



STATE OF MAINE

Department of Environmental Protection

MAIN OFFICE: RAY BUILDING, HOSPITAL STREET, AUGUSTA
MAIL ADDRESS: State House Station 17, Augusta, 04333
207-289-7688

JOHN R. McKERNAN, JR.
GOVERNOR

DEAN C. MARRIOTT
COMMISSIONER

BOARD MEETING - November 29, 1989

A meeting of the Board of Environmental Protection was held on November 29, 1989 at the Comfort Inn, Augusta, Maine. Chairman E. Christopher Livesay called the meeting to order at approximately 9:45 a.m. with the following people present:

BOARD: Chairman E. Christopher Livesay, Gene Gendron, Edward Rendall, Margaret Roy, L. Philip Soucy and Carol Tracy.

STAFF: Bureau of Land Quality Control: Donald Witherill and Dana Murch

Bureau of Water Quality Control: Steve Groves and David Courtemench

Bureau of Solid Waste Management: James Brooks

Bureau of Air Quality Control: Ronald Severance and Marc Cone

OTHERS: Elizabeth Armstrong, Deputy Commissioner
Jan McClintock, Assistant Attorney General
Leanne Robbin, Assistant Attorney General
Tambra McCollett, Secretary

The meeting adjourned at approximately 3:50 p.m.

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BOARD OF ENVIRONMENTAL PROTECTION
MINUTES

November 29, 1989

I. Departmental

A. Commissioner's Corner

1. Announced the Department's "After-Hours" Christmas Party.
2. Briefed the Board on appeals to Commissioner's Clean-Up Orders coming up. The 1st will be conducted on December 6th and the 2nd will be December 13th.

B. Chairman's Comments

1. Briefed Board on the Legislative Committee Meeting. The Board will be hopefully receiving an Executive Director and one clerical person.

C. Board Calendar. Was reviewed.

D. Departmental Orders. No action taken.

E. Executive Session. None required.

II. Unanimous Consent Agenda Items

A. The Board voted (6-0-0-4) to approve the following unanimous consent agenda items:

1. Minutes of October 11, 1989 Board Meeting
2. Minutes of October 25, 1989 Board Meeting
3. Moosehead Manufacturing Company, Monson - consent agreement (Oil Bureau)
4. Van Baalen Pacific Corp., Rockland - consent agreement (Land Bureau)
5. Richard & Nancy Rogers, Lebanon - consent agreement (Land Bureau)
6. Lorraine Celi, Kennebunkport - consent agreement (Land Bureau)
7. Howard Seavey, Crawford - consent agreement (Land Bureau)
8. Town of Howland - delegation (wastewater treatment plant and outfall) Water Bureau
9. Jeffrey Caldwell, Auburn - delegation (stream alteration) Land Bureau

10. Maine Yankee Atomic Power Co., Wiscasset - delegation (coastal wetland) Land Bureau
11. Lyngood Corporation, Camden - delegation (dam repair, bridge and turbine) Land Bureau
12. E. Davies Allan, Westport - delegation (boat ramp) Land Bureau
13. C.B. Mattson, Farmingdale - delegation (sewer lines and road) Land Bureau
14. Town of Harmony - delegation (modifications to boat ramp) Land Bureau
15. Town of Brooklin - delegation (modifications to boat ramp) Land Bureau
16. Marriott Corp., Scarborough - delegation (construction of a motel adjacent to a stream) Land Bureau
17. Maurice J. Taffe, Scarborough - delegation (rip rap) Land Bureau
18. Constance H. Prescott, Biddeford - delegation (foundation) Land Bureau
19. Mildred Sullivan, Wells - delegation (single family home) Land Bureau
20. Terry Rhods, Denmark - delegation (pond construction) Land Bureau
21. Lorna N. Kaufman, South Harpswell - delegation (rip rap) Land Bureau
22. Marion E. Jemey, South Harpswell - delegation (rip rap) Land Bureau
23. Mountain View Shore Assoc., Acton - delegation (removal of rocks below high water mark) Land Bureau
24. James P. Davis/Metric Corp., Kennebunkport - delegation (fire pond) Land Bureau
25. Town of Oxford - delegation (boat ramp) Land Bureau
26. Mary Rauscher, Kennebunkport - delegation (rip rap) Land Bureau
27. Phillip E. Packard, Arrowsic - delegation (permanent dock) Land Bureau
28. David G. Erickson, Waterford - delegation (remove vegetation) Land Bureau
29. Yarmouth Boatyard, Yarmouth - delegation (dredge) Land Bureau
30. Town of Southport - delegation (permit granting authority to municipality) Land Bureau
31. Emmett J. Murphy, Wells - delegation (disturbance of soil associated with rebuilding a structure) Land Bureau
32. Elsie Dewitt, Kenduskeag - third party damage claim (Oil Bureau)
33. Leo Sirois, So. Windham - third party damage claim (Oil Bureau)
34. Town of Tremont - shoreland zoning ordinance (Land Bureau)

III. Regular Agenda Items

1. Discussion of Wetland Protection rules - voted (6-0-0-4) to postpone the public hearing on the NRCM version of the wetlands rules, which had been set for January 4, 1990, to January 18 at 9:30 a.m. The Department expects to bring its draft wetlands rules to the Board at its December 13, 1989 Board meeting so that the Department's version of the rules can also be set for hearing on January 18, 1990.
2. Water Reclassifications (informational presentation only) - the final water reclassification recommendation will be presented to the Board at its December 13, 1989 meeting for decision.
3. C.M.P., Cataract Project (water quality certification) - voted (5-0-1-4) to approve certification as amended with errata sheet. Member Margaret Roy abstained.
4. Chapter 567 (Section D) Revision - voted (6-0-0-4) to approve an amendment to Section D, Interim Dioxin Standards, such that it would be effective for three years "and eight months" from the date of adoption; that is, until June 8, 1990.
5. Stephen Emery & Louise Shindler, Ellsworth (appeal) -- was postponed per the request of appellant. (Land Bureau)
6. Chapter 124: Total Reduced Sulfur Control From Kraft Pulp Mills (adoption) - voted (6-0-0-4) to adopt Chapter 124 with the following amendment (Page 2 - Section 2(A)(1), second paragraph):

"with the exception of the brown stock washer system."

