELOPER'S COLLABORATIVE PREDEVELOPMENT LL	LOCATION:	AUBURN
DEP Number: L-027611-87- A-D	DATE ACCEPTED:	9/25/2017
DESCRIPTION: CONSTRUCT A 36 UNIT RESIDENTIAL APARTMENT COMPLEX THAT INCLUDES OFF STREET PARKING & ACCESS TO MINOT AVE		
BOUFFARD & MCFARLAND BUILDERS	LOCATION:	AUBURN
DEP Number: L-027587-TB- A-N	DATE ACCEPTED:	8/31/2017
DESCRIPTION: ATF / CONSTRUCTION OF ROAD TO ALLOW ACCESS TO RECENTLY SUBDIVIDED LOTS THE ROADWAY WILL CROSS AN UNNAMED WETLAND		
FDS OF MAINE LLC	LOCATION:	AUGUSTA
DEP Number: L-027588-NJ- A-N	DATE ACCEPTED:	8/16/2017
DESCRIPTION: REDEVELOPMENT OF FORMER MDOT MAINTNENCE FACILITY SITE / NEW DEVELOPMENT WILL FEATURE 2 OFFICE BUILDINGS WITH SUPPORTING PARKING FACILITIES & UTILITIES		
HUSSON UNIVERSITY	LOCATION:	BANGOR
DEP Number: L-020222-22-AV-B	DATE ACCEPTED:	9/6/2017
DESCRIPTION: REDEVELOPMENT OF HUSSON MAINTENANCE FACILITY - ADDED STORMWATER TREATMENT BUFFER		
LANE CONSTRUCTION CORP (THE)	LOCATION:	BANGOR
DEP Number: L-002748-80- C-M	DATE ACCEPTED:	10/18/2017
DESCRIPTION: MINOR REVISION / MODIFICATION OF GW MONITORING PLAN		
BANGOR SAVINGS BANK	LOCATION:	BANGOR
DEP Number: L-027088-NJ- A-N	DATE ACCEPTED:	10/12/2017
DESCRIPTION: CORPORATE CAMPUS - 2 MULTI-STORY OFFICE BLDGS WALKING PATH SURFACE PARKING LTO & 4 STORY PARKING GARAGE		

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WEBBS RV CENTER LOCATION: BANGOR
DEP Number: L-018112-26- F-D DATE ACCEPTED: 10/17/2017
DESCRIPTION: RV STORAGE LOT BUILDING ON PREVIOUSLY PERMITTED PAVED AREA

PENQUIS CAP INC LOCATION: BANGOR
DEP Number: L-027085-TC- B-N DATE ACCEPTED: 9/26/2017
DESCRIPTION: 3 STORY MULTI-UNIT SENIOR APT BLDG WITH PARKING

MOUNT HOPE CEMETERY CORP LOCATION: BANGOR
DEP Number: L-019881-L6- B-N DATE ACCEPTED: 9/8/2017
DESCRIPTION: DREDGE SEDIMENTS FORM POND & DISPOSE ON SITE

BROADWAY HOLDINGS LLC LOCATION: BANGOR
DEP Number: L-027073-TC- A-N DATE ACCEPTED: 9/26/2017
DESCRIPTION: FILL ACTIVITIES ASSOCIATED WITH BLDG PARKING & SERVICE DRIVE CONSTRUCTION

PENQUIS CAP INC LOCATION: BANGOR
DEP Number: L-027085-NJ- A-N DATE ACCEPTED: 9/26/2017
DESCRIPTION: 3 STORY MULTI-UNIT SENIOR APT BLDG WITH PARKING

MICHAEL & ANGEL JAMISON LOCATION: BATH
DEP Number: L-023982-2F- E-N DATE ACCEPTED: 9/5/2017
DESCRIPTION: ADD AN AREA FOR LOBSTER STORAGE & A BAIT SHED TO DOCK

JOSHUA FAULKINGHAM LOCATION: BEALS
DEP Number: L-027078-4P- A-N DATE ACCEPTED: 9/11/2017
DESCRIPTION: CONSTRUCT A 96' X 72' WHARF ON BARNEYS LITTLE ISLAND IN MOOSABEC RACH

WALDO COUNTY GENERAL HOSPITAL LOCATION: BELFAST
DEP Number: L-019793-19- F-B DATE ACCEPTED: 8/25/2017
DESCRIPTION: MINOR AMENDMENT / NEW 5,000 SF EMERGENCY DEPARTMENT ADDITION & 70-SPACE EXPANSION OF PARKING

WALDO COUNTY GENERAL HOSPITAL LOCATION: BELFAST
DEP Number: L-019793-TE- G-N DATE ACCEPTED: 8/25/2017
DESCRIPTION: EXPANSION OF PARKING LOT (70 SPACES) WITH ASSOCIATED SITE IMPROVEMENTS

SHAWN & SAMANTHA GRANT LOCATION: BELGRADE
DEP Number: L-027636-TA- A-N DATE ACCEPTED: 10/16/2017
DESCRIPTION: ATF / REPLACE CULVERT TO DRIVE / ADD GRAVEL & STONE AROUND CULVERT / RESURFACE ENTRANCE / RIPRAP ROADWAY EDGES

MATT HIEBERT LOCATION: BETHEL
DEP Number: L-023327-L3- D-M DATE ACCEPTED: 9/5/2017
DESCRIPTION: ATF / MINOR REVISION / NEW GARAGE WITHIN THE SETBACK / LOT 27 TIMBER CREEK

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LAURIE & ANN ZIMMRLI & PROST LOCATION: BOOTHBAY
DEP Number: L-027585-4P- A-N DATE ACCEPTED: 8/18/2017
DESCRIPTION: CONSTRUCT ACCESS PLATFORM, ACCESS STAIRS, PIER, RAMP, FLOAT & FLOAT STORAGE FRAME

BOOTHBAY HARBOR, TOWN OF LOCATION: BOOTHBAY HARBOR
DEP Number: L-021502-4E- B-N DATE ACCEPTED: 10/4/2017
DESCRIPTION: RELOCATION OF THE SOUTHER-MOST 10' X 80' FLOAT BY 11 FT FURTHER SOUTH / RELOCATE DRIFT PILING - DOLPHINS TO HOLD THE FLOAT IN NEW LOCATION / TEMPORARY FLOAT WILL BE MADE PERMANENT / ADD STORAGE BUILDING ON WHARF

SERGEI PAVLOV LOCATION: BRIDGTON
DEP Number: L-027627-TA- A-N DATE ACCEPTED: 10/20/2017
DESCRIPTION: ATF / CREATE 20 FT WIDE DRIVEWAY

PETER G & ESTER G MEYER LOCATION: BRIDGTON
DEP Number: L-027605-TA- A-N DATE ACCEPTED: 9/6/2017
DESCRIPTION: ALTER WETLANDS IN ORDER TO BUILD AN ACCESS DRIVEWAY FOR THE CONSTRUCTION OF ONE SINGLE FAMILY DWELLING

DOUGLAS RIDGE LLC LOCATION: BRUNSWICK
DEP Number: L-027584-NJ- C-N DATE ACCEPTED: 9/14/2017
DESCRIPTION: CONSTRUCT A PRIVATE DRIVE FOR A 17 LOT RESIDENTIAL SUBDIVISION

