



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

IN THE MATTER OF

NORDIC AQUAFARMS, INC.)	
Belfast and Northport, Waldo County)	
)	
)	LICENSE SURRENDER, RESCISSION
L-028319-0001)	DECISION AND ORDER
A-1146-71-A-N)	
ME0002771/W009200-6F-A-N)	

On November 19, 2020, the Board of Environmental Protection (Board) issued to Nordic Aquafarms, Inc. (Nordic) a Site Location of Development Law and Natural Resources Protection Act permit, # L-28319-26-A-N / L-28319-TG-B-N / L-28319-4E-C-N / L-28319-L6-D-N / L-28319-26-A-N (Site Law/NRPA Permit), an Air Emissions License #A-1146-71-A-N (Air License), and a wastewater discharge license/Maine Pollutant Discharge Elimination System Permit # ME0002771/W009200-6F-A-N (MEPDES Permit) (collectively the Licenses). Following petitions to suspend or revoke the Licenses, the Commissioner of the Department of Environmental Protection (Department) suspended the Site Law/NRPA Permit and Air License on June 21, 2023, and outlined conditions that Nordic would be required to meet to unsuspend the Site Law/NRPA Permit and Air License. Subsequent events resulted in the need for further action from the Department, and on January 16, 2024, the Department supplemented the suspension with additional conditions that Nordic would be required to meet. Nordic has not sought to lift the suspension of either the Site Law/NRPA Permit or the Air License, or to establish that any of the conditions that would unsuspend those permits in either the original suspension or supplemented suspension have been met. On January 17, 2025,¹ Nordic petitioned the Commissioner for rescission or surrender of all of the Licenses (Petition). The Department has considered the Petition with its supporting documentation, and other related materials on file, and finds the following facts:

I. PETITION TO SURRENDER OR RESCIND:

1. On January 17, 2025, Nordic submitted its Petition asking the Commissioner for rescission of certain permits pursuant to relevant provisions of Maine’s *Site Location of Development Law* (Site Law), 38 M.R.S. § 489-C, and *Stormwater Management Law*, 38 M.R.S. § 420-D(14), and for surrender of the balance of Nordic’s other Licenses,

¹ The Petition and attached form are dated December 31, 2024. Nordic representatives submitted the Petition via email to the Commissioner on January 17, 2025, which the Department references as the receipt date of the Petition.

which the Department interprets as encompassing Nordic's Air License, MEPDES Permit, and any component of its Site Law/NRPA Permit not subject to rescission.

The Department circulated the Petition to parties to the underlying licensing and suspension proceedings on January 31, 2025, and requested that any objections be made by February 7, 2025. The Department received one objection, prior to circulating the Petition, in the form of a renewed petition to revoke the Licenses submitted by The Friends of the Harriet L. Hartley Conservation Area, Jeffrey R. Mabee and Judith B. Grace, and the Maine Lobstering Union and commercial lobster and crab license holders Wayne Canning and David Black (collectively MGLF). As noted in the Department's January 31, 2025 communication, this sole objection involved the preferred manner by which Nordic's project licenses would be eliminated (i.e., surrender/rescission vs. revocation) only. This was confirmed by counsel for MGLF, who also conveyed MGLF's support for any action by the Commissioner to extinguish Nordic's ability to use the Licenses.