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GOVERNOR

DEAN C. MARRIOTT
COMMISSIONER

BOARD MEETING - December 13, 1989

A meeting of the Board of Environmental Protection was held on December 13, 1989 at the Augusta Civic Center, Augusta, Maine. Chairman E. Christopher Livesay called the meeting to order at approximately 9:30 a.m. with the following people present:

BOARD: Chairman E. Christopher Livesay, Gene Gendron, Philip Soucy, Owen Stevens, Edward Rendall, Jean Gilpatrick and Arthur Comstock. Member Carol Tracy arrived at approximately 9:40 a.m.

STAFF: Bureau of Land Quality Control: Donald Witherill, John James and Dana Murch

Bureau of Water Quality Control: Steve Groves and David Courtemanch

OTHERS: Elizabeth Armstrong, Deputy Commissioner
Leanne Robbin, Assistant Attorney General
Peggy McCloskey, Assistant Attorney General
Tambra McCollett, Secretary
Dean Marriott, Commissioner, arrived at approximately 2:00 p.m.

The meeting adjourned at approximately 4:05 p.m.

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REGIONAL OFFICES

• Portland •

• Bangor •

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BOARD OF ENVIRONMENTAL PROTECTION
MINUTES

December 13, 1989

I. Departmental

A. Commissioner's Corner. No Comment.

B. Chairman's Comments

1. Would like to have members of the the public direct all mail being sent to the Board members to Tandra or Liz at the department. They do not want mail sent to their homes.

C. Board Calendar. Was reviewed.

D. Departmental Orders. No action taken.

II. Unanimous Consent Agenda Items

A. The Board voted (7-0-0-3) to approve the following unanimous consent agenda items:

1. Sugarloaf Mountain Corporation, Kingfield - consent agreement (Water Bureau)
2. Cherryfield Foods, Inc., Cherryfield - consent agreement (Water Bureau)
3. LCP Chemical, Orrington - consent agreement (Water Bureau)
4. Robert Sherwood, Augusta - consent agreement (Land Bureau)
6. G. Arnold & Joyce Roach, Pleasant Lake - consent agreement (Land Bureau)
7. Douglas Hallee, Fairfield - consent agreement (Land Bureau)
8. Eastern Maine Medical Center, Bangor - consent agreement (Air Bureau)
9. Town of Northfield - delegation (reimbursement of 75% legal fees) Water Bureau
10. A. Joseph Lipton, Ellsworth - delegation (site location) Land Bureau
11. Stillwater Shopping Center Associates - delegation (site location) Land Bureau
12. Shepard Harris, Bar Harbor - delegation (site location) Land Bureau
13. Kayco Properties, Auburn - delegation (shoping center) Land Bureau
14. ACME-Monaco Corp., Presque Isle - delegation (elementary neutralization) Oil Bureau

15. Sermatch International, Biddeford (beneficial reuse) Oil Bureau
 17. Shoreland Zoning Ordinance (request to reopen comment period) Land Bureau
- B. The Board voted ((8-0-0-2) to table the following unanimous consent agenda item to a future meeting:
5. Teresa Torcanowsky, Hancock - consent agreement (Land Bureau)
- C. The following unanimous consent agenda item was for informational purposes only:
16. Webber Oil Co. (appeal of Commissioner's Clean-Up Order) Oil Bureau

III. Regular Agenda Items

1. Wetland Protection Rules (posting to public hearing) - voted (7-0-0-3) to post to public hearing on January 18, 1989 at 9:30 a.m. Member Jean Gilpatrick was absent from the room at the time of the vote. Staff member: Donald Witherill, Land Bureau
2. Diamond Cove Associates (subdivision) - voted (7-0-1-2) to remove from table. Member Arthur Comstock abstained.

The Board voted (4-3-1-2) to deny Diamond Cove Associates Phase II application for a subdivision. Members Carol Tracy, Jean Gilpatrick and Chairman E. Christopher Livesay opposed. Member Arthur Comstock abstained. Staff member: John James, Land Bureau

3. Water Reclassification - voted (8-0-0-2) to approve staff recommendation with amendment to the statement-of-fact recommendation to read as follows:

"In recommending the upgrading of river classifications, the Board does not intend to affect the operation of existing hydro facilities by changing the classification. The Board recommends that the Legislature consider incorporating this intent into law."

Staff members: Stephen Groves and David Courtemanch, Water Bureau

4. Maine Public Service Co. (water quality certification) - voted (8-0-0-2) in favor of staff recommendation to deny the water quality certification. Staff member: Dana Murch, Land Bureau

5. Bangor Hydro-Electric Co. (Maine Waterway Development and Conservation Act Permit/water quality certification) - voted (8-0-0-2) to deny the application for the water quality certification and took no action on the Maine Waterway Development and Conservation Act Permit. Staff member: Dana Murch, Land Bureau

6. Harry C. Crooker & Sons, Inc., Topsham (appeal) - voted (7-0-0-3) to table to future meeting. Member Gene Gendron was absent from the room at the time of the vote. Staff member: Matt Hight, Land Bureau

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