DOUGLAS RIDGE LLC LOCATION: BRUNSWICK
DEP Number: L-027584-TB- D-N DATE ACCEPTED: 9/14/2017
DESCRIPTION: DEVELOP A 17 LOT RESIDENTIAL SUBDIVISION / CONSTRUCT ACCESS ROADS, UTILITIES, STORMWATER MANAGEMENT, EROSION CONTROLS & OTHER RELATED FEATURES

MOOSE LLC LOCATION: BUXTON
DEP Number: L-027604-26- A-N DATE ACCEPTED: 9/22/2017
DESCRIPTION: SITE DESIGN FOR THE HARLEY-DAVIDSON FACILITY

WILLIAM KIRILL LOCATION: CAMDEN
DEP Number: L-027606-2F- A-N DATE ACCEPTED: 9/18/2017
DESCRIPTION: STABILIZE PORTIONS OF SHORELINE

CLIFFORD ALLEN LOCATION: CANAAN
DEP Number: L-027612-2A- A-N DATE ACCEPTED: 10/2/2017
DESCRIPTION: RETAINING WALL

FIGULA SUMMERS LLC LOCATION: CHEBEAGUE ISLAND
DEP Number: L-027617-4D- A-N DATE ACCEPTED: 9/19/2017
DESCRIPTION: STABILIZE SHORELINE WITH RIPRAP & PLANTINGS

DAVID F & ADRIANA S WATSON LOCATION: CUSHING
DEP Number: L-027380-2F- C-N DATE ACCEPTED: 8/22/2017
DESCRIPTION: STABILIZE SHORELINE TO ELIMINATE EROSION

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ALEXANDER F & JUDITH T WATSON	LOCATION:	CUSHING
DEP Number: L-027591-2F- A-N	DATE ACCEPTED:	8/22/2017
DESCRIPTION: STABILIZE SHORELINE TO ELIMINATE EROSION		
STEWART & MARY ELLEN HOOVER	LOCATION:	CUSHING
DEP Number: L-027597-4D- A-N	DATE ACCEPTED:	8/31/2017
DESCRIPTION: SHORELINE STABILIZATION WITH RIPRAP & REVEGETATION METHODS		
WORCESTER PEAT COMPANY INC	LOCATION:	DEBLOIS
DEP Number: L-003489-24-AB-T	DATE ACCEPTED:	8/23/2017
DESCRIPTION: TRANSFER FROM AIM DEVELOPMENT USA LLC - FORMER PLAN PROPERTY TRANSFER		
WORCESTER PEAT COMPANY INC	LOCATION:	DEBLOIS
DEP Number: L-003489-24-AC-M	DATE ACCEPTED:	8/23/2017
DESCRIPTION: REVIS SUBFACE WATER QUALITY REQUIREMENTS - ADDITION OF BOG MAINTENANCE PLAN		
S DONALD SUSSMAN	LOCATION:	DEER ISLE
DEP Number: L-027082-TC- A-N	DATE ACCEPTED:	9/18/2017
DESCRIPTION: CONSTRUCT DRIVEWAY		
TRANSPORTATION, DEPT OF	LOCATION:	DIXFIELD
DEP Number: L-027598-L5- A-N	DATE ACCEPTED:	9/1/2017
DESCRIPTION: HIGWAY RECONSTRUCTION WITH CULVERT REPLACEMENTS & SHORELINE STABILIZATION		
EAGLE INDIAN RUN LLC	LOCATION:	DRESDEN
DEP Number: L-010614-87- F-T	DATE ACCEPTED:	9/18/2017
DESCRIPTION: TRANSFERRED FROM A J INVESTMENTS LLC		
EAGLE INDIAN RUN LLC	LOCATION:	DRESDEN
DEP Number: L-010614-87- G-M	DATE ACCEPTED:	9/18/2017
DESCRIPTION: MINOR REVISION / 4 YR EXTENSION OF DEADLINE TO BEGIN CONSTRUCTION OF THE INCOMPLETE PORTION OF THE PROJECT / REVISE THE NUMBER OF PERMITTED CONSTRUCTED PADS FROM 39 TO 40		
EAST MILLINOCKET, TOWN OF	LOCATION:	EAST MILLINOCKET
DEP Number: L-000796-26- C-B	DATE ACCEPTED:	9/6/2017
DESCRIPTION: SECONDARY TOWN WASTEWATER TREATMENT FACILITY UPGRADE		
KATAHDIN KI 50 LLC	LOCATION:	EAST MILLINOCKET
DEP Number: L-016637-20- X-T	DATE ACCEPTED:	9/25/2017
DESCRIPTION: TRANSFER EAST MILLINOCKET MILL LAND FROM GNP EAST INC		
ACM NARM MAINE LLC	LOCATION:	EAST MILLINOCKET
DEP Number: L-016637-20- W-M	DATE ACCEPTED:	9/25/2017
DESCRIPTION: PLUGGING OF CATCH BASINS ASSOCIATED WITH THE COLLECTION OF TRENCH DRAINS FROM THE MILL DEMOLITION AREA		

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EASTPORT CITY OF	LOCATION:	EASTPORT
DEP Number: L-017461-18- C-N	DATE ACCEPTED:	10/11/2017
DESCRIPTION: EASTPORT MUNICIPAL AIRPORT - PAVED RUNWAY TAXIWAY HANGERS & SVC BLDGS & MUNICIPAL SAND & STORAGE SITE WITH BLDG		
AMP REALTY HOLDINGS LLC	LOCATION:	ELIOT
DEP Number: L-027601-NJ- A-N	DATE ACCEPTED:	9/20/2017
DESCRIPTION: CONVERT PROPERTY TO COMMERCIAL DEVELOPMENT WITH BOTH RETAIL & OFFICE SPACE ALONG WITH ASSOCIATED PARKING & STORMWATER FACILITES		
DOUGLAS MACMILLAN	LOCATION:	ELIOT
DEP Number: L-027618-4P- A-N	DATE ACCEPTED:	10/5/2017
DESCRIPTION: CONSTRUCT NEW FIXED PIER , GANGWAY & FLOAT SECURED BY MOORINGS		
KENNETH & JACQUELINE SCARPETTI	LOCATION:	ELIOT
DEP Number: L-023937-4D- C-M	DATE ACCEPTED:	8/18/2017
DESCRIPTION: ATF / MINOR REVISION / AS-BUILT STONEWALL WHICH REPLACED PRE-EXISTING STONE WALL		
FALMOUTH, TOWN OF	LOCATION:	FALMOUTH
DEP Number: L-027620-L6- A-N	DATE ACCEPTED:	10/6/2017
DESCRIPTION: WIDEN TRAVEL WAY OF RTE 100 / 26 // ADD SHOULDERS, SIDEWALKS, GUARDRAILS, DITCHES & BIKE LANES // INSTALL UNDERGROUND UTILITIES, INCLUDING SEWER & WATER		
WOODLANDS SENIOR LIVING OF FARMINGTON LLC	LOCATION:	FARMINGTON
DEP Number: L-027161-19- D-C	DATE ACCEPTED:	9/18/2017
DESCRIPTION: CONDITION COMPLIANCE / CONDITION 4 / EVIDENCE OF FINANCIAL CAPACITY		
KIM & TAMMY SUHR	LOCATION:	GEORGETOWN
DEP Number: L-027159-4P- C-N	DATE ACCEPTED:	10/10/2017
DESCRIPTION: ADD FLOAT, 4 POSITION PILINGS & A 2ND FLIP-UP FLOAT STORAGE FRAME		
SUMMERWIND HOLDINGS LLC	LOCATION:	GORHAM
DEP Number: L-023520-TC- D-N	DATE ACCEPTED:	10/13/2017
DESCRIPTION: DEVELOP A LOT IN AN APPROVED INDUSTRIAL SUBDIVISION		
CUMBERLAND FARMS INC	LOCATION:	GRAY
DEP Number: L-027637-NJ- A-N	DATE ACCEPTED:	10/16/2017
DESCRIPTION: RAZE EXISTING FACILITY & 2 RESIDENTIAL DWELLINGS / CONSTRUCT A CUMBERLAND FARMS RETAIL MOTOR FUEL OUTLET		
THE REID MACK FAMILY TRUST	LOCATION:	HARPSWELL
DEP Number: L-027610-4P- A-N	DATE ACCEPTED:	9/25/2017
DESCRIPTION: CONSTRUCT A FLOAT HAULOUT FOR OFF-SEASON STORAGE OF FLOAT		
MACKEREL COVE REALTY LLC	LOCATION:	HARPSWELL
DEP Number: L-027582-4P- A-N	DATE ACCEPTED:	8/22/2017
DESCRIPTION: CONSTRUCT DOCK CONSISTING OF A PIER, RAMP & FLOAT / INCLUDES CONSTRUCTION OF A FLOAT HAULOUT FOR OFF-SEASON STORAGE OF THE FLOAT		

