



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
BOARD OF ENVIRONMENTAL PROTECTION

Susan M. Lessard, Chair

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January 8, 2026

**SENT VIA ELECTRONIC MAIL ONLY**

Senator Denise Tepler  
Representative Victoria Doudera  
Joint Standing Committee on Environment and Natural Resources  
c/o Legislative Information Office  
100 State House Station  
Augusta, Maine 04333

**Re: Board of Environmental Protection  
Report to the First Regular Session of the 132<sup>nd</sup> Maine State Legislature**

Dear Senator Tepler, Representative Doudera, and Committee Members:

Pursuant to 38 M.R.S. § 341-D(7), the Board of Environmental Protection is required to report to the Joint Standing Committee on Environment and Natural Resources by January 15 of the first regular session of the Legislature on the effectiveness of the State's environmental laws and any recommendations for the amending those laws or the laws governing the Board. The enclosed report, which summarizes the Board's responsibilities and activities in calendar year 2025, is respectfully submitted to the Second Regular Session of the 132<sup>nd</sup> Maine State Legislature.

If the Committee would like to discuss this report, incoming Board Chair Robert Duchesne is available to meet with you at your convenience. I can be reached by contacting Board Executive Analyst William Hinkel at 207-314-1458 or [bill.hinkel@maine.gov](mailto:bill.hinkel@maine.gov).

Respectfully submitted,

Susan M. Lessard, Chair  
Board of Environmental Protection

Enclosure: Board Report 2025

cc: Melanie Loyzim, DEP Commissioner

# **Report to the Joint Standing Committee on Environment and Natural Resources**

## **Board of Environmental Protection Summary of Activities in Calendar Year 2025 and Recommendations for Committee Consideration**

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**Board of Environmental Protection  
Report to the Joint Standing Committee on  
Environment and Natural Resources**

**Summary of Activities in Calendar Year 2025**

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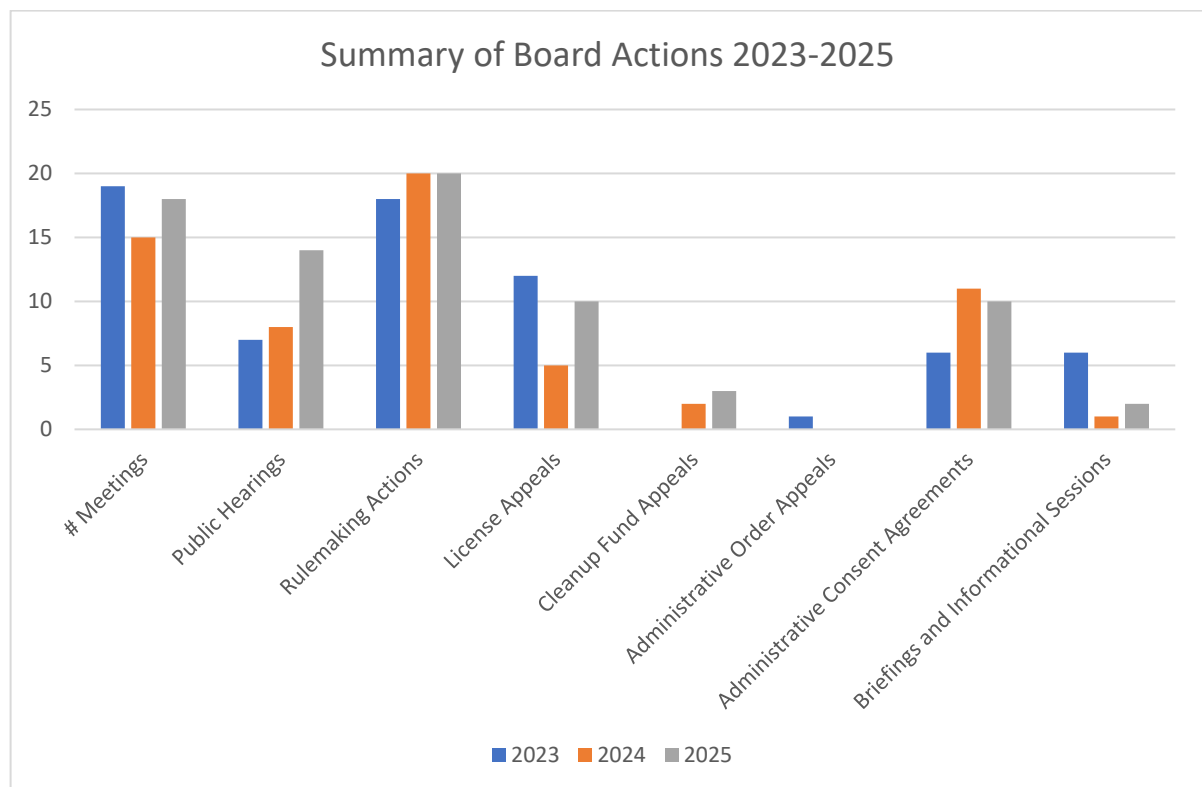
**Board of Environmental Protection**  
**Report to the Joint Standing Committee on**  
**Environment and Natural Resources**

**Summary of Activities in Calendar Year 2025**

**I. EXECUTIVE SUMMARY**

In calendar year 2025, the Board of Environmental Protection (“Board”) conducted 18 meetings, held 14 public hearings, and acted on 20 rulemakings, 10 appeals of Commissioner licensing decisions, three appeals of insurance claims-related matters of the Commissioner or the Office of the State Fire Marshal made under 38 M.R.S. § 568-A (i.e., Cleanup Fund Appeals), and 10 administrative consent agreements. None of the decisions made by the Board in 2025 was appealed to court. For comparison purposes, Figure 1 summarizes Board actions in 2023-2025.

**Figure 1. Summary of Board actions in calendar years 2023 through 2025.**



## **II. INTRODUCTION**

Maine law requires the Board to report to the joint standing committee having jurisdiction over natural resource matters by January 15 of the first regular session of each Legislature on the effectiveness of the environmental laws of the State and any recommendations for amending those laws or the laws governing the Board. 38 M.R.S. § 341-D(7). Although not required each year, in practice, the Board reports on its activities annually to the Joint Standing Committee on Environment and Natural Resources (“Committee”). This report is submitted to the Second Regular Session of the 132<sup>nd</sup> Maine State Legislature.

Section III of this report provides an overview of the Board’s membership, duties, and responsibilities. Section IV summarizes matters considered by the Board in 2025, including recommendations to the Legislature. Section V summarizes recently settled and pending litigation of orders and decisions issued by the Board.

## **III. BOARD MEMBERSHIP, DUTIES AND RESPONSIBILITIES**

- A. Membership. The Board is a seven-member citizen board whose members are appointed by the Governor and approved by the Legislature. 38 M.R.S. § 341-C. The purpose of the Board is to “provide informed, independent and timely decisions on the interpretation, administration and enforcement of the laws relating to environmental protection and to provide for credible, fair and responsible public participation in department decisions.” 38 M.R.S. § 341-B.

Board members are appointed for staggered four-year terms, and a member may not serve more than two consecutive four-year terms. Susan Lessard was appointed by the Governor to serve as the Board Chair through January 15, 2026. Ms. Lessard’s second consecutive term expires on January 30, 2026. Ms. Lessard has volunteered her service to this Board a total of 16 years under three gubernatorial administrations (2007-2011, 2011-2015, 2018-2022, and 2022-2026). Governor Mills appointed Board member Robert Duchesne to serve

as the new Chair, effective January 16, 2026. Board member biographies are provided as Attachment A to this report.

B. Responsibilities. The Board's responsibilities as set forth in 38 M.R.S. § 341-D and § 341-H are summarized below. Proceedings before the Board are governed by the Maine Administrative Procedure Act, Maine statutes and procedural rules governing the various types of proceedings (e.g., rulemaking, appeal proceedings, adjudicatory hearings, etc.), and by program-specific statutes and rules. Notice of each Board meeting is made in accordance with the Freedom of Access Act, 1 M.R.S. § 406, and all meetings of the Board, which are typically held on the first and third Thursdays of each month, are open to the public. All meetings of the Board are held in-person, unless otherwise specified on the Board meeting notice and agenda. As a convenience, the Board generally provides a live video stream of its meetings for those who wish to watch the proceeding from a remote location. The link for a live stream of each Board meeting is provided on the Board meeting notice and agenda. Audio recordings of each Board meeting are made and an electronic link to the recording is available upon request made to the Board Clerk at [clerk.bep@maine.gov](mailto:clerk.bep@maine.gov). The Board's [webpage](#) provides member biographies, meeting materials, information on pending matters of broad public interest, and guidance to facilitate public participation in matters pending before the Board.

1. Rulemaking. The Board has authority to adopt, amend, or repeal reasonable rules and emergency rules necessary for the interpretation, implementation and enforcement of the laws administered by the Department. The Board also has authority to adopt, amend, and repeal rules as necessary for the conduct of the Department's business.
2. Appeals of Commissioner Licensing and Enforcement Actions. An aggrieved person may appeal to the Board a final license or permit decision of the Commissioner. The Board also decides appeals of emergency orders and unilateral compliance and clean-up orders issued by the Commissioner pursuant to 38 M.R.S. § 347-A(3).

