

STATE OF MAINE  
BOARD OF ENVIRONMENTAL PROTECTION



JANET T. MILLS  
GOVERNOR

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Executive Analyst

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Board Clerk

*Sent by electronic mail only*

August 7, 2020

John Spritz, President  
Northport Village Corporation  
813 Shore Road  
Northport, Maine 04849  
[nvcmaine@gmail.com](mailto:nvcmaine@gmail.com)

RE: Nordic Aquafarms, Inc.'s Proceeding

Dear Mr. Spritz:

I have reviewed and considered your letter of July 30, 2020, in which Northport Village Corporation (NVC) comments on the structure of the staff recommendation on Nordic's Chapter 115 Air Emissions application, requests a different approach where proposed findings of fact are commented upon before a proposed order is issued for comment, and requests that the deadline for comment on the proposed Chapter 115 air emissions order be changed to coincide with the deadline for comment on the staff proposed order on Nordic's Site Location of Development/Natural Resources Protection Act (Site/NRPA) application.


The staff recommendation on Nordic's Chapter 115 application is in the form of a proposed Board Order which, if adopted by the Board, would become the proposed facility's air emissions license. This is the Department's standard format for Air Emissions licenses. Although the format will differ in some regards, the staff's recommendations for the other license applications will also contain proposed findings of fact and conclusions. With respect to your comments regarding "Findings of Fact," while new evidence may not be introduced, persons may comment on errors, omissions, and suggest alternative findings with citations to the record. Any changes to the factual findings based on comments received may result in corresponding changes to conclusions regarding compliance with the licensing criteria, and any conditions imposed if a license were to be granted. The inclusion and consideration of findings, conclusions, and conditions in a single document allows for changes in any portion of the document in response to comments received.

NVC also requests that the comment period on staff's Chapter 115 air emissions recommendation be extended to coincide with the deadline for comment on the staff recommendation/proposed Board Order for Nordic's Site /NRPA application. NVC has argued throughout this process that consideration of the Chapter 115 air emissions requirements be merged with consideration of the Site/NRPA air quality requirements. However, the air emission sources and activities under consideration are distinct from one another and are regulated pursuant to different laws. The emission units that require licensing under Chapter 115 are Nordic's proposed eight 2-MegaWatt (MW) diesel engines. Other activities with the potential to impact air quality are more appropriately regulated under the Site Law and will be addressed in that staff recommendation. To the extent comments received on the Chapter 115 recommendation are more appropriately addressed under Site Law, those comments will be

considered in that context. The Board will consider staff recommendations and public comments on all three of Nordic's pending applications together before issuing a decision on any one application.

With respect to the comment deadline, Department statute and rules require a 15 working day comment period for the Chapter 115 staff recommendation/proposed Board Order, which I previously extended to 30 calendar days. The request to further extend the comment deadline to coincide with the deadline for comment on the Site/NRPA staff recommendation/proposed Board Order is denied. Persons are encouraged to focus their comments on the Chapter 115 recommendation on the air emissions sources that require licensing pursuant to that chapter.

Sincerely,

A handwritten signature in cursive script that reads "Robert S. Duchesne". The signature is written in black ink and is positioned above the typed name.

Robert S. Duchesne, Presiding Officer  
Board of Environmental Protection

cc: Service List