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JOHN LIBBY LOCATION: HARPSWELL
DEP Number: L-027623-4P- A-N DATE ACCEPTED: 9/26/2017
DESCRIPTION: CONSTRUCT FIXED DOCK, SEASONAL RAMP, SEASONAL FLOAT WITH MOORINGS & COMBO OF STAIRS & LANDINGS

JAMES & ELAINE LANG LOCATION: HARPSWELL
DEP Number: L-027621-4P- A-N DATE ACCEPTED: 9/29/2017
DESCRIPTION: CONSTRUCT ACCESS PLATFORM, ACCESS STAIRS, PIER WITH STAIRS TO SHORE, RAMP, FLOAT & FLOAT HAULOUT

THORBURN COMMON HOMEOWNERS ASSOCIATION LOCATION: HARPSWELL
DEP Number: L-027602-TW- B-N DATE ACCEPTED: 9/21/2017
DESCRIPTION: CONSTRUCT A 55 FT LONG RIPRAP SHORELINE STABILIZATION SYSTEM

THORBURN COMMON HOMEOWNERS ASSOCIATION LOCATION: HARPSWELL
DEP Number: L-027602-4D- A-N DATE ACCEPTED: 9/21/2017
DESCRIPTION: CONSTRUCT A 55 FT LONG RIPRAP SHORELINE STABILIZATION SYSTEM

LOU / ROBIN KIMBALL / CASEY LOCATION: HARPSWELL
DEP Number: L-026844-4P- B-M DATE ACCEPTED: 10/11/2017
DESCRIPTION: MINOR REVISION / ADDITION OF A FLOAT HAUL OUT

WEST SHORE DRIVE LLC LOCATION: ISLESBORO
DEP Number: L-025081-4P- D-M DATE ACCEPTED: 8/21/2017
DESCRIPTION: ATF / MINOR REVISION / SHORELINE STABILIZATION

WEST SHORE DRIVE LLC LOCATION: ISLESBORO
DEP Number: L-025081-TW- E-M DATE ACCEPTED: 8/21/2017
DESCRIPTION: MINOR REVISION / SHORELINE STABILIZATION

DONNA WALLACE LOCATION: JEFFERSON
DEP Number: L-027630-2A- A-N DATE ACCEPTED: 10/13/2017
DESCRIPTION: INSTALL BOULDER RETAINING WALL & RIPRAP SHORELINE STABILIZATION, SUFACE GRADING & STONE STEPS OR PATH TO RESOURCE

ROBERTA & VICTORIA ROBINSON LOCATION: JONESPORT
DEP Number: L-027080-2F- A-N DATE ACCEPTED: 9/25/2017
DESCRIPTION: SHORELINE STABILIZATION

BETTY BEVIER LOCATION: JONESPORT
DEP Number: L-027083-2F- A-N DATE ACCEPTED: 9/22/2017
DESCRIPTION: RIPRAP EMBANKMENT & ADD VEGETATION

ADAM BLALKIE & ASSOCIATES LLC LOCATION: KENNEBUNK
DEP Number: L-027590-NJ- A-N DATE ACCEPTED: 8/25/2017
DESCRIPTION: CONSTRUCTION OF A 24 UNIT SUBDIVISION

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ADAM BLALKIE & ASSOCIATES LLC LOCATION: KENNEBUNK
DEP Number: L-027590-TB- B-N DATE ACCEPTED: 8/25/2017
DESCRIPTION: CONSTRUCTION OF A 24 UNIT SUBDIVISION

DAVID / REBECCA MCCULLOUGH / ROBERTS LOCATION: KENNEBUNK
DEP Number: L-027594-TA- A-N DATE ACCEPTED: 9/18/2017
DESCRIPTION: IMPACT 1,450 SF OF WETLAND TO CONSTRUCT A ROADWAY TO SERVE A FOUR LOT RESIDENTIAL SUBDIVISION

WILSON & ELIZABETH GOODWIN & WITT-GOODW LOCATION: KENNEBUNKPORT
DEP Number: L-027609-4P- A-N DATE ACCEPTED: 9/22/2017
DESCRIPTION: CONSTRUCT A DOCK CONSISTING OF A PIER, RAMP & FLOAT

WILSON & ELIZABETH GOODWIN & WITT-GOODW LOCATION: KENNEBUNKPORT
DEP Number: L-027609-TW- B-N DATE ACCEPTED: 9/22/2017
DESCRIPTION: CONSTRUCT A DOCK CONSISTING OF A PIER, RAMP & FLOAT

BINNACLE HILL DEVELOPMENT LLC LOCATION: KENNEBUNKPORT
DEP Number: L-027363-L3- C-C DATE ACCEPTED: 9/1/2017
DESCRIPTION: CONDITION COMPLIANCE / BLASTING PLAN

KEVIN & THERESA MCCOY LOCATION: KITTERY
DEP Number: L-027599-TW- B-N DATE ACCEPTED: 9/21/2017
DESCRIPTION: CONSTRUCT A DOCK CONSISTING OF A PIER, RAMP & FLOAT / ALSO CONSTRUCT A FLOAT HAULOUT FOR OFF SEASON STORAGE OF THE FLOAT

KEVIN & THERESA MCCOY LOCATION: KITTERY
DEP Number: L-027599-4P- A-N DATE ACCEPTED: 9/21/2017
DESCRIPTION: CONSTRUCT A DOCK CONSISTING OF A PIER, RAMP & FLOAT / ALSO CONSTRUCT A FLOAT HAULOUT FOR OFF SEASON STORAGE OF THE FLOAT

