



STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION

Mark C. Draper, Chair

William F. Hinkel
Executive Analyst

Ruth Ann Burke
Board Clerk

JANET T. MILLS
GOVERNOR

**BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes**

March 18, 2021

A meeting of the Board of Environmental Protection was held on Thursday, March 18, 2021, by Zoom video conference. Board Chair Mark Draper called the meeting to order at 9:00 a.m. with the following individuals attending:

Board: Mark Draper, Mark Dubois, Robert Duchesne, Robert Sanford, Susan Lessard, James Parker, and Steven Pelletier

Staff: Pete Carleton, Environmental Specialist, Bureau of Air Quality
James Beyer, Regional Licensing and Compliance Manager, Bureau of Land Resources

Others: Melanie Loyzim, Commissioner
David Madore, Deputy Commissioner
Peggy Bensinger, Assistant Attorney General
Laura Jensen, Assistant Attorney General
William Hinkel, Board Executive Analyst
Ruth Ann Burke, Board Clerk and Administrative Assistant

I. Departmental

A. Commissioner's Comments: Commissioner Loyzim noted that David Madore is now serving as the Deputy Commissioner and for the time being would continue to serve as the Communications Director. The Environment and Natural Resources Committee of the Legislature held a work session on the Department's budget and, on March 17, 2021, unanimously approved initiatives in the Department's portion of the budget. Information on the budget and work session is available on the Legislature's website and may be obtained directly through Ms. Burke.

B. Chair's Comments: Chair Draper congratulated Commissioner Loyzim on her appointment and confirmation. Chair Draper designated Mr. Duchesne to preside over any meeting or portion of any meeting for which he is unable to initially establish or loses network connectivity. If this occurs, Mr. Duchesne will announce that he is acting as the Presiding Officer and may proceed with the regular meeting agenda, may recess the meeting to determine if technical difficulties can be resolved within a reasonable amount of time, or may seek a motion to adjourn and postpone to a future meeting any agenda items

scheduled but not able to be completed. Chair Draper noted that he would recuse himself from one of the agenda items on the schedule for this meeting, the Global Companies LLC administrative consent agreement, and Mr. Duchesne would preside over that matter.

C. Executive Analyst's Comments: None.

D. Board Calendar: No comments.

E. Departmental Orders / Applications Accepted for Processing: No comments.

II. Regular Agenda Items (Note: All votes taken by roll call. Votes are recorded in the following order: number voting in favor of a motion – number voting against a motion – number abstaining – number absent)

1. BEP Meeting Minutes.

a) February 18, 2021, Minutes

The Board voted (7-0-0-0) on a motion by James Parker and seconded by Steve Pelletier to approve the minutes of February 18, 2021, as presented.

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

All Board members voted to support the motion.

b) March 4, 2021, Minutes

The Board voted (5-0-2-0) on a motion by James Parker and seconded by Robert Duchesne to approve the minutes of March 4, 2021, as presented. Chair Draper, Mr. Dubois, and Ms. Lessard were recused from and did not attend the proceedings on March 4, 2021. Chair Draper and Ms. Lessard abstained from the vote to approve the March 4, 2021, minutes.

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

2. Global Companies LLC Consent Agreement (approval)

Staff: Pete Carleton, Environmental Specialist, Bureau of Air Quality

This administrative consent agreement involves violations of Air Emissions License (AEL) A-432-71-N-R. Global Companies LLC used non-compliant #6 fuel oil between January 3, 2019, and March 22, 2019, in violation of its AEL. Global Companies LLC also submitted a late stack testing report in violation of its AEL. The administrative consent agreement stipulates a monetary penalty of \$20,000.00.

Tom Keefe of Global Companies LLC briefly addressed the Board, acknowledging that Global Companies LLC agrees with the terms and conditions of the administrative consent agreement. Presiding Officer Duchesne invited commentary from members of the public; none expressed interest in doing so.

Following a presentation by staff and response to questions of the Board, the Board voted (5-0-0-2) on a motion by James Parker and seconded by Steve Pelletier to approve the administrative consent agreement, as presented. Mark Draper and Mark Dubois recused themselves from participating in the vote to approve the administrative consent agreement and left the meeting prior to the staff presentation. Mr. Duchesne presided over this agenda item.

The vote was taken pursuant to 38 M.R.S. § 341-D(4).

3. New England Clean Energy Connect (NECEC) minor revision application of Central Maine Power (CMP) and NECEC Transmission LLC (discussion)

Staff: James Beyer, Bureau of Land Resources

Mark Draper and Mark Dubois rejoined the meeting prior to the beginning of this agenda item.

Two entities, the Natural Resources Council of Maine and Sierra Club Maine, requested that the Board assume original jurisdiction of an application for a minor revision to the May 11, 2020, Order of the Commissioner conditionally approving the applications of CMP to construct the NECEC project. Commissioner Loyzim sent to the Board her February 10, 2021, determination that the minor revision application does not qualify for original Board jurisdiction and fails to meet the requisite three of four criteria set forth in Department rule Chapter 2, section 17(C). At its meeting on February 18, 2021, some Board members expressed interest in placing the matter on a meeting agenda to obtain additional information about the minor revision application as part of a further discussion.

Mr. Beyer provided an overview of the pending minor revision application. Mr. Beyer and Ms. Bensinger answered Board questions regarding the application, the procedural framework, including applicable Board rule provisions, and the posture of the original jurisdiction requests in the context of the pending Board appeals of the underlying NECEC Order and an appeal of a subsequent permit transfer order.

The Board voted (7-0-0-0) on a motion by Mark Dubois and seconded by James Parker to decline to independently consider the issue, separate from the Commissioner's determination, and advance its discussion to an evaluation of the criteria used to determine projects of statewide significance and whether to assume original jurisdiction of the minor revision application.

The vote was taken pursuant to 38 M.R.S. § 341-D.
All Board members voted to support the motion.

(The meeting adjourned at approximately 10:15 a.m.)