3. Appeals of Ground and Surface Waters Clean-up and Response Fund Claim Decisions. The Ground and Surface Waters Clean-up and Response Fund (“Fund”) provides for the investigation, mitigation and removal of discharges or threats of discharge of oil from underground and aboveground oil storage tank systems, including the restoration of contaminated water supplies. Costs eligible for coverage by the Fund are expenses that are necessary to clean up discharges of oil to the satisfaction of the Commissioner, are cost-effective and technologically feasible and reliable, effectively mitigate or minimize damages, and provide adequate protection of public health and welfare and the environment. The Department administers Fund coverage claim applications related to discharges of oil from underground storage tank systems while the State Fire Marshal administers Fund coverage claim applications related to discharges of oil from aboveground storage tank systems. The Department (for underground storage tanks) or State Fire Marshal (for aboveground storage tanks) issues orders specifying eligibility and deductibles.
4. Decisions on Certain Permit Applications. The Commissioner and the Board are both responsible for reviewing and deciding applications for licenses and permits; however, 38 M.R.S. § 341-D(2) specifies certain types of applications that may only be decided by the Board. The law establishes that the Board must assume original jurisdiction over the following, and only the following, types of license and permit applications.
- A new mining permit required pursuant to the Maine Metallic Mineral Mining Act, 38 M.R.S. § 490-OO;
  - A license for a new solid waste disposal facility required pursuant to the Solid Waste Facility Siting Law, 38 M.R.S. § 1310-N;
  - A permit for a new high-impact electric transmission line, as defined in 35-A M.R.S. § 3131(4-A), required pursuant to the Site Location of Development Law, 38 M.R.S. § 483-A;

- A license for a new wastewater discharge required pursuant to the Waste Discharge Licenses Law, 38 M.R.S. § 413, that, as determined by the Department, is expected to use more than 20% of the assimilative capacity of the receiving water;
- A permit for a new offshore wind terminal required pursuant to the Site Location of Development Law, 38 M.R.S. § 483-A; and
- A permit for a new nuclear power plant, as defined in Nuclear Power Generating Facilities Law, 35-A M.S.R. § 4352(9), required pursuant to the Site Location of Development Law, 38 M.R.S. § 483-A.

The Commissioner may not decide any of the application types listed above. The Board may not assume jurisdiction over any other type of license or permit application other than those listed above, unless both the applicant and the Commissioner jointly refer the application to the Board, or Maine statute requires the Board to decide specific application types, such as 38 M.R.S. § 1319-R(3) pertaining to site review of commercial hazardous waste facilities.

The Board may not assume jurisdiction over an application for: an expedited wind energy development project as defined in 35-A M.R.S. § 3451(4); a certification for a smaller-scale wind energy development in organized areas pursuant to 35-A M.R.S. § 3456; a general permit for a general permit for offshore wind energy demonstration project pursuant to 38 M.R.S. § 480-HH; or a general permit for tidal energy demonstration project pursuant to 38 M.R.S. § 636-A.

5. License Modification or Corrective Action. At the request of the Commissioner and after written notice and opportunity for hearing, the Board may modify, in whole or in part, any license, or issue an order prescribing necessary corrective action whenever the Board finds that any of the criteria at 38 M.R.S. § 342(11-B) are met.

6. Administrative Consent Agreements. Any administrative consent agreement to resolve a violation of laws administered by the Department must be approved by the Board to be valid. After negotiating a proposed resolution pursuant to 38 M.R.S. § 347-A(1), the Commissioner may bring a proposed administrative consent agreement to the Board for consideration, and the Board may approve it or reject it with instructions for further consideration or negotiations by the Department.
7. Recommendations to the Legislature. The Board is charged with making recommendations to the Legislature regarding the environmental laws of the State and any recommendations for amending those laws or the laws governing the Board.
8. Other Duties. The Board must carry out other duties as required by law. Other duties specified in statute include, among other things, holding hearings on and making recommendations to the classification of waters of the State it deems necessary to the Legislature.

#### IV. SUMMARY OF MATTERS BEFORE THE BOARD IN 2025

##### A. Rulemaking

The Board acted on 20 rulemaking proposals in calendar year 2025. A summary of the rulemaking actions follows.

1. Chapter 90, *Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances*. The Department initiated routine technical rulemaking in calendar year 2025 to revise existing rule, Chapter 90, to incorporate statutory changes to the program made through P.L. 2021, ch. 477, *An Act To Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution*; P.L. 2023, ch. 138, *An Act to Support Manufacturers Whose Products Contain Perfluoroalkyl and Polyfluoroalkyl Substances*; and P.L. 2023, ch. 630, *An Act to Support Manufacturers Whose Products Contain Perfluoroalkyl and Polyfluoroalkyl Substances*.

These legislative changes eliminate the general notification requirement that was previously scheduled to take effect on January 1, 2025, and created several new sales prohibitions for products with intentionally added PFAS with varying effective dates, created some specific exemptions to the prohibitions, and established a new reporting program for those product categories that receive a currently unavoidable use (“CUU”) determination from the Department. Because the general reporting requirement has been eliminated, CUU proposals are now only applicable to those product categories subject to upcoming sales prohibitions. Regulated manufacturers whose products are included within a CUU determination must now report their continued use of PFAS to the Department prior to continuing sales after the effective date of a prohibition.

The Board held a public hearing on the proposed amendments to Chapter 90 on January 16, 2025, and on April 7, 2025, adopted the amended rule. The rule went into effect on May 6, 2025.

2. Chapter 90, *Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances*. The Department initiated a second routine technical rulemaking in calendar year 2025 to revise existing rule, Chapter 90. When the use of PFAS is critical to a product that is determined to be essential for health, safety or the functioning of society, and for which alternatives are not reasonably available, the Legislature has provided for CUU determinations by the Department through routine technical rulemaking. “Essential for health, safety or the functioning of society” is defined as a use of a PFAS in a product when the function provided by the PFAS is necessary for the product to perform as intended, such that the unavailability of the PFAS for use in the product would cause the product to be unavailable, which would result in: (1) a significant increase in negative health outcomes; (2) an inability to mitigate significant risks to human health or the environment; or (3) a significant disruption of the daily functions on which society relies. The Department received 11 CUU proposals for consideration in the following product categories: cookware product (5 proposals), cleaning product (4 proposals), cosmetic product container (1 proposal), and upholstered furniture (1 proposal).

The Board considered whether the use of PFAS in the product is necessary for the product to perform as intended, with particular attention to whether the absence of the PFAS used has the potential to result in the product becoming unavailable and creating any of the negative outcomes detailed in the definition of “essential for health, safety and the functioning of society.” Similarly, within the category of container, the Board also weighed the necessity of PFAS use in the container with the ability of the container to function properly without the use of PFAS.

The Board held a public hearing on the proposed amendments to Chapter 90 on August 21, 2025, and on October 2, 2025, adopted the amended rule. The rule went into effect on October 7, 2025.

3. Chapter 111, *Petroleum Liquid Storage Vapor Control*. The Department initiated routine technical rulemaking in 2024 to revise Chapter 111, *Petroleum Liquid Storage Vapor Control*, to clarify applicability and to remove the prohibition on tank degassing during certain periods of the year due to the implementation of new control requirements pursuant to Department rule Chapter 170, *Degassing of Petroleum Storage Tanks, Marine Vessels, and Transport Vessels*.

The Board held a public hearing on the proposed amendments to Chapter 111 on January 16, 2025, and on March 6, 2025, adopted the amended rule. The rule went into effect on March 25, 2025.

4. Chapter 138, *Reasonably Available Control Technology for Facilities that Emit Nitrogen Oxides (NOx RACT)*. The Department initiated routine technical rulemaking in 2024 to revise Chapter 138 to clarify applicability; reevaluate NOx RACT for affected facilities located in the ozone transport region due to promulgation of the 2015 8-hour ozone National Ambient Air Quality Standard; replace blanket exemptions for periods of startup, shutdown, and malfunction with alternative emission limits; and remove outdated and obsolete requirements.

The Board held a public hearing on the proposed amendments to Chapter 138 on October 17, 2024, and on April 7, 2025, adopted the amended rule. The rule went into effect on May 7, 2025.

5. Chapter 145, *NOx Control Program*. The Department initiated routine technical rulemaking in 2025 to revise existing rule, Chapter 145, *NOx Control Program*. When Chapter 145 was adopted in 2001, it applied to affected sources located in areas of the state that were not covered by a waiver of NOx control requirements pursuant to Section 182(f) of the 1990 Clean Air Act Amendments. Section 182(f) applies to ozone nonattainment areas and areas within the Ozone Transport Region (“OTR”). At the time, the entire state was part of the OTR. The NOx waiver provisions of the Clean Air Act recognized that requiring additional NOx emission reductions was not appropriate in certain cases. Chapter 145 acknowledged this and limited applicability to areas of the state that were not covered by such a waiver. Maine applied for and received a Section 182(f) NOx waiver on several occasions, including a state-wide waiver in 2014.