ALEX CAVALLARO LOCATION: LEBANON
DEP Number: L-027632-2B- A-N DATE ACCEPTED: 10/20/2017
DESCRIPTION: PRIVATE OFF ROAD PARK & BOAT LAUNCH

CENTRAL MAINE POWER COMPANY LOCATION: LEWISTON
DEP Number: L-027625-26- A-N DATE ACCEPTED: 10/13/2017
DESCRIPTION: A NEW HVDC TRANSMISSION LINE, NEW AC TRANSMISSION LINES & ASSOCIATED DC TO AC CONVERTER STATION & STATCOM SUBSTATION

CENTRAL MAINE POWER COMPANY LOCATION: LEWISTON
DEP Number: L-027625-TG- B-N DATE ACCEPTED: 10/13/2017
DESCRIPTION: A NEW HVDC TRANSMISSION LINE, NEW AC TRANSMISSION LINES & ASSOCIATED DC TO AC CONVERTER STATION & STATCOM SUBSTATION

RANCOURT ASSOCIATES LLC LOCATION: LEWISTON
DEP Number: L-026265-TA- D-N DATE ACCEPTED: 10/6/2017
DESCRIPTION: DEVELOP A COMMERCIAL BUILDING & ASSOCIATED PARKING & ACCESS DRIVEWAY

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BUCKEYE PARTNERS LP LOCATION: LEWISTON
DEP Number: L-027576-L6- A-N DATE ACCEPTED: 8/21/2017
DESCRIPTION: RESTORE PROTECTIVE COVER TO PORTION OF PIPELINE / INSTALL A CABLE CONCRETE MAT SYSTEM

LEWISTON PUBLIC SCHOOLS LOCATION: LEWISTON
DEP Number: L-018581-28- M-C DATE ACCEPTED: 8/21/2017
DESCRIPTION: CONDITION COMPLIANCE / CONDITION 4 / EVIDENCE OF LINE OF CREDIT OR LOAN / ROBERT V CONNORS ELEMENTARY SCHOOL

CENTRAL MAINE POWER COMPANY LOCATION: LEWISTON
DEP Number: L-027625-2C- C-N DATE ACCEPTED: 10/13/2017
DESCRIPTION: A NEW HVDC TRANSMISSION LINE, NEW AC TRANSMISSION LINES & ASSOCIATED DC TO AC CONVERTER STATION & STATCOM SUBSTATION

CENTRAL MAINE POWER COMPANY LOCATION: LEWISTON
DEP Number: L-027625-VP- D-N DATE ACCEPTED: 10/13/2017
DESCRIPTION: A NEW HVDC TRANSMISSION LINE, NEW AC TRANSMISSION LINES & ASSOCIATED DC TO AC CONVERTER STATION & STATCOM SUBSTATION

CENTRAL MAINE POWER COMPANY LOCATION: LEWISTON
DEP Number: L-027625-IW- E-N DATE ACCEPTED: 10/13/2017
DESCRIPTION: A NEW HVDC TRANSMISSION LINE, NEW AC TRANSMISSION LINES & ASSOCIATED DC TO AC CONVERTER STATION & STATCOM SUBSTATION

SCOTT DAVIS LOCATION: LIMERICK
DEP Number: L-000049-L3-BY-C DATE ACCEPTED: 8/21/2017
DESCRIPTION: CONDITION COMPLIANCE / CONDITION 1E / SEPTIC DESIGN WITH PERMIT / SITE PLAN / LIMERICK MAP 39

DAVID & JUANITA PRESSLEY LOCATION: LUBEC
DEP Number: L-027076-2F- A-N DATE ACCEPTED: 8/25/2017
DESCRIPTION: STABILIZE ~254 FT OF SHORELINE WITH RIPRAP

EMERA MAINE LOCATION: MADAWASKA
DEP Number: L-027084-2F- A-N DATE ACCEPTED: 9/27/2017
DESCRIPTION: BANK STABILIZATION ALONG THE ST JOHN RIVER

SCOTT WYMAN LOCATION: MILO
DEP Number: L-027065-TC- B-N DATE ACCEPTED: 9/1/2017
DESCRIPTION: ATF: FILLED WETLAND FOR SMALL PARKING AREA

CORINA & LEIF BURKE & ISAACSON LOCATION: MOUNT DESERT
DEP Number: L-027092-2F- A-N DATE ACCEPTED: 10/18/2017
DESCRIPTION: 70 LF OF SHORELINE STABILIZATION WITH VEGETATED STONE SLOPE

ORLAND TOWN OF LOCATION: ORLAND
DEP Number: L-027086-TC- A-N DATE ACCEPTED: 9/28/2017
DESCRIPTION: DEVELOP A TRANSFER STATION ON TOWN PROPERTY ON GREY MEADOW RD

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STROUDWATER DEVELOPMENT PARTNERS LLC LOCATION: PORTLAND
DEP Number: L-027619-L3- B-D DATE ACCEPTED: 10/10/2017
DESCRIPTION: CREATE 98 SINGLE FAMILY HOUSE LOTS, A SEPARATE LOT FOR RESIDENTIAL UNIT DEVELOPMENT WITH 25 TOWNHOUSES AND 24 ACRES OF OPEN SPACE WITHIN THE DEVELOPMENT SUBDIVISION

STROUDWATER DEVELOPMENT PARTNERS LLC LOCATION: PORTLAND
DEP Number: L-027619-TC- A-N DATE ACCEPTED: 10/4/2017
DESCRIPTION: FILL 14,980 SF

THOR ENTERPRISES LLC LOCATION: PRESQUE ISLE
DEP Number: L-026006-NJ- B-T DATE ACCEPTED: 8/24/2017
DESCRIPTION: TRANSFER FROM SKYWAY TRAILER PARK INC

PRESQUE ISLE, CITY OF LOCATION: PRESQUE ISLE
DEP Number: L-026485-NJ- C-M DATE ACCEPTED: 9/5/2017
DESCRIPTION: CONSTRUCT A NEW SPLASH PAD BY PAVING SOME OF THE GRAVEL & LAWN AREA AROUND COMMUNITY BLDG

LIFE STORAGE LP LOCATION: SACO
DEP Number: L-027424-TE- D-N DATE ACCEPTED: 8/22/2017
DESCRIPTION: EXPANSION OF A SELF-STORAGE FACILITY TO INCLUDE NEW 3 STORY CLIMATE CONTROLLED SELF-STORAGE BUILDING, PARKING, ACCESS DRIVE, GRADING, DRAINAGE & STORMWATER MANAGEMENT FEATURES

JOHN F MURPHY HOMES INC LOCATION: SACO
DEP Number: L-027593-TC- A-N DATE ACCEPTED: 9/18/2017
DESCRIPTION: CONSTRUCT A NEW PARKING AREA & STORMWATER AREAS AT THE MARGARET MURPHY CENTERS FOR CHILDREN

JASON LABONTE LOCATION: SACO
DEP Number: L-027177-TC- B-N DATE ACCEPTED: 8/31/2017
DESCRIPTION: FILL FORESTED WETLAND FOR CONSTRUCTION OF OWENS WAY

