

BEP Procedural Order # 3 requires all intervenors to submit the testimony of each of their testifying witnesses, under oath, with a CV and exhibits, in PDF format, by 5:00 PM on December 13, 2019.

Upstream Watch is an intervenor having been granted said status by the BEP on August 15, 2019 (See First Procedural Order).

Upstream Watch complies with Procedural Order #3 as follows:

Site Location of Development / Natural Resources Protection Act Applications. For context, the applicant is asked to provide an overview of the proposed project at the start of its testimony. Testimony will then focus on the following issues pertaining to the proposed project:

1. Financial Capacity; Tab 11 – Intervenors Upstream Watch and the Northport Village Corporation, decline to submit testimony specific to this hearing topic at this time, but reserve the right to cross examine and to offer rebuttal testimony.
2. Water Usage: groundwater and surface water withdrawals including potential impacts to existing uses such as nearby wells; Tab 1 – Dixon, Tab 2 – GEI, Tab 3, Krueger-Gulezian
3. Impacts to streams and associated freshwater wetlands; alternatives analysis (avoidance, minimization, compensation); Tab 12 – Intervenors Upstream Watch and the Northport Village Corporation, decline to submit testimony specific to this hearing topic at this time, but reserve the right to cross examine and to offer rebuttal testimony.
4. Stormwater Management and upland Erosion and Sedimentation Control, both during construction and post development; Tab 2 – GEI,
5. Impacts to existing uses from construction and operations, including blasting and odor; Tab 2 – GEI, Tab 6 - Lannan, Tab – 7 Aguiar/Merkel, Tab 9 – Lannan, Tab 10 - Lannan
6. Coastal Wetland Impacts: staging, erosion and sedimentation control during construction, potential impacts to water quality and protected natural resources including concerns about HoltaChem mercury, alternatives analysis. Tab 8 - Bryden

Maine Pollutant Discharge Elimination System / Waste Discharge License Application. The applicant is asked to provide an overview of the proposed water/wastewater treatment facility at the start of its testimony including nature of influent, treatment process, and nature of effluent. Testimony will focus on the following issues:

1. Composition and characteristics of the effluent; Tab 1 – Dixon, Tab 3, Krueger-Gulezian, Tab 4 – Aveni-Deforge, Tab 8 – Bryden,
2. Modeling of the discharge as submitted with the application; and Tab 4 – Aveni-Deforge, Tab 5 – Pettigrew,
3. Impact of the discharge on the water quality of the Bay (Class SB) including potential impacts to fisheries, other marine resources, and other uses, Tab 1 – Dixon, Tab 3, Krueger-Gulezian, Tab 4 – Aveni-Deforge, Tab – 8 - Bryden

OUTLINE OF TESTIMONY SUBMISSION BY UPSTREAM WATCH ON DECEMBER 13, 2109
INTRODUCTION (page 2)

PRELIMINARY OBSERVATIONS

As Upstream Watch and its consultants studied the permit applications of Nordic Aquafarms, Inc. for the purpose of evaluation and comment, two observations persisted. These observations pervade the entire set of applications.

First, the proposed activities, the hoped-for permits, the proposed construction activities, are all interwoven and connected. For example, raising a smokestack height may reduce an air pollution problem but may worsen a noise problem. Honoring a height restriction may force increased air pollution. This inter-connection is pervasive and makes a project of this size and complexity difficult to design and to operate within existing laws and regulations. It may explain the vexing problem faced by neighbors and other interested parties who have followed this project from the beginning: constant changes. For example, the building roofs were originally to support solar panels; that changed, and the roofs then were to support soil for rainwater detention and filtration; and changed again to the present configuration in which the roofs support HVAC and other utilities.

This interconnectedness drives Upstream to file its expert opinions and attachments in one volume. The issues are not separate. They are interwoven, as is Upstream's response.

Second: Nordic Aquafarms, Inc. selected an unsuitable site, and has been trying to change the site's basic character instead of seeking a suitable site. There is no better example than the applicant's soil replacement plan. Because the applicant selected a site that contains almost exclusively spongy clay soils, (a situation that caused subsidence problems for the applicant back in Norway) and because those soils will not support the weight of the proposed massive fish tanks, the applicant proposes to remove the natural soils over a 35 acre portion of the site to a depth of, originally 35 to 52 feet in depth, now some different depth, and after removing those soils to bring on to the site to replace the clay, gravelly soils better capable of supporting the proposed tanks. In addition, the site is riddled with wetlands, swamps, and marshes accompanying 9 streams. Applicant proposes to destroy them all. In lieu of preservation or replication of the natural resources so destroyed, the applicant proposes to give the State hundreds of thousands of dollars. This "pay to pollute" scheme may be legal but still results in serious net destruction of natural resources. And that is proposed to occur because the site is unsuitable.

NOTE: ALTHOUGH UPSTREAM WATCH DOES NOT INTEND TO ASK NON-TESTIFYING WITNESSES TO ATTEND THE HEARING, SHOULD THE BEP DETERMINE THAT THE PRESENCE OF ANY SUCH WITNESS OR WITNESSES WOULD BE USEFUL TO THE HEARING PROCESS, UPSTREAM WATCH WILL USE "BEST EFFORTS" TO BRING SUCH WITNESSES TO THE HEARING AS REQUESTED BY THE BEP.