In February 2020, the State of Maine petitioned the U.S. Environmental Protection Agency to remove the majority of the state from the OTR. The U.S. Environmental Protection Agency granted the State’s petition, and the change became effective on March 14, 2022. This petition approval makes the question of a Section 182(f) NOx waiver irrelevant for much of the state, in that it permanently removes portions of the state from the OTR.

In 2024, Chapter 145 was revised to clarify applicability and to remove obsolete requirements. However, this revision did not include the removal of language in the applicability section referencing Section 182(f) NOx waivers.to clarify applicability; reevaluate NOx RACT for affected facilities located in the ozone transport region due to promulgation of the 2015 8-hour ozone National Ambient Air Quality Standard; replace blanket exemptions for periods of startup, shutdown, and malfunction with alternative emission limits; and remove outdated and obsolete requirements.

On November 6, 2025, the Board voted to post the proposed Chapter 145 rule for public comment. Further rulemaking activity on the proposed amendments to Chapter 145 is anticipated in 2026.

6. Chapter 149, *General Permit Regulation for Nonmetallic Mineral Processing*. The Department initiated routine technical rulemaking in calendar year 2025 to revise existing rule, Chapter 149. The rulemaking action was proposed to clarify applicability and exclusions, remove emission standards for nonroad engines, allow for the submission of registrations and other information through an electronic licensing system, align requirements for visible emissions with those in Department rule Chapter 101, *Visible Emissions Regulation*, and to address the voluntary surrender and transfer of a general permit.

The Board held a public hearing on the proposed amendments to Chapter 149 on September 18, 2025, and on November 6, 2025, adopted the amended rule. The rule went into effect on December 1, 2025.

7. Chapter 164, *General Permit for Concrete Batch Plants*. The Department initiated routine technical rulemaking in calendar year 2025 to revise existing rule, Chapter 164. The rulemaking action was proposed to clarify applicability and exclusions, remove emission standards for nonroad engines, allow for the submission of registrations and other information through an electronic licensing system, align requirements for visible emissions with those in Department rule Chapter 101, *Visible Emissions Regulation*, and to address the voluntary surrender and transfer of a general permit.

The Board held a public hearing on the proposed amendments to Chapter 164 on September 18, 2025, and on November 6, 2025, adopted the amended rule. The rule went into effect on December 1, 2025.

8. Chapter 165, *General Permit for Class IV-A Incinerators*. The Department initiated routine technical rulemaking in calendar year 2025 to revise existing rule, Chapter 165. The rulemaking action was proposed to clarify applicability and exclusions, allow for

the submission of registrations and other information through an electronic licensing system, align requirements for visible emissions with those in Department rule Chapter 101, *Visible Emissions Regulation*, and to address the voluntary surrender and transfer of a general permit.

The Board held a public hearing on the proposed amendments to Chapter 165 on September 18, 2025, and on November 6, 2025, adopted the amended rule. The rule went into effect on December 1, 2025.

9. Chapter 167, Tracking and Reporting Gross and Net Annual Greenhouse Gas Emissions. The Department initiated routine technical rulemaking in calendar year 2025 to amend existing Department rule Chapter 167. The Department compiles a complete greenhouse gas emissions inventory every two years and reports its analysis to the Legislature. That report includes an estimate of both gross anthropogenic emissions and net greenhouse gas emissions (i.e., a carbon budget, which includes both gross anthropogenic emissions to the atmosphere and carbon sequestered by the environment).

Pursuant to 38 M.R.S. § 576-A (4), “By July 1, 2021, the Department shall adopt rules to track and report to the Legislature on gross annual greenhouse gas emissions and net annual greenhouse gas emissions.” Chapter 167 was originally adopted in July 2021 to meet this requirement. Chapter 167 establishes methods for the calculation of annual greenhouse gas emissions as required, outlining the methods, data sources, and assumptions used to compile and report these inventories. Methods and data sources used to calculate greenhouse gas emissions and compile the inventory are regularly updated. The proposed amendments to Chapter 167 are intended to align the existing rule with the latest methodologies and data.

The emissions estimates are used to assess Maine’s progress toward meeting the gross greenhouse gas reductions set out in 38 M.R.S. §§ 576-A (1) and (3). The net emissions estimate will be used to gauge Maine’s progress toward the 2045 carbon neutrality goal

pursuant to 38 M.R.S. § 576-A(2-A). The Department will use these methods to measure progress toward these reductions and toward the goals of the climate action plan described in 38 M.R.S. § 577.

Further rulemaking activity on the proposed amendments to Chapter 167 is anticipated in 2026.

10. Chapter 305, *Natural Resources Protection Act - Permit by Rule Standards*. In conjunction with the proposed Chapter 310 revisions described below, the Department initiated routine technical rulemaking in 2024 to amend Chapter 305 in response to increased interest in shoreline stabilization activities requiring a Natural Resources Protection Act permit and to ensure conformity with recently passed legislation. The goals of the proposed rulemaking are to encourage nature-based shoreline stabilization methods using vegetation and biodegradable stabilization materials; place appropriate limits on the use of hardened stabilization structures like riprap and seawalls to ensure project impacts are reasonable and to address cumulative impacts; and to simplify and speed up the permitting process for applicants and the Department. The proposed rule changes would also implement two laws passed by the 131<sup>st</sup> Legislature: P.L. 2023, ch. 97, *An Act to Improve Coastal Sand Dune Restoration Projects*, and P.L. 2023, ch. 531, *An Act to Amend the Natural Resources Protection Act to Enhance the State's Ability to Respond to and Prepare for Significant Flood Events and Storm Surge*.

The Board held a public hearing on the proposed amendments to Chapter 305 on December 19, 2024, and on May 1, 2025, adopted the amended rule. The rule went into effect on June 15, 2025.

11. Chapter 305, *Natural Resources Protection Act - Permit by Rule Standards*. In conjunction with the proposed Chapter 335 revisions described below, the Department initiated routine technical and major substantive rulemaking in 2025 to amend Chapter 305 in response to laws passed by the Legislature in 2023 (P.L. 2023, ch. 156, *An Act to Include Endangered and Threatened Species Habitat in the Definition of "Significant*

*Wildlife Habitat” Under the Natural Resources Protection Act*) and 2025 (P.L. 2025, ch. 338, *An Act Regarding the Regulation of Significant Vernal Pools Under the Natural Resources Protection Act*). P.L. 2023, ch. 156 expanded the list of significant wildlife habitats to include habitat for state endangered and state threatened species. P.L. 2025, ch. 338 changed the way significant vernal pool habitat, a type of significant wildlife habitat, is regulated. The proposed revisions to Chapters 305 and 335 would incorporate the statutory changes related to significant wildlife habitat and were developed in collaboration with staff from the Department of Inland Fisheries and Wildlife.

The Board held a public hearing on the proposed amendments to Chapter 305 on November 6, 2025, and on December 18, 2025, adopted the routine technical sections and provisionally adopted the major substantive sections of the amended rule. The routine technical sections of the rule went into effect on January 6, 2026. Further rulemaking activity on the provisionally-adopted, major substantive sections of the rule is anticipated in 2026.

12. Chapter 310, *Wetlands and Waterbodies Protection*. The Department initiated routine technical rulemaking in 2025 to amend Chapter 310, which governs activities that require a Natural Resources Protection Act (“NRPA”) permit and occur within and adjacent to wetlands and waterbodies. Chapter 310 distinguishes certain wetlands and waterbodies as Wetlands of Special Significance (“WoSS”) and applies different regulatory criteria to them.

Most types of development are not allowed in a WoSS. Activities allowed in WoSS include health and safety projects, road, rail or utility crossings, water dependent uses, expansion of grandfathered development, mineral excavation and associated development, walkways, shoreline stabilization, and activities undertaken to restore or enhance the wetland.

Many wetlands and water bodies are interconnected over long distances. If a significant wildlife habitat, such as a significant vernal pool habitat or an inland waterfowl and wading bird habitat, or other triggering feature, such as an S1 or S2 community or a peatland, is found within the interconnected wetland, then the whole wetland is considered a WoSS. The triggering feature may be very distant from the proposed development site, such that there is no reasonable risk of negative impact to the triggering feature from development.

The Department seeks to revise Chapter 310 to maintain significant minimum protections for WoSS while providing a path forward to permit certain developments when the WoSS-triggering feature is unlikely to be impacted. The proposed rule revision would also add rivers, streams and brooks to the definition of WoSS.

The Board held a public hearing on the proposed amendments to Chapter 310 on September 18, 2025, and on December 18, 2025, adopted the amended rule. The rule went into effect on January 5, 2026.

13. Chapter 310, *Wetlands and Waterbodies Protection*. In conjunction with the proposed Chapter 305 revisions described above, the Department initiated routine technical rulemaking in 2024 to amend Chapter 310 in response to increased interest in shoreline stabilization activities requiring a Natural Resources Protection Act permit and to ensure conformity with recently passed legislation. The goals of the proposed rulemaking are to encourage nature-based shoreline stabilization methods using vegetation and biodegradable stabilization materials; place appropriate limits on the use of hardened stabilization structures like riprap and seawalls to ensure project impacts are reasonable and to address cumulative impacts; and to simplify and speed up the permitting process for applicants and the Department. The proposed rule changes would also implement two laws passed by the 131<sup>st</sup> Legislature: P.L. 2023, ch. 97, *An Act to Improve Coastal Sand Dune Restoration Projects*, and P.L. 2023, ch. 531, *An Act to Amend the Natural Resources Protection Act to Enhance the State's Ability to Respond to and Prepare for Significant Flood Events and Storm Surge*.