S D WARREN CO - SOMERSET MILL LOCATION: SKOWHEGAN
DEP Number: L-000902-20- X-M DATE ACCEPTED: 8/25/2017
DESCRIPTION: MINOR REVISION / INSTALL TEMPORARY 3 ACRE GRAVEL PAD ON EAST SIDE OF #3 PM TO STORE EQUIPMENT FOR THE #1 PM REBUILD PROJECT

STEVEN / STACY GUTTENTAG / WINICK LOCATION: SOUTH BRISTOL
DEP Number: L-025460-4P- B-M DATE ACCEPTED: 8/16/2017
DESCRIPTION: MINOR REVISION / ADDITIONAL PILINGS ADDED FOR REINFORCEMENT / PIER EXTENSION

KTJ 307 LLC LOCATION: SOUTH PORTLAND
DEP Number: L-027596-NJ- A-N DATE ACCEPTED: 8/30/2017
DESCRIPTION: DEVELOP PARCEL FOR A 12,950 SF COMMERCIAL RETAIL STORE

ANN ROBERTS LOCATION: SOUTHWEST HARBOR
DEP Number: L-022156-4P- D-N DATE ACCEPTED: 9/26/2017
DESCRIPTION: CONSTRUCT NEW PILE SUPPORTED PIER/DOCK USING EXISTING GANGWAY SECTIONS & PLACE EXISTING FLOAT AT THE END

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CARROLL MADEIRA	LOCATION:	SOUTHWEST HARBOR
DEP Number: L-027077-4D- A-N	DATE ACCEPTED:	9/8/2017
DESCRIPTION:	CONSTRUCT A SEAWALL IN FRONT OF EXISTING SEAWALL TO STABILIZE PROPERTY	
JAMES H KNOWLES	LOCATION:	ST GEORGE
DEP Number: L-027607-2F- A-N	DATE ACCEPTED:	9/11/2017
DESCRIPTION:	STABILIZE PORTIONS OF SHORELINE	
SHAW ACRES COMMUNITY ASSOCIATION	LOCATION:	STANDISH
DEP Number: L-019087-2B- B-N	DATE ACCEPTED:	10/18/2017
DESCRIPTION:	DREDGE	
VIVIAN PYLE	LOCATION:	SURRY
DEP Number: L-027090-2F- A-N	DATE ACCEPTED:	10/17/2017
DESCRIPTION:	INSTALL BOULDER WALL FOR SHORLINE STABILIZATION	
82 WATER ST LLC	LOCATION:	THOMASTON
DEP Number: L-026781-4C- D-N	DATE ACCEPTED:	8/28/2017
DESCRIPTION:	PLACE 141 LF STEEL SHEET PILE BULKHEAD & BACKFILL SEAWARD OF WOOD CRIB, GRADE, INSTALL NEW RECONFIGURED PILE SUPPORTED WHARF & REPLACE FLOAT SYSTEM , INSTALL NEW DOLPHIN PILES & CHAINS IN INTERTIDAL / SUBTIDAL AREA	
82 WATER ST LLC	LOCATION:	THOMASTON
DEP Number: L-026781-TW- E-N	DATE ACCEPTED:	8/28/2017
DESCRIPTION:	PLACE 141 LF STEEL SHEET PILE BULKHEAD & BACKFILL SEAWARD OF WOOD CRIB, GRADE, INSTALL NEW RECONFIGURED PILE SUPPORTED WHARF & REPLACE FLOAT SYSTEM , INSTALL NEW DOLPHIN PILES & CHAINS IN INTERTIDAL / SUBTIDAL AREA	
MSAD 75	LOCATION:	TOPSHAM
DEP Number: L-019854-22- N-A	DATE ACCEPTED:	9/21/2017
DESCRIPTION:	CONSTRUCT NEW HIGH SCHOOL & TRACK / FOOTBALL FIELD	
MSAD 75	LOCATION:	TOPSHAM
DEP Number: L-019854-TB- O-N	DATE ACCEPTED:	9/21/2017
DESCRIPTION:	CONSTRUCT NEW HIGH SCHOOL, TRACK / FOOTBALL FIELD & ASSOCIATED PARKING, PEDESTRIAN ACCESS & STORMWATER CONTROLS	
PAUL BERNER	LOCATION:	TREMONT
DEP Number: L-027093-2F- A-N	DATE ACCEPTED:	10/18/2017
DESCRIPTION:	65 LF OF SHORE STABILIZATION WITH VEGETATED STONE SLOPE	
FAULKNER FAMILY RECREATIONAL PROPERTY TRUST	LOCATION:	TRENTON
DEP Number: L-027079-2F- A-N	DATE ACCEPTED:	9/27/2017
DESCRIPTION:	SHORELINE STABILIZATION AT 2 NUTTING ROAD	
MICHAEL ROATH TRUST	LOCATION:	TRENTON
DEP Number: L-013171-2F- B-N	DATE ACCEPTED:	10/18/2017
DESCRIPTION:	SHORELINE STABILIZATION - RIPRAP	

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STEVEN RICHARDSON LOCATION: TRENTON
DEP Number: L-027087-2F- A-N DATE ACCEPTED: 10/18/2017
DESCRIPTION: SHORELINE STABILIZATION WITH RIPRAP

WATERS EDGE WAY LLC LOCATION: TRENTON
DEP Number: L-027094-4D- A-N DATE ACCEPTED: 10/19/2017
DESCRIPTION: ~100 LF CLEARING & RIPRAP FILL TO STABILIZE BLUFF

TOM & MARY BETH LINDEN LOCATION: TRENTON
DEP Number: L-027075-2F- A-N DATE ACCEPTED: 8/25/2017
DESCRIPTION: STABILIZE ERODING SHORELINE WITH BOULDERS RIPRAP & VEGETATION

CARLTON JOHNSON LOCATION: TRENTON
DEP Number: L-027081-4D- A-N DATE ACCEPTED: 9/18/2017
DESCRIPTION: SHORELINE STABILIZATION AT BAYSIDE RD STATE RT #230

MOOSE CROSSING GARDEN CENTER INC LOCATION: WALDOBORO
DEP Number: L-027589-26- A-N DATE ACCEPTED: 8/28/2017
DESCRIPTION: ATF / 6.39 ACRES OF IMPERVIOUS AREA & 6.5 ACRES OF DEVELOPED AREA

3569 REALTY LLC LOCATION: WALDOBORO
DEP Number: L-027615-NJ- A-N DATE ACCEPTED: 9/18/2017
DESCRIPTION: CONSTRUCT A TOTAL OF 39,400 SF OF SELF-STORAGE IN 7 BUILDINGS

3569 REALTY LLC LOCATION: WALDOBORO
DEP Number: L-027615-TC- B-N DATE ACCEPTED: 9/18/2017
DESCRIPTION: CONSTRUCT OF A NEW SELF-STORAGE FACILITY

THE DANIEL CHASE FAMILY REAL ESTATE TRUST LOCATION: WELLS
DEP Number: L-027578-NJ- A-N DATE ACCEPTED: 8/21/2017
DESCRIPTION: CREATE A 36 LOT SUBDIVISION / 35 LOTS TO BE SINGLE FAMILY HOME / LOT 36 WILL BE LEFT FOR POSSIBLE FUTURE DEVELOPMENT