2. 38 M.R.S. § 344(10) permits a license to be voluntarily surrendered by the license holder upon Department approval unless otherwise provided by statute or rule. The *Site Location of Development Law*, 38 M.R.S. § 489-C, and *Stormwater Management Law*, 38 M.R.S. § 420-D(14), each contain more specific language related to rescission, rather than surrender, of licenses under those laws whereby the Department shall rescind permits when certain conditions are met. As a holder of a Site Law permit, which subsumes stormwater permitting pursuant to 38 M.R.S. § 420-D(5), Nordic is subject to the rescission language in the Site Law. Pursuant to 38 M.R.S. § 489-C, the Commissioner "shall rescind a permit upon request and application of the permittee if no outstanding permit violation exists, the development is not continued or completed and . . . The permittee has not constructed or caused to be constructed, or operated or caused to be operated, a development other than a subdivision."²
3. Chapter 2, § 22 of the Department's rule concerning the *Processing of Applications and Other Administrative Matters*, also addresses requirements for petitions to rescind or surrender licenses. Pursuant to Chapter 2, § 22(A), the Commissioner will rescind a Site Law license upon petition of the licensee provided the conditions set forth in 38 M.R.S. § 489-C are met. Pursuant to Chapter 2, § 22(B), a petition by a licensee to surrender its license may, at the Commissioner's discretion, be granted provided no outstanding license violation exists.
4. In its Petition, Nordic states, and the Department finds, that: "No construction, development, or operations authorized by the above captioned licenses has occurred. Nordic does not anticipate that any such will occur on a timeline consistent with the terms and requirements of those licenses." This is also consistent with the suspended status of Nordic's project as set forth in my June 21, 2023 suspension order and my

² Section 489-C also includes requirements for subdivisions and reclamation following borrow, clay or topsoil mining not relevant here.

January 16, 2024 supplement to the suspension conditions. In addition, consistent with the requirement in Chapter 2, § 22(B), Nordic waived notice and an opportunity for hearing in advance of any Commissioner approval of this Petition.

5. Based on the discussion above, as well as the Petition and its supporting documentation and other related materials on file, the Department finds that Nordic has met the relevant requirements for rescission and surrender of the Licenses. The development as proposed in the Licenses has not continued or been constructed or completed, and no outstanding license violations exist.

II. ACTION AND ORDER:

Based on the above findings of facts, analysis, and conclusions, I, Melanie Loyzim, Commissioner of the Department of Environmental Protection, hereby approve Nordic's January 17, 2025 Petition to rescind or surrender the Licenses. I hereby rescind all Site Law portions of Nordic's Site Law/NRPA Permit, including permit number L-28319-26-A-N. I also hereby approve Nordic's requested surrender of the NRPA portion of Nordic's Site Law/NRPA Permit, including permit numbers #L-28319-TG-B-N / L-28319-4E-C-N/ L-28319-L6-D-N/ L-28319-TW-E-N; the Air License #A-1146-71-A-N; and the MEPDES Permit # ME0002771/W009200-6F-A-N.

This decision supersedes all prior Department decisions involving the Licenses, related approvals and Department actions, and the Nordic project as proposed in the Licenses, including my June 21, 2023 suspension order and my January 16, 2024 supplement to suspension conditions. This decision also addresses and operates to dismiss, as moot, all other pending applications or other submissions to the Department related to the Licenses or to comply with conditions of the Licenses, including but not limited to the MGLF renewed petition to revoke the Licenses dated January 24, 2025 and L-028319-26-F-C (Water Resources Monitoring Plan condition compliance application). This decision further eliminates Nordic's obligation to comply with MEPDES Permit conditions regarding ambient water quality monitoring.

Should Nordic wish to pursue further activity at the project site requiring a Department approval, it may apply for new permits in accordance with applicable laws and regulations.

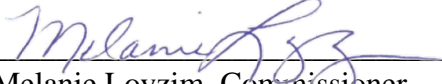
III. APPEAL RIGHTS:

Pursuant to Chapter 2, § 25 the decision to take no action with respect to MGLF's requested revocation of the Licenses are within the Commissioner's sole discretion and are not subject to judicial review. Otherwise, this order is a final licensing decision on an application, as defined by 38 MRS § 344(9). Board review of Department decisions is addressed by 38 M.R.S. § 341-D(4) and Chapter 2, §23. Judicial review of Department decisions is addressed by 38 M.R.S. § 346; Chapter 2, § 28; 5 M.R.S §§ 11001-11008; and Maine Rule of Civil Procedure 80C.

Rescission/Surrender Order
Nordic Aquafarms
March 19, 2025
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DONE AND DATED AT AUGUSTA, MAINE, THIS 19th DAY OF MARCH, 2025.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:  _____
Melanie Loyzim, Commissioner