The Board held a public hearing on the proposed amendments to Chapter 310 on December 19, 2024, and on May 1, 2025, adopted the amended rule. The rule went into effect on June 15, 2025.

14. Chapter 335, *Significant Wildlife Habitat*. In conjunction with the proposed Chapter 305 revisions described above, the Department initiated routine technical and major substantive rulemaking in 2025 to amend Chapter 335 in response to laws passed by the Legislature in 2023 (P.L. 2023, ch. 156, *An Act to Include Endangered and Threatened Species Habitat in the Definition of “Significant Wildlife Habitat” Under the Natural Resources Protection Act*) and 2025 (P.L. 2025, ch. 338, *An Act Regarding the Regulation of Significant Vernal Pools Under the Natural Resources Protection Act*). P.L. 2023, ch. 156 expanded the list of significant wildlife habitats to include habitat for state endangered and state threatened species. P.L. 2025, ch. 338 changed the way significant vernal pool habitat, a type of significant wildlife habitat, is regulated. The proposed revisions to Chapters 305 and 335 would incorporate the statutory changes related to significant wildlife habitat and were developed in collaboration with staff from the Department of Inland Fisheries and Wildlife.

The Board held a public hearing on the proposed amendments to Chapter 335 on November 6, 2025, and on December 18, 2025, provisionally adopted the amended rule. Further rulemaking activity on the provisionally-adopted rule is anticipated in 2026.

15. Chapter 375, *No Adverse Environmental Effect Standards of the Site Location of Development Act*. The Department initiated major substantive rulemaking in calendar year 2023 to amend its existing Chapter 375 rule to incorporate requirements of L.D. 1881, *An Act Regarding Compensation Fees and Related Conservation Efforts to Protect Soils and Wildlife and Fisheries Habitat from Solar and Wind Energy Development and High-impact Electric Transmission Lines Under the Site Location of Development Laws*, which was signed by the Governor on July 26, 2023 (P.L. 2023, ch. 448).

The Board held a public hearing on the proposed amendments to Chapter 375 on March 7, 2024, and provisionally adopted the proposed amendments to Chapter 375 on December 5, 2024. The provisionally-adopted rule was timely filed with the Legislative Council on January 6, 2025. A Resolve concerning legislative approval of Chapter 375 (L.D. 269) was printed and referred to the Committee on Environment and Natural Resources on January 23, 2025. The Committee amended the Resolve and voted unanimously Ought to Pass as Amended on May 19, 2025. The Resolve was reported out of Committee on May 29, 2025. The Legislature passed the Resolve, as amended, and the Governor signed it on June 10, 2025. Because it was passed as emergency legislation, the Resolve took effect immediately. The Board finally adopted Chapter 375 on August 7, 2025, and the rule went into effect on September 14, 2025.

16. Chapter 379, *No Adverse Environmental Effect Standards of the Site Location of Development Act*. The Department initiated major substantive rulemaking in calendar year 2025 to develop a new rule to implement 38 M.R.S. § 484-C of the Site Location of Development Law: Solar energy compensation fee for impact to high-value agricultural land. The new rule would regulate compensation requirements and establish an in-lieu fee compensation program for impacts to high-value agricultural land from solar energy development that requires a Site Law permit, as mandated by P.L. 2023, ch. 448, *An Act Regarding Compensation Fees and Related Conservation Efforts to Protect Soils and Wildlife and Fisheries Habitat from Solar and Wind Energy Development and High-impact Electric Transmission Lines Under the Site Location of Development Laws*. That law amended the Site Location of Development Law and directed the Department, in concert with the Department of Agriculture, Conservation and Forestry (“DACF”), to create compensation fee programs for impacts to high-value agricultural land from solar energy development and for impacts to wildlife and fisheries habitat from renewable energy development.

Chapter 379 would work in concert with DACF’s Chapter 575, *Permitting Solar Energy Development on High-Value Agricultural Land*. DACF Chapter 575 defines high-value agricultural land and sets compensation ratios for impacts to such land from solar

energy development. The proposed Chapter 379 describes how the Department would regulate compensation for impacts to high-value agricultural lands identified during the DACF permitting process.

The Board held a public hearing on the proposed Chapter 379 on February 20, 2025, and provisionally adopted the proposed rule on May 1, 2025. The provisionally-adopted rule was submitted to the Legislative Council on May 6, 2025. A Resolve regarding legislative approval of the provisionally adopted rule (L.D. 1976) was printed and referred to the Committee on Environment and Natural Resources on May 13, 2025. On May 19, 2025, the Committee voted unanimously Ought to Pass with no changes. The Resolve was reported out on May 27, 2025. The Legislature passed the Resolve and the Governor signed it on June 9, 2025. Because it was passed as emergency legislation, the Resolve took effect immediately. The Board finally adopted Chapter 379 on August 7, 2025, and the rule went into effect on September 14, 2025.

17. Chapter 426, Responsibilities under Manufacturers, Distributors, and Dealers of Beverage Containers. The Department initiated routine technical rulemaking in calendar year 2025 to amend existing Department rule Chapter 426, which administers Manufacturers, Distributors and Dealers of Beverage Containers, 38 M.R.S. §§ 3101-3119. Chapter 426 was last updated in 2017, and its underlying statute has been amended several times since then, including through P.L. 2023 ch. 482, *An Act to Modernize Maine's Beverage Container Redemption Law*. Among other things, the 2023 law requires all initiators of deposit (“IODs”) to join commingling groups and to establish a commingling cooperative. The law also changes the way financial responsibility is divided among IODs. Instead of having IODs pay for the redeemed beverage containers on which they initiated deposit, sales data will likely be used to allocate redemption costs.

The Board held a public hearing on the proposed amendments to Chapter 426 on December 4, 2025. Further rulemaking activity on the proposed Chapter 426 is anticipated in 2026.

18. Chapter 428, *Stewardship Program for Packaging*. The Department initiated routine technical rulemaking in calendar year 2025 to revise existing Department rule Chapter 428, *Stewardship Program for Packaging*, which implements the Stewardship Program for Packaging pursuant to 38 M.R.S. § 2146, with the goals of reducing the burden to municipalities of managing packaging material and improving the design and management of packaging material. The rule characterizes packaging material, provides a method for determining municipal reimbursement and producer fees, provides a method and criteria for investing in infrastructure and education, details alternative collection programs, establishes a cap for the packaging stewardship fund, and provides mechanisms for ongoing assessment and updates to the program. The proposed rule amendment would add an appendix that specifies whether various packaging material types are readily recyclable, compostable, or reusable.

The Board held a public hearing on the proposed amendments to Chapter 428 on October 16, 2025. Further rulemaking activity on the proposed Chapter 428 is anticipated in 2026.

19. Chapter 583, *Nutrient Criteria for Class AA, A, B, and C Fresh Surface Waters*. The Department initiated routine technical rulemaking in 2024 to adopt a new rule, Chapter 583, *Nutrient Criteria for Class AA, A, B, and C Fresh Surface Waters*, which establishes ambient water quality criteria for nutrients in most Class AA, A, B and C fresh surface waters of the State and sets forth procedures to establish site-specific values for total phosphorus and other nutrients. The criteria integrate numeric concentration values for total phosphorus with values for response indicators such as chlorophyll, algal cover and sewer fungus in a decision framework for determining attainment of the criteria.

The Board held a public hearing on the proposed Chapter 583 rule on January 16, 2025, and on March 20, 2025, adopted the rule. The rule went into effect on June 11, 2025, upon approval of the U.S. Environmental Protection Agency, pursuant to Section 303(c) of the Clean Water Act and 40 Code of Federal Regulations, Part 131.

20. Chapter 691, Rules for Underground Oil Storage Facilities. The Department initiated routine technical rulemaking in calendar year 2025 to amend existing Department rule Chapter 691, which requires registration of all new and existing underground petroleum tanks. The rule establishes standards for installation of new facilities, and for the operation, maintenance and closure of all types of underground oil storage facilities. Chapter 691 also outlines requirements for reporting and investigating evidence of a possible leak and cleanup of leaks, discharges or other oil pollution at underground storage facilities, certain wastewater treatment units, and certain aboveground oil storage tanks associated with field constructed underground oil storage tanks or airport hydrant systems and aboveground tanks with underground piping.

Chapter 691 was adopted, in part, to implement the statutory requirements in 38 M.R.S. § 564, Regulation of underground oil storage facilities used to store motor fuels or used in the marketing and distribution of oil. The law was amended through P.L. 2023, ch. 16, *An Act to Amend Maine's Underground Oil Storage Tank Laws*, and this proposed rulemaking action incorporates the amended statutory provisions. The proposed rulemaking would also remove outdated provisions of the rule and make other minor language improvements.