THE DANIEL CHASE FAMILY REAL ESTATE TRUST LOCATION: WELLS
DEP Number: L-027578-TC- B-N DATE ACCEPTED: 8/21/2017
DESCRIPTION: CREATE A 36 LOT SUBDIVISION / 35 LOTS TO BE SINGLE FAMILY HOME / LOT 36 WILL BE LEFT FOR POSSIBLE FUTURE DEVELOPMENT

BRENDA & DEREK MARCOU LOCATION: WELLS
DEP Number: L-027616-4J- A-N DATE ACCEPTED: 10/5/2017
DESCRIPTION: REPLACE 3,509 SF HOME & GARAGE WITH NEW 3,235 SF HOUSE / RECONFIGURE DRIVEWAY & WALKWAYS

SUSANNA CHATAMETLKOOOL LOCATION: WEST BATH
DEP Number: L-027614-TW- B-N DATE ACCEPTED: 9/29/2017
DESCRIPTION: STABILIZE SHORELINE WITH RIPRAP & PLANTINGS

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SUSANNA CHATAMETLKOOOL	LOCATION:	WEST BATH
DEP Number: L-027614-4D- A-N	DATE ACCEPTED:	9/29/2017
DESCRIPTION: STABILIZE SHORELINE WITH RIPRAP & PLANTINGS		
JENNIFER / ANDY GRIFFIN / GROTT	LOCATION:	WESTPORT ISLAND
DEP Number: L-027608-TW- B-N	DATE ACCEPTED:	9/8/2017
DESCRIPTION: CONSTRUCT PIER, PILE ON LEDGE, ACCESS RAMP TO PIER, SEASONAL RAMP & SEASONAL FLOAT		
JENNIFER / ANDY GRIFFIN / GROTT	LOCATION:	WESTPORT ISLAND
DEP Number: L-027608-4P- A-N	DATE ACCEPTED:	9/8/2017
DESCRIPTION: CONSTRUCT PIER, PILE ON LEDGE, ACCESS RAMP TO PIER, SEASONAL RAMP & SEASONAL FLOAT		
AGJH LLC	LOCATION:	WINDSOR
DEP Number: L-022973-80- B-T	DATE ACCEPTED:	9/12/2017
DESCRIPTION: TRANSFERRED FROM L A QUARRY LLC / HAGAN PIT A		
STEPHEN PARKER	LOCATION:	YARMOUTH
DEP Number: L-026569-4P- E-M	DATE ACCEPTED:	9/19/2017
DESCRIPTION: MINOR REVISION / RELOCATION OF STAIRS		
ELIZABETH CUSHMAN	LOCATION:	YARMOUTH
DEP Number: L-027603-4P- A-N	DATE ACCEPTED:	9/20/2017
DESCRIPTION: ISLAND ACCESS DOCK		
YORK, TOWN OF	LOCATION:	YORK
DEP Number: L-026573-4P- D-M	DATE ACCEPTED:	9/7/2017
DESCRIPTION: MINOR REVISION / CHANGE PLANS FOR RETAINING WALL TO A BOARDWALK		
YORK, TOWN OF	LOCATION:	YORK
DEP Number: L-026573-4D- E-M	DATE ACCEPTED:	9/7/2017
DESCRIPTION: MINOR REVISION / CHANGE PLANS FOR RETAINING WALL TO A BOARDWALK		
YORK, TOWN OF	LOCATION:	YORK
DEP Number: L-026573-TW- F-M	DATE ACCEPTED:	9/7/2017
DESCRIPTION: MINOR REVISION / CHANGE PLANS FOR RETAINING WALL TO A BOARDWALK		
RICHARD CIAMPA	LOCATION:	YORK
DEP Number: L-027622-4C- A-N	DATE ACCEPTED:	10/5/2017
DESCRIPTION: EXTEND CIAMPA DR APPROX 520 FT THROUGH A WETLAND TO ACCESS VACANT LOTS / CONSTRUCTION WILL INCLUDE 9 BOX CULVERTS & A PIPE CULVERT		
JOHN & BRENDA TRUE	LOCATION:	YORK
DEP Number: L-027592-TA- A-N	DATE ACCEPTED:	9/11/2017
DESCRIPTION: PLACE FILL IN FRESHWATER WETLAND TO CONSTRUCT A RESIDENTIAL DWELLING, DRIVEWAY & ASSOCIATED DEVELOPMENT		

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Applications Accepted For Processing

From: 8/16/2017 To: 10/20/2017

Accepted applications for: **SOLID WASTE**

DUBOIS LIVESTOCK, INC.	LOCATION:	ARUNDEL
DEP Number: S-021843-CG- L-M	DATE ACCEPTED:	8/22/2017
DESCRIPTION: MINOR REVISION AGRICULTURAL COMPOSTING OPERATION LIC S-021843-CG-F-A		
BAR HARBOR, TOWN OF	LOCATION:	BAR HARBOR
DEP Number: S-014480-WH- B-M	DATE ACCEPTED:	10/4/2017
DESCRIPTION: MINOR REVISION FOR TRANSFER STATION IMPROVEMENTS		
FIBERIGHT LLC & MUNICIPAL REVIEW COMMITTEE IN	LOCATION:	HAMPDEN
DEP Number: S-022458-WK- D-C	DATE ACCEPTED:	9/15/2017
DESCRIPTION: CONDITION COMPLIANCE WITH CONDITIONS #4,5, AND 6, LIC# S-022458-WK-A-N		
FIBERIGHT LLC & MUNICIPAL REVIEW COMMITTEE, I	LOCATION:	HAMPDEN
DEP Number: S-022458-WK- E-M	DATE ACCEPTED:	9/26/2017
DESCRIPTION: MINOR REVISION TO REVISE LICENSE S-022458-WK-A-N-TO ADD COASTAL AS A LICENSEE		
ORLAND, TOWN OF	LOCATION:	ORLAND
DEP Number: S-022496-WH- A-N	DATE ACCEPTED:	10/13/2017
DESCRIPTION: NEW TRANSFER STATION		
PEAKS ISLAND LAND PRESERVE (PILP)	LOCATION:	PORTLAND
DEP Number: S-022494-W8- A-N	DATE ACCEPTED:	8/22/2017
DESCRIPTION: BENEFICIAL USE OF DREDGE MATERIAL - REDUCED PROCEDURES-ONE TIME		
DUPONT NUTRITION USA, INC. FORMERLY FMC CORP	LOCATION:	ROCKLAND
DEP Number: S-022125-SX- H-T	DATE ACCEPTED:	10/6/2017
DESCRIPTION: TRANSFERRED FROM FMC CORPORATION		
SEBAGO, TOWN OF	LOCATION:	SEBAGO
DEP Number: S-020718-WH- B-M	DATE ACCEPTED:	9/25/2017
DESCRIPTION: MINOR REVISION FOR SITE CHANGE, LIC# S-020718-WH-A-N		
TURNERS ISLAND, LLC	LOCATION:	SOUTH PORTLAND
DEP Number: S-022495-WH- A-N	DATE ACCEPTED:	9/13/2017
DESCRIPTION: NEW TRANSFER STATION		
NEW ENGLAND WASTE SERVICES OF ME, INC. DBA F	LOCATION:	UNITY TWP
DEP Number: S-020115-CK-BY-M	DATE ACCEPTED:	9/18/2017
DESCRIPTION: MINOR REVISION TO ACCEPT BIOSOLIDS FROM THE CHATHAM, MA WATER POLLUTION CONTROL FACILITY, LIC# S-020115-60-A-N		

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From: 8/16/2017 To: 10/20/2017

Accepted applications for: **WATER**

ROBERT HORGAN	LOCATION:	BOOTHBAY
DEP Number: W-001699-5A- F-R	DATE ACCEPTED:	9/20/2017
DESCRIPTION: RES OBD RENEWAL AND TRANSFER		
SEARYE, LLC	LOCATION:	BOOTHBAY
DEP Number: W-003901-5A- F-R	DATE ACCEPTED:	9/12/2017
DESCRIPTION: RES OBD TRANSFER		
JOAN P. MCGEE REVOCABLE LIVING TRUST	LOCATION:	BOOTHBAY HARBOR
DEP Number: W-002266-5A- F-R	DATE ACCEPTED:	10/20/2017
DESCRIPTION: RES OBD RENEWAL		
MELANIE HOWE	LOCATION:	BOOTHBAY HARBOR
DEP Number: W-006667-5A- G-R	DATE ACCEPTED:	10/13/2017
DESCRIPTION: RES OBD RENEWAL		
CITY OF BREWER	LOCATION:	BREWER
DEP Number: W-002679-5M- J-M	DATE ACCEPTED:	9/8/2017
DESCRIPTION: MOD		
CATHY DAVISON	LOCATION:	BRISTOL
DEP Number: W-004668-5A- E-T	DATE ACCEPTED:	9/20/2017
DESCRIPTION: RES OBD TRANSFER		
JEFFERSON & CAROL KIRBY	LOCATION:	BRISTOL
DEP Number: W-009167-5A- E-T	DATE ACCEPTED:	9/20/2017
DESCRIPTION: RES OBD TRANSFER		
CARIBOU UTILITIES DISTRICT	LOCATION:	CARIBOU
DEP Number: W-001001-6D- L-M	DATE ACCEPTED:	9/15/2017
DESCRIPTION: MINOR REVISION		
TOWN OF DAMARISCOTTA	LOCATION:	DAMARISCOTTA
DEP Number: W-009007-5Y- A-N	DATE ACCEPTED:	10/12/2017
DESCRIPTION: SNOW DUMP - GP		
DAVID & DANIELLE BOURNE	LOCATION:	EDGEComb
DEP Number: W-001037-5A- E-R	DATE ACCEPTED:	8/29/2017
DESCRIPTION: RES OBD RENEWAL		

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CITY OF ELLSWORTH	LOCATION:	ELLSWORTH
DEP Number: W-009082-6D- D-R	DATE ACCEPTED:	8/16/2017
DESCRIPTION: POTW - RENEWAL		
JAMES FISK	LOCATION:	GEORGETOWN
DEP Number: W-002477-5A- D-R	DATE ACCEPTED:	8/17/2017
DESCRIPTION: RES OBD RENEWAL		
CHRISTINE CHAMP	LOCATION:	GEORGETOWN
DEP Number: W-009178-5A- D-R	DATE ACCEPTED:	9/12/2017
DESCRIPTION: RES OBD RENEWAL		
HARRY & MARTHA METZLER	LOCATION:	GOULDSBORO
DEP Number: W-003834-5A- D-R	DATE ACCEPTED:	10/10/2017
DESCRIPTION: RES OBD RENEWAL AND SPLIT		
MARY B PARKS JOAN QUINTAL	LOCATION:	GOULDSBORO
DEP Number: W-009180-5A- D-R	DATE ACCEPTED:	10/10/2017
DESCRIPTION: RES OBD RENEWAL AND SPLIT		
NOT THE POINT, LLC	LOCATION:	HARPSWELL
DEP Number: W-001692-5A- E-R	DATE ACCEPTED:	9/25/2017
DESCRIPTION: RES OBD RENEWAL & TRANSFER		
HAMMOND FAMILY REALTY TRUST	LOCATION:	HARPSWELL
DEP Number: W-003458-5A- D-R	DATE ACCEPTED:	9/12/2017
DESCRIPTION: RES OBD RENEWAL		
BRYAN HITCHCOCK	LOCATION:	MONHEGAN ISLAND PLT
DEP Number: W-009095-5A- B-R	DATE ACCEPTED:	8/28/2017
DESCRIPTION: RES OBD RENEWAL		
CITY OF OLD TOWN	LOCATION:	OLD TOWN
DEP Number: W-009097-5S- B-R	DATE ACCEPTED:	10/3/2017
DESCRIPTION: POOL - RENEWAL		
PENOBSCOT INDIAN NATION	LOCATION:	OLD TOWN
DEP Number: W-002672-6B- E-R	DATE ACCEPTED:	10/17/2017
DESCRIPTION: POTW - RENEWAL		
SYLVIA, CHRISTINA & DAVID ALDEN	LOCATION:	OWLS HEAD
DEP Number: W-001255-5A- D-R	DATE ACCEPTED:	8/28/2017
DESCRIPTION: RES OBD RENEWAL		

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ALLYN & BARBARA CHASE LOCATION: PORTLAND
DEP Number: W-009181-5A- D-R DATE ACCEPTED: 10/20/2017
DESCRIPTION: RES OBD RENEWAL AND SPLIT FROM #1976

FRESH ATLANTIC USA LOCATION: PORTLAND
DEP Number: W-009008-5P- D-R DATE ACCEPTED: 10/2/2017
DESCRIPTION: FOOD PROCESSING - RENEWAL

DUPONT NUTRITION USA, INC. LOCATION: ROCKLAND
DEP Number: W-001999-5R- I-T DATE ACCEPTED: 10/6/2017
DESCRIPTION: TRANSFER

FMC CORPORATION LOCATION: ROCKLAND
DEP Number: W-001999-5R- H-R DATE ACCEPTED: 9/1/2017
DESCRIPTION: COOLING WATER - RENEWAL

BAYLEY'S QUALITY SEAFOOD LOCATION: SCARBOROUGH
DEP Number: W-000990-5P- E-R DATE ACCEPTED: 10/2/2017
DESCRIPTION: FOOD PROCESSING - RENEWAL

THE HOPE 1972 IRREVOCABLE TRUST LOCATION: SOUTH BRISTOL
DEP Number: W-002434-5A- E-R DATE ACCEPTED: 8/28/2017
DESCRIPTION: RES OBD RENEWAL

JEANETTE M. INGERSOLL LOCATION: SOUTHPORT
DEP Number: W-001845-5A- F-R DATE ACCEPTED: 8/17/2017
DESCRIPTION: RES OBD RENEWAL AND SPLIT

MCKEE LIVING TRUST LOCATION: SOUTHPORT
DEP Number: W-002834-5A- F-R DATE ACCEPTED: 9/20/2017
DESCRIPTION: RES OBD RENEWAL AND TRANSFER

DOROTHY HOLLY HAMMONDS LOCATION: SOUTHPORT
DEP Number: W-009177-5A- F-R DATE ACCEPTED: 8/28/2017
DESCRIPTION: RES OBD RENEWAL AND SPLIT