The Board voted on October 2, 2026, to post the proposed rule for public comment. Further rulemaking activity on the proposed Chapter 426 is anticipated in 2026.

## **B. Appeals of Commissioner Licensing Decisions**

A person who is aggrieved by a licensing decision of the Commissioner may appeal that decision to the Board. Under provisions of 38 M.R.S. § 341-D(4), the Board may affirm the Commissioner's decision, amend the Commissioner's decision, reverse the Commissioner's decision, or remand the matter to the Commissioner for further proceedings. The Board may hold a hearing on any appeal of a Commissioner's licensing decision. In an appeal proceeding, the Board is not bound by the Commissioner's findings of fact or conclusions of law. The Board's decision on appeal may be appealed to Superior Court (or directly to

the Law Court in the case of an expedited wind energy development). In an appeal to the Board, the appellant and licensee may pursue various forms of alternative dispute resolution in an effort to reach a resolution that is satisfactory to the appeal participants.

Appeals of Commissioner licensing decisions considered by the Board in 2025 are summarized below.

1. Bill Ham. On November 18, 2024, Richard Hendricks and Nancy Hendricks filed with the Board a timely appeal of the October 21, 2024, Order of the Commissioner issued to Bill Ham. That Order approved with conditions the application for a Natural Resources Protection Act Permit and related Water Quality Certification for the alteration of 13,520 square feet of freshwater wetland habitat to construct a roadway and underground electrical utilities for a nine-lot subdivision on a 58-acre undeveloped parcel of land in Buxton. Prior to the Board's consideration of the merits of the appeal for a decision, on March 18, 2025, the Hendricks withdrew their appeal.
2. City of Portland. On June 5, 2025, Stroudwater Neighborhood Association filed with the Board a timely appeal of the May 9, 2025, Order of the Commissioner issued to the City of Portland. That Order approved with conditions the City's application for a Combined Site Location of Development Law and Natural Resources Protection Act Permit and Water Quality Certification for the construction of an approximately 240,000-square-foot parking lot that will provide 684 long-term parking spaces and a 1.9-megawatt battery storage system. The project will result in 4.58 acres of new developed area and 2.85 acres of new impervious area.

On June 18, 2025, and pursuant to Chapter 2, § 23(C)(2), the Board Chair dismissed the appeal by letter order on the grounds that Stroudwater Neighborhood Association failed to demonstrate standing as an aggrieved person.

On June 26, 2025, a representative for Stroudwater Neighborhood Association filed with the Board a timely appeal of the Chair Dismissal Order pursuant to Chapter 2, §

23(C)(2). On August 7, 2025, the Board considered the Dismissal Appeal, heard oral arguments from the Appellant and Licensee, and voted to affirm the Chair Dismissal Order for all the reasons stated in the Board Chair's June 18, 2025, written decision.

3. Christopher Scott Joslin. On July 1, 2025, Christopher Scott Joslin filed with the Board a timely appeal of the June 3, 2025, Order of the Commissioner denying Mr. Scott's application for a Natural Resources Protection Act Permit and related Water Quality Certification for the construction of a new residential pier system in Biddeford. Prior to the Board's consideration of the merits of the appeal for a decision, on October 3, 2025, Christopher Scott Joslin withdrew his appeal.
  4. Eric Picard. On August 6, 2025, Loren McCready, Christopher Quint, and Carrie Cote jointly filed with the Board a timely appeal of the August 18, 2025, licensing decision of the Commissioner issued to Eric Picard. That licensing decision approved with conditions Eric Picard's application for a combined Stormwater Management Law Permit by Rule ("Stormwater PBR") and coverage under the Maine Construction General Permit ("MCGP") to construct a 1,000-linear-foot roadway to serve a proposed residential subdivision on property owned by E & R Development Corporation in Biddeford. The appeal proceedings before the Board are ongoing as of the date of this report.
  5. Lily Pond Partners LLC. On December 3, 2025, December 6, 2025, and December 7, 2025, Stephen Florimbi and Sarah Price, Rob Danegger, and Geoff Scott, respectively, filed with the Board timely appeals of the November 7, 2025, licensing decision of the Commissioner issued to Lily Pond Partners LLC. That licensing decision approved Lily Pond Partners LLC's Natural Resources Protection Act permit by rule (PBR) notification for restoration of natural areas pursuant to Chapter 305, § 12. The project area is in Rockport. The appeal proceedings before the Board are ongoing as of the date of this report.
  6. Maine Department of Inland Fisheries and Wildlife (MDIFW). On November 3, 2025, Deborah Nygaard, Joseph and Deborah Latvenas, and Charles Furer and Elise Whalen
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jointly filed with the Board a timely appeal of the October 3, 2025, Permit by Rule Order of the Commissioner issued to MDIFW. That PBR approved MDIFW's application for the construction of a new public boat launch and parking area in Blue Hill.

On November 17, 2025, MDIFW filed with the Commissioner a petition to surrender the PBR, and on November 19, 2025, the Commissioner issued an order approving the surrender of the PBR. As a result of MDIFW's voluntary surrender, the PBR is no longer in effect and the appeal of the PBR became moot before the Board considered the merits of the appeal for a decision.

7. NECEC Transmission LLC. On December 18, 2025, the Natural Resources Council of Maine, Maine Audubon, the Appalachian Mountain Club, and Trout Unlimited jointly filed with the Board a timely appeal of the November 18, 2025, licensing decision of the Commissioner issued to NECEC Transmission LLC. That licensing decision approved with conditions NECEC Transmission LLC's application for Condition Compliance with NECEC Transmission LLC's Site Location of Development and Natural Resources Protection Act permit for the New England Clean Energy Connect transmission project. The appeal proceedings before the Board are ongoing as of the date of this report.
8. Penobscot Highland Enterprises, Inc. On August 6, 2025, Lambros Karris and Constantine Markides filed with the Board a timely appeal of the July 29, 2025, Stormwater Management Law Permit by Rule Order ("PBR") of the Commissioner issued to Penobscot Highland Enterprises, Inc. That PBR approved with conditions the Penobscot Highland Enterprises, Inc.'s application for a new 11,880-square-foot, one-story building, which includes a 5,000-square-foot hardware store; a 4,000-square-foot indoor warehouse storage area; and two 1,440-square-foot (combined area of 2,880 square feet) non-conditioned storage spaces in Hampden.

On September 3, 2025, Penobscot Highland Enterprises, Inc. filed with the Commissioner a petition to surrender the PBR, and on September 29, 2025, the Commissioner issued an order approving the surrender of the PBR. As a result of Penobscot Highland Enterprises, Inc.'s voluntary surrender, the PBR is no longer in effect and the appeal of the PBR became moot before the Board considered the merits of the appeal for a decision.

9. Poppy's Redemption Center. On September 4, 2024, Kristin Workman, doing business as Four Winds Too, filed with the Board a timely appeal of the July 22, 2024, Order of the Commissioner issued to Poppy's Redemption Center in Jay. That Order approved Poppy's Redemption Center's application for a new redemption center license. On February 20, 2025, the Board voted to remand without vacatur to the Commissioner for additional proceedings the July 22, 2024 Order, with instructions to Department staff to accept and review additional information regarding the licensing criteria and then prepare a proposed Board Order for consideration by the Board at a later date that includes findings of fact, conclusions of law, and a recommendation of a final decision regarding the appeal. On April 17, 2025, the Board voted to grant the appeal and reverse the Commissioner's licensing decision.
10. Rumford Falls Hydro LLC. On September 12, 2024, the Maine Council of Trout Unlimited, American Whitewater, Maine Rivers, the Friends of Richardson Lake, Conservation Law Foundation, and American Rivers filed with the Board a timely appeal of the August 16, 2024, Order of the Commissioner issued to Rumford Falls Hydro LLC. That Order approved with conditions the application for Water Quality Certification for the continued operation of the Rumford Falls Hydroelectric Project on the Androscoggin River in Rumford and Mexico. On July 17, 2025, the Board voted to deny the appeal and affirm the Commissioner's licensing decision.

### **C. Appeals of Insurance Claims-related Decisions of the Commissioner and the State Fire Marshal**

Pursuant to 38 M.R.S. § 341-C(4)(E), the Board hears and decides appeals of insurance claims-related matters of the Commissioner or the Office of the State Fire Marshal made under 38 M.R.S. § 568-A, including but not limited to decisions on eligibility for coverage, eligibility of costs and waiver and amount of deductible. Appeals of insurance claims-related decisions of the Commissioner or the Office of the State Fire Marshal considered by the Board in 2025 are summarized below.

1. Andrea and Doug Alford. On July 30, 2024, the Board received the timely appeal of Andrea and Doug Alford of the Maine Ground and Surface Waters Clean-Up and Response Fund Determination of Eligibility and Assignment of Deductibles Order issued to the Alfords by the Office of the State Fire Marshal on June 10, 2024. On March 6, 2025, the Board voted to grant the appeal with conditions modifying the June 10, 2024, State Fire Marshal Order.
2. Dennis J. and Nancy C. Fay. On March 7, 2024, the Board received the timely appeal of Dennis J. and Nancy C. Fay of the Maine Ground and Surface Waters Clean-Up and Response Fund Determination of Eligibility and Assignment of Deductibles Order issued to the Fays by the Office of the State Fire Marshal on February 27, 2024. Prior to the Board's consideration of the merits of the appeal for a decision, on February 8, 2025, the Fays withdrew their appeal.
3. P&B Paving Inc. On September 26, 2025, the Board received the timely appeal of P&B Paving Inc. of the Maine Ground and Surface Waters Clean-Up and Response Fund Determination of Eligibility and Assignment of Deductibles Order issued to P&B Paving Inc. by the Office of the State Fire Marshal on June 10, 2025. The appeal proceedings before the Board are ongoing as of the date of this report.

## **D. Appeals of Administrative Orders Issued by the Commissioner**

Several program-specific statutes provide for appeals to the Board of a Commissioner's administrative order, such as an order to remediate a site contaminated by oil or hazardous substances. These are unilateral orders through which the Commissioner seeks to correct serious environmental conditions. Due process is afforded through the right of appeal to the Board, and then Superior Court. No appeals of an administrative order were filed with the Board in calendar year 2025.

## **E. Permit and License Applications**

In 2025, the Department did not receive any of the types of license or permit applications that the Board must decide. Applications for which the Board must assume original jurisdiction are specified in 38 M.R.S. § 341-D(2) and section II.B.4 of this report.

## **F. Administrative Consent Agreements**

Administrative consent agreements are voluntary, and the terms and conditions of such agreements are the product of a negotiation process between the alleged violator, the Department, and the Office of the Maine Attorney General. The Department calculates civil monetary penalties through the evaluation of the environmental aspects of a case (such as the sensitivity of the environmental resource, size of the affected area, and potential effect to human health), the circumstances in which the alleged violation occurred (such as the alleged violator's knowledge of the laws, the cause of the alleged violation, the alleged violator's response and level of cooperation, and the compliance history of the alleged violator), and whether civil monetary penalty is substantial enough to deter others from similar violations (taking into consideration factors such as whether the alleged violator received a financial gain as a result of the violation, whether the alleged violator has committed either the same or similar violations in past five years, and the alleged violator's ability to pay the penalty). The unique circumstances surrounding the alleged violation(s) results in the calculation of civil penalties that are site- and violator-specific. Maine law

authorizes the Department to include supplemental environmental projects – an environmentally beneficial project primarily benefiting public health or the environment that an alleged violator is not otherwise required or likely to perform – as part of an administrative consent agreement. 38 M.R.S. § 349(2-A). Whether or not a supplemental environmental project is included as a component of an administrative consent agreement, mitigation of environmental impacts created by the alleged violation(s) is typically completed during negotiation of the administrative consent agreement or may be established as a binding condition of the administrative consent agreement.

The Board considered 10 administrative consent agreements in 2025, a summary of each is provided below. The Department prepares monthly enforcement reports to satisfy its statutory obligation under 38 M.R.S. § 349(7) that the Department inform the public of certain enforcement resolutions. See the Department’s webpage at <https://www.maine.gov/dep/enforcement/mcar/index.html>.

1. 157 Pleasant LLC. 157 Pleasant LLC is a real estate ownership, development, management and leasing business that owns a former automotive dealership and repair shop in Brunswick that is subject to the Oil discharge prevention and pollution control law, 38 M.R.S. §§ 541-560.

On May 8, 2025, the Department’s Division of Response Services was contacted by an eyewitness who reported and provided video and photographic evidence of an oil discharge event at 157 Pleasant LLC’s Brunswick property. The eyewitness stated that the driver of a forklift truck carried a 275-gallon aboveground oil storage tank (AST) out of the former dealership garage to the back corner of the gravel parking lot, flipped the AST over onto its top, and then proceeded to pick it up with the forks to allow the motor oil to drain from the AST. The driver of the forklift brought the AST back into the building after it was emptied.

That same day, after the eyewitness report was received, a manager for 157 Pleasant LLC reported the spill to the Department. The manager stated that that he had been

notified by another employee that there had been an accident involving the forklift when the AST was being moved and it had slid off the forks. After the manager reviewed the video evidence, he agreed that the discharge appeared intentional. The manager later confirmed that contractors had been hired to remove the contaminated soil and free product.

Staff from the Department's Response team conducted a site visit and observed that a limited amount of sorbent pads had been applied to the area of free product and responsible personnel had abandoned the spill area. The oil spill extended to an approximate 500-square-foot area. In addition to the initial spill, Response staff discovered three cut up ASTs in a roll off dumpster and evidence of a smaller discharge on the opposite side of the property. A contractor later arrived onsite and properly removed the free product under the supervision of Response staff.

Department staff oversaw the removal and proper disposal of approximately 34.52 tons of oil contaminated soil and 39 gallons of oil-contaminated groundwater. The Department cited 157 Pleasant LLC for violations of the Pollution and corruption of waters and lands of the State prohibited law, 38 M.R.S. § 543. To resolve the violations, 157 Pleasant LLC completed corrective actions to achieve compliance with the applicable laws and rules and paid a civil monetary penalty of \$5,000 and reimburse the Department \$5,601.50 for expenses incurred by the Department for the cleanup. The Board approved the administrative consent agreement on October 2, 2025.

2. Casco Bay Steel Structures, Inc. Casco Bay Steel Structures, Inc. is a Maine corporation that operates two steel bridge fabrication facilities with its principal location in South Portland and is subject to the Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S. §§ 1301–1319-Y and the Department's *Hazardous Waste Management Rules*, Chapters 850–858. Casco Bay Steel Structures, Inc. generates hazardous waste and universal waste, including but not limited to, ignitable paints, non-halogenated solvents, still bottom sludges from solvent distillation, and universal waste. The Department encourages hazardous waste and universal waste generators to, when

practicable, comply with Chapter 856, § 6, *Licensing of Hazardous Waste Facilities*, which, when followed, obviates the need to obtain a license from the Department. If a generator does not comply with Chapter 856, § 6, the generator must obtain a license from the Department, and any such license would generally include conditions that are the same as or similar to the Chapter 856, § 6 provisions that are designed to minimize environmental and human health risks associated with hazardous and universal wastes. Casco Bay Steel Structures, Inc. neither complied with the Chapter 856, § 6 provisions nor obtained a license from the Department.

Casco Bay Steel Structures, Inc. failed to properly manage hazardous waste and universal waste, increasing the risk of harm to public health and the environment. Casco Bay Steel Structures, Inc. violated the Hazardous Waste, Septage and Solid Waste Management Act and the Department's Hazardous Waste Management Rules.

To resolve the violations, Casco Bay Steel Structures, Inc. has completed corrective actions to achieve compliance with the applicable laws and rules and paid a civil monetary penalty of \$47,000. The Board approved the administrative consent agreement on March 20, 2025.

3. City of Biddeford. The City of Biddeford is licensed to discharge treated sanitary wastewater and combined sanitary wastewater and stormwater through a combination Maine Waste Discharge License and Maine Pollutant Discharge Elimination System Permit and is subject to the terms and conditions of that permit and requirements set forth in Department rule, Chapter 570, *Combined Sewer Overflow Abatement*.

The City failed to comply with numerous terms and conditions of its permit and Chapter 570 regarding the control of discharges from combined sewer overflow points. The corrective actions related to sewer separation and pipe capacity upgrades detailed in the administrative consent agreement are estimated to cost approximately \$40 million dollars. That amount is in addition to pump station, storage, and inflow and filtration reduction projects already completed or being completed outside the scope of the

administrative consent agreement. The violations addressed by the administrative consent agreement are for the City's failure to: conduct adequate and complete sampling, flow monitoring, and modeling to provide a baseline for the Master Plan Update; propose projects that would be effective and feasible; propose a project schedule that would result in a meaningful reduction in CSO activity and volume; and submit an adequate and complete Master Plan Update since 2014.

To resolve the violations, the City paid a monetary penalty of \$20,000 and agreed to complete a series of corrective actions to comply with relevant combined sewer overflow abatement requirements. The Board approved the administrative consent agreement on July 17, 2025.

4. Daaquam Lumber Maine Inc. Daaquam Lumber Maine Inc. operated a sawmill and log storage facility in Masardis. The facility is regulated by the Department through a Site Location of Development License, an Air Emission License, a Solid Waste Management Law License, a Waste Discharge License, and a Multi-Sector Stormwater General Permit for Stormwater Discharge Associated with Industrial Activity. The administrative consent agreement is for violations related to laws, rules, and licenses administered by the Department's Bureau of Water Quality including, but not limited to, unauthorized discharges of wastewater to waters of the State and violations of the Multi-Sector Stormwater General Permit.

Department inspections revealed permit violations, including missing corrective action reports, repair documentation, and training records; failure to implement appropriate structural best management practices to control the discharge of suspended solids; failure to maintain the existing best management practices; unpermitted discharges of boiler blowdown and hot pond wastewater; and an unregistered and improperly sited sand and salt pile. Department staff also documented consistent exceedances of the stormwater benchmark standards and Daaquam's failure to implement additional best management practices in response to those exceedances, as required by the stormwater permit.