DAVID WARNER LOCATION: SOUTHPORT
DEP Number: W-003932-5A- E-R DATE ACCEPTED: 10/20/2017
DESCRIPTION: RES OBD RENEWAL

HENRY LANFORD LOCATION: TREMONT
DEP Number: W-006799-5A- D-R DATE ACCEPTED: 10/10/2017
DESCRIPTION: RES OBD RENEWAL

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MAINE DEPT OF TRANSPORTATION
DEP Number: W-002982-5D- D-R
DESCRIPTION: GOV OBD - RENEWAL

LOCATION: TREMONT
DATE ACCEPTED: 9/25/2017

VEAZIE SEWER DISTRICT
DEP Number: W-002754-6C- K-R
DESCRIPTION: POTW - RENEWAL

LOCATION: VEAZIE
DATE ACCEPTED: 8/18/2017

TOWN OF VINALHAVEN
DEP Number: W-008146-6C- G-R
DESCRIPTION: POTW - RENEWAL

LOCATION: VINALHAVEN
DATE ACCEPTED: 10/16/2017

RUSSELL DIONNE
DEP Number: W-009146-5A- B-T
DESCRIPTION: RES OBD TRANSFER

LOCATION: WEST BATH
DATE ACCEPTED: 9/18/2017

WINTER HARBOR UTILITIES DISTRICT
DEP Number: W-000562-6C- G-M
DESCRIPTION: MINOR REVISION

LOCATION: WINTER HARBOR
DATE ACCEPTED: 10/17/2017

ATTACHMENT VII



STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

James W. Parker, Chair

Cynthia S. Bertocci
Executive Analyst

Ruth Ann Burke
Board Clerk

**BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes**

November 2, 2017

A meeting of the Board of Environmental Protection was held on Thursday, November 2, 2017 at the Civic Center, 76 Community Drive, Augusta, Maine. James Parker, Chair, called the meeting to order at 9:00 am with the following individuals present:

Board: Thomas Dobbins, Mark Draper, Thomas Eastler, Jonathan Mapes, and James Parker. Alvin Ahlers and Kathleen Chase were absent.

Staff: Jeff Crawford, Office of the Commissioner
Mark Stebbins, Mining Coordinator, Bureau of Land Resource Regulation
John Hopeck, Senior Geologist, Bureau of Water Quality

Others: Paul Mercer, Commissioner
Mary Sauer, Assistant Attorney General
Peggy Bensinger, Assistant Attorney General
Cynthia Bertocci, BEP Executive Analyst
Ruth Ann Burke, BEP Clerk and Administrative Assistant

I. Departmental

- A. **Commissioner's Comments:** Commissioner Mercer noted that the field season is over and staff are back in the office.
- B. **Comments from the BEP Chair:** None
- C. **Executive Analyst Comments:** Ms. Bertocci commented that the Board's Government Evaluation Act, Program Evaluation Report has been submitted to the Legislature.
- D. **Board Calendar:** Reviewed. The Board's next meeting is November 16th. The agenda will likely include a second deliberative session on Chapter 418 Beneficial Use of Solid Wastes. The appeal previously scheduled for the November 16th meeting has been withdrawn.
- E. **Departmental Orders / Applications Accepted for Processing:** Reviewed.

II. Regular Agenda Items:

1. BEP Meeting Minutes: September 7, 2017 (approval)

The Board voted (4-0-1-2) on a motion by Thomas Dobbins, seconded by Jonathan Mapes, to approve the minutes for September 7, 2017 as presented.

The vote was taken pursuant to 38 M.R.S. § 341-D.

Board members Thomas Dobbins, Mark Draper, Jonathan Mapes, and James Parker voted to support the motion. Thomas Eastler abstained. Alvin Ahlers and Kathleen Chase were absent.

2. Chapter 200 Metallic Mineral Exploration, Advanced Exploration, and Mining (final adoption)

Staff: Jeffrey Crawford, Office of the Commissioner

Mr. Crawford reviewed the procedural history of Chapter 200, which is a major substantive rule. The Board provisionally adopted Chapter 200 on January 5, 2017 and submitted it to the Legislature for review. Several mining related bills were considered by the Legislature in 2017. Ultimately, the Legislature enacted Public Law 2017, c. 142 "An Act to Protect Maine's Clean Water and Taxpayers from Mining Pollution", which made numerous changes to the Mining Act and the laws governing mining on state lands. The Legislature authorized final adoption of the January 5, 2017 provisionally adopted Chapter 200 contingent upon the incorporation of the revisions directed by the Legislature in P.L. 2017, c. 142.

Following Mr. Crawford's summary of the legislatively authorized revisions to the rule as presented in the Board packet, the Board provided an opportunity for public comment pursuant to 38 M.R.S. § 341-H(3)(C). Two persons provided comment on several provisions.

Following review of the public comments with Department staff, Board members supported the following changes to the rule as presented in the Board packet, with additions indicated by double underline and deletions indicated by double strikethrough:

- Page 51 of the Board packet, Section 9(K) Contingency Plan. Further modify Section 9(K)(1)(f) of the rule as follows: "Settling pond, or ~~dry stack tailings management structure, tailings disposal area or~~ embankment failure;"
- Pages 65 and 66 of the Board packet, Section 12(A) Standard Conditions. With the deletion of Item #21, renumber the remaining items in the list.
- Page 72 of the Board packet, Section 17(B) Coverage of Financial Assurance. Modify the first sentence of Section 17(B)(1) as follows: "Financial assurance under this section applies to mining, including advanced exploration, and reclamation operations that are subject to a mining permit."
- Page 88 of the Board packet, Section 20(H) Containment Structures. Modify the last sentence of Section 20(H)(2) as follows: "Liner and leachate collection systems, ~~if required,~~ must meet the minimum design standards contained in section 21 of this Chapter."
- Page 98 of the Board packet, Section 21 Mine Waste Unit Design Standards. Modify Section 21(A)(4) as follows: "If stabilization of Group A and Group B mine waste may be ineffective in preventing pollutant release, the design must include a system for detection of leaks and leak recovery, or other engineered system as ~~may be~~ required by the Department."

The Board voted (5-0-0-2) on a motion by Mark Draper, seconded by Thomas Dobbins, to repeal and replace existing Chapter 200, and finally adopt Chapter 200 with the revisions presented to the Board today, with the additional revisions based on today's public comments as read by Ms. Bertocci, and adopt the associated Basis Statement and Response to Comments, and authorize staff to make typographical, formatting and similar corrections.

The vote was taken pursuant to 38 M.R.S. § 341-H(1), §§ 490-LL et seq., and P.L. 2017, c. 142.

Board members Thomas Dobbins, Mark Draper, Thomas Eastler, Jonathan Mapes, and James Parker voted to support the motion. Alvin Ahlers and Kathleen Chase were absent

3. Procedures Governing Appeal a Commissioner License Decision (informational session)

Staff: Cynthia Bertocci, Board Executive Analyst
Peggy Bensinger, Assistant Attorney General

Staff reviewed with Board members the procedures set forth in the Department's Chapter 2 *Rule Concerning the Processing of Applications and Other Administrative Matters* that govern the processing of an appeal of a Commissioner license decision.

(The meeting adjourned at approximately 11:45 a.m.)