To resolve the violations, Daaquam Lumber Maine Inc. paid a monetary penalty of \$240,000, with \$141,000 of that amount directed to the Scopan Stream Habitat Enhancement Supplemental Environmental Project. The Board approved the administrative consent agreement on July 17, 2025.

5. MaineHealth, doing business as Stephens Hospital. MaineHealth, doing business as Stephens Hospital, is a non-profit corporation that operates a hospital in Norway. Stephens Hospital is a generator of hazardous and universal wastes including, but not limited to, acute P-listed and non-acute D- and U-listed waste pharmaceuticals; flammables; corrosives; oxidizers; waste lamps; and waste batteries and subject to the Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S. §§ 1301–1319-Y and the Department’s Hazardous Waste Management rules, Chapters 850–858. During a Department inspection, staff determined that Stephens Hospital failed to properly manage and store hazardous and universal wastes resulting in violations of the Hazardous Waste, Septage and Solid Waste Management Act and Department rules.

To resolve the violations, Stephens Hospital completed corrective actions to achieve compliance with the applicable laws and rules and paid a civil monetary penalty of \$22,740. The Board approved the administrative consent agreement on November 20, 2025.

6. Marshfield Solar, LLC and SolAmerica Energy Services, LLC. On April 25, 2022, the Department accepted a Stormwater Permit by Rule notification from Marshfield Solar, LLC, for approval under Chapter 500, § 6, *Stormwater Management*, for the construction of a 19.32-acre, 1.95-megawatt solar facility and associated access road in Marshfield. By submitting the Stormwater Management Permit by Rule, Marshfield Solar, LLC, agreed to comply with all applicable standards as set forth in Chapter 500 and the Maine Construction General Permit, dated July 21, 2006. On April 25, 2022, the Department accepted a Permit by Rule notification from Marshfield Solar, LLC pursuant to Chapter 305, § 10, *Natural Resources Protection Act - Permit by Rule Standards*, for a stream crossing. And on May 2, 2022, the Department issued a Natural

Resources Protection Act permit to Marshfield Solar, LLC, which approved, with conditions, the permanent filling of 2,187 square feet of forested and scrub shrub freshwater wetlands for the installation of posts and access road crossings, the indirect impact of 5,439 square feet of formerly forested and scrub shrub wetlands due to shading of the solar panels over the wetlands, the indirect impact of 40,236 square feet of forested wetlands due to shade management, and the temporary impact of approximately 3,561 square feet of freshwater wetlands during construction of the proposed project. Marshfield Solar, LLC hired SolAmerica Energy Services, LLC as the engineering, procurement, and construction contractor for the site.

Department staff conducted multiple inspections of the project site in 2023 and 2024 which revealed violations of the aforementioned permits; the Erosion and Sedimentation Control Law, 38 M.R.S. § 420-C; the Protection and improvement of waters law, 38 M.R.S. § 413; the Natural Resources Protection Act, 38 M.R.S. §§ 480-C (1) and 480-R (1); and stormwater management rule and law, Chapter 500, § 6(D), and 38 M.R.S. § 420-D (8).

To resolve the violations, Marshfield Solar, LLC and SolAmerica Energy Services, LLC has completed corrective actions to achieve compliance with the applicable laws and rules and paid a civil monetary penalty of \$180,159. The Board approved the administrative consent agreement on June 5, 2025.

7. Parke Environmental Group, Inc. Parke Environmental Group, Inc., doing business as RC Group, operates a lead abatement business and is licensed by the Department as a lead abatement contractor. RC Group is subject to the Lead abatement law, 38 M.R.S. §§ 1291-1297 and Department rule, Chapter 424, *Solid Waste Management Rules: Lead Management Regulations*.

The owners of a residential apartment building in Lewiston contracted with RC Group to perform lead abatement work through the City of Lewiston's lead grant program. In September of 2024, the Department received complaints about abatement work being

improperly performed at the Lewiston property. Department staff later determined that RC Group's lead abatement notification for lead abatement work at the Lewiston property had expired.

By failing to notify the Department of the lead abatement work at the Lewiston property and failing to comply with application lead abatement rule requirements, RC Group violated 38 M.R.S. § 1292 and Chapter 424.

To resolve the violations, RC Group agreed to administer employee training and paid a civil monetary penalty of \$12,000. The Board approved the administrative consent agreement on August 7, 2025.

8. Southern Maine Specialties, Inc. Southern Maine Specialties, Inc. operates a metal finishing, electroplating, plating, polishing, anodizing and coloring facility with its principal location Gorham and is subject to the Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S. §§ 1301–1319-Y and the Department's *Hazardous Waste Management Rules*, Chapters 850–858. Southern Maine Specialties, Inc. generates hazardous waste and universal waste, including but not limited to, hazardous waste debris/sludge, waste cyanide solution, waste corrosive solution, waste oxidizing solution, and waste lamps. The Department encourages hazardous waste and universal waste generators to, when practicable, comply with Chapter 856, § 6, *Licensing of Hazardous Waste Facilities*, which, when followed, obviates the need to obtain a license from the Department. If a generator does not comply with Chapter 856, § 6, the generator must obtain a license from the Department, and any such license would generally include conditions that are the same as or similar to the Chapter 856, § 6 provisions that are designed to minimize environmental and human health risks associated with hazardous and universal wastes. Southern Maine Specialties, Inc. neither complied with the Chapter 856, § 6 provisions nor obtained a license from the Department.

Southern Maine Specialties, Inc. failed to properly manage hazardous waste and universal waste, increasing the risk of harm to public health and the environment. Southern Maine Specialties, Inc. violated the Hazardous Waste, Septage and Solid Waste Management Act and the Department's Hazardous Waste Management Rules.

To resolve the violations, Southern Maine Specialties, Inc. has completed corrective actions to achieve compliance with the applicable laws and rules and paid a civil monetary penalty of \$49,920. The Board approved the administrative consent agreement on February 20, 2025.

9. Tower Solar Partners, LLC. On May 24, 2021, the Department issued to Tower Solar Partners, LLC a combined Site Location of Development Law and the Natural Resources Protection Act permit for the construction of a 5.0-megawatt solar energy development occupying approximately 30.3 acres of land in Embden. In September of 2020, the Department accepted a Notice of Intent submitted by Tower Solar Partners, LLC for coverage under the Maine Construction General Permit.

In October of 2022, the Town of Emden Code Enforcement Officer and an abutting property owner notified the Department that sediment-laden water from the project area was being discharged into Alder Brook. Subsequent site inspections conducted by Department staff revealed that Tower Solar Partners, LLC failed to comply with the terms and conditions of the aforementioned permits, specifically by disturbing more land area than was authorized to be disturbed at any given time; failing to employ effective erosion and sedimentation control devices; and cause sediment and sediment-laden water to discharge off the project site, onto neighboring properties, and into Alder Brook and the Kennebec River. These activities resulted in violations of the aforementioned permits; the Erosion and Sedimentation Control Law, 38 M.R.S. § 420-C; the Site Location of Development Law, 38 M.R.S. § 483-A; and the Protection and improvement of waters law, 38 M.R.S. § 413.

To resolve the violations, the Department presented the Board with a proposed administrative consent agreement in February of 2024. The Board rejected that proposed administrative consent agreement on the basis that the proposed civil penalty was not proportionate to the severity and willfulness of the alleged violations. At that time, the Board directed staff to pursue further enforcement proceedings to seek a resolution to the alleged violations.

Department staff continued enforcement negotiation proceedings with Tower Solar Partners, LLC and, on November 6, 2025, returned to the Board with a revised proposed administrative consent agreement for the Board's consideration. To resolve the violations, Tower Solar Partners, LLC has completed corrective actions to achieve compliance with the applicable laws and rules and paid a civil monetary penalty of \$235,697. The Board approved the administrative consent agreement on November 6, 2025.

10. Verizon. Verizon operates an onsite oil storage facility in Andover on property owned by MCI International, Inc. The onsite oil storage facility consists of one 25,000-gallon double-walled aboveground oil storage tank (AST) that feeds diesel fuel to three emergency generators. The facility also consists of one 25,000-gallon double-walled fiberglass underground oil storage tank (UST) that feeds diesel fuel to additional emergency generators onsite.

In August of 2024, more than 1,300 gallons of diesel fuel were discharged to the ground and drainage ditches, extending approximately 1,300 feet from the discharge point into a forested wetland adjacent to the facility. The cause of the discharge appeared to be the result of an error with the programmable logic controller resulting in an overfill of diesel fuel.

On August 7, 2024, a Verizon facility support technician received an overfill alarm cellular text; however, that facility support technician was not onsite and did not respond to the text alarm. Later that evening, Verizon onsite staff reported a 5-gallon

spill to Verizon's Environmental Health & Safety division. At that time, onsite staff reportedly did not observe a larger discharge and did not make an attempt to investigate the oil discharge or clean it up using onsite clean up materials. The following morning, Verizon staff onsite discovered a larger spill that appeared to originate from an overfilled tank. The Department cited Verizon for violations of Pollution and corruption of waters and lands of the State prohibited, 38 M.R.S. § 543; and Cleanup and removal of prohibited discharges, 38 M.R.S. § 568.

Department staff oversaw the removal and proper disposal of approximately 1,080 tons of oil contaminated soil and 60,204 gallons of oil contaminated groundwater. A review of the facility's federal Spill Prevention Control and Countermeasure plan revealed that Verizon failed to conduct monthly walk-through inspections and employee training and briefings and did not follow applicable spill response and reporting procedures.

To resolve the violations, Verizon has completed corrective actions to achieve compliance with the applicable laws and rules and paid a civil monetary penalty of \$20,000. Verizon also reimbursed \$35,022.66 in expenses incurred by the Department for the cleanup. The Board approved the administrative consent agreement on August 7, 2025.

#### **G. Petitions to Modify a License or Order Corrective Action**

Pursuant to 38 M.R.S. § 341-D(3), at the request of the Commissioner and after written notice and opportunity for a hearing pursuant to the Maine Administrative Procedure Act, the Board may modify in whole or in part any license, or may issue an order prescribing necessary corrective action, whenever the Board finds that any of the criteria in 38 M.R.S. § 342(11-B) have been met. There were no such petitions referred to the Board by the Commissioner in 2025.

## **H. Recommendations to the Maine Legislature**

Another responsibility of the Board is to report to the Legislature on the effectiveness of the environmental laws of the State and any recommendations for amending those laws or the laws governing the Board. 38 M.R.S. § 341-D(7). The Board has identified the following as potentially benefitting from legislative review.

At this time, the Board does not recommend that the Legislature amend the environmental laws administered by the Department or that govern Board's responsibilities and duties. However, the Board does wish to renew a recommendation made in previous reports regarding the Board's rulemaking responsibility established in 38 M.R.S. §§ 341-D and 341-H.

The Maine Legislature, not the Department, decides whether specific agency rules are routine technical or major substantive. The Maine Administrative Procedure Act in 5 M.R.S. § 8071(2)(A) states, in pertinent part, that: "Routine technical rules are procedural rules that establish standards of practice or procedure for the conduct of business with or before an agency and any other rules that are not major substantive rules as defined in [5 M.R.S. § 8071(2)(A)]." Pursuant to 5 M.R.S. § 8071(2)(B), "Major substantive rules are rules that, in the judgment of the Legislature:

- (1) Require the exercise of significant agency discretion or interpretation in drafting; or
- (2) Because of their subject matter or anticipated impact, are reasonably expected to result in a significant increase in the cost of doing business, a significant reduction in property values, the loss or significant reduction of government benefits or services, the imposition of state mandates on units of local government as defined in the Constitution of Maine, Article IX, Section 21, or other serious burdens on the public or units of local government."

The Board recommends that the Legislature carefully consider the extent to which additional significant public policy decisions must be made during agency rulemaking when the Legislature designates rules as being routine technical or major substantive pursuant to 5 M.R.S. § 8071, with the goal of settling major public policy decisions at the legislative branch level.

## **V. SUMMARY OF PENDING LITIGATION**

The following is a summary of recently pending litigation involving orders and decisions issued by the Board.

### *1. Black Bear Hydro Partners, LLC v BEP, et al., Law Court Docket No. KEN-23-491*

This was an appeal filed by Black Bear Hydro Partners, LLC (“Black Bear”) of a Board Order issued on June 3, 2021. The Board’s Order denied Black Bear’s appeal and affirmed the Commissioner’s denial of Black Bear’s application for water quality certification (“WQC”) for its Ellsworth Hydroelectric Project for three different reasons. Black Bear appealed the Board’s Order to the Kennebec County Superior Court but challenged only one of the three grounds for WQC denial. The Superior Court rejected Black Bear’s argument on that one issue and affirmed the Board’s Order in its entirety. Black Bear appealed the Superior Court’s decision to the Maine Supreme Judicial Court sitting as the Law Court (“Law Court”), which heard the appeal in September 2024. On January 21, 2025, the Law Court issued a memorandum of decision that vacated the Superior Court’s decision and denied Black Bear’s appeal as non-justiciable due to Black Bear’s failure to contest the other two Department grounds for WQC denial before the Superior Court. Accordingly, this litigation is no longer active. In June 2025, after the conclusion of this litigation, Black Bear filed another WQC application with the Department for the Ellsworth Hydroelectric Project.

2. *EMCI, et al. v BEP, et al.*, Law Court Docket No. KEN-23-348

This was an appeal filed by Eastern Maine Conservation Initiative (“EMCI”) and Roque Island Gardner Homestead Corporation (“RIGHC”) of a Board Order issued on August 4, 2022. The Board’s Order denied the appeal of Sierra Club of Maine, EMCI, and RIGHC of the Commissioner’s Site Location of Development Law and Natural Resources Protection Act permit issued to Kingfish Maine, LLC for a proposed land-based aquaculture system in Jonesport. EMCI and RIGHC appealed the Board’s Order to the Kennebec County Superior Court, arguing that the Board erred in determining the scope of its review under NRPA and by approving the NRPA component of the permit without independently evaluating the environmental impacts associated with the discharge of treated wastewater. The Superior Court rejected that argument and affirmed the Board’s Order. EMCI and RIGHC appealed the Superior Court’s decision to the Law Court, which heard the appeal in April 2024. On April 10, 2025, the Law Court issued a decision denying the appeal and affirming the Board’s Order. Accordingly, this litigation is no longer active.

3. *Mabee, et al. v BEP, et al.*, Business and Consumer Court Docket No. BCD-APP-2024-15

This was an appeal filed by Jeffrey Mabee and Judith Grace, the Maine Lobstering Union, and David Black, Wayne Canning, and Friends of the Harriet L. Hartley Conservation Area of a Board Order issued on October 19, 2023, on remand from the Law Court following its issuance of a decision in a related case, *Mabee, et al. v. Nordic Aquafarms Inc.* 2023 ME 15. On remand, the appeal challenged permitting decisions involving the Nordic Aquafarms land-based aquaculture project in Belfast. The case was transferred to the Business and Consumer Court in Portland and consolidated with related matter nos. 4 and 5 described below. While the consolidated cases were pending, Nordic Aquafarms petitioned the Department to surrender or rescind all its project licenses, which the Department granted. The parties then stipulated to dismissal of all the consolidated cases. Accordingly, this case is no longer active.

4. *Upstream Watch v BEP, et al.*, Business and Consumer Court Docket No. BCD-APP-2024-14

This is another appeal, filed by Upstream Watch, of the Board Order issued on October 19, 2023, on remand from the Business and Consumer Court and the Law Court following its issuance of a decision in a related case, *Mabee, et al. v. Nordic Aquafarms Inc.* 2023 ME 15. This second appeal was also transferred to the Business and Consumer Court, and as noted above, was consolidated with related matter nos. 3 and 5. While the consolidated cases were pending, Nordic Aquafarms petitioned the Department to surrender or rescind all its project licenses, which the Department granted. The parties then stipulated to dismissal of all the consolidated cases. Accordingly, this case is no longer active.

5. *Mabee, et al. v BEP, et al.*, Business and Consumer Court Docket No. BCD-APP-2024-13

This is a related appeal filed by Jeffrey Mabee and Judith Grace, the Maine Lobstering Union, and David Black, Wayne Canning, and Friends of the Harriet L. Hartley Conservation Area of an August 24, 2022, Board Chair dismissal of an administrative appeal filed with the Board regarding a permit minor revision issued to Nordic Aquafarms Inc. on May 18, 2022, involving its air emission license. This appeal was also transferred the Business and Consumer Court and was consolidated with related matter nos. 3 and 4 above. While the consolidated cases were pending, Nordic Aquafarms petitioned the Department to surrender or rescind all its project licenses, which the Department granted. The parties then stipulated to dismissal of all the consolidated cases. Accordingly, this case is no longer active.

6. *Conservation Law Foundation, et al. v DEP and BEP*, Cumberland County Superior Court Docket No. PORSC-AP-24-22

This was a Rule 80C appeal and declaratory judgment action filed by the Conservation Law Foundation (“CLF”), Sierra Club, and Maine Youth Action in Cumberland County Superior Court. The appeal challenged the Board’s alleged failure to adopt proposed rule Chapter 127-A, *Advanced Clean Cars II Program*, addressing certain vehicle emissions standards. On December 6, 2024, the Superior Court dismissed all counts in the plaintiffs’ complaint due to a lack of standing. The plaintiffs then sought leave from the Superior Court to amend their complaint with new standing allegations, which the Department and Board opposed and the Superior Court denied. On September 10, 2025, the plaintiffs appealed that Superior Court denial to the Law Court. On October 15, 2025, the Law Court issued an order dismissing the appeal as moot due to the plaintiffs’ failure to address the Superior Court’s prior dismissal of the complaint. CLF has not sought reconsideration, and this case appears to no longer be active.

## VI. CLOSING

As noted above, this report is submitted in fulfillment of the provisions of 38 M.R.S. § 341-D(7). I would be happy to meet with the Committee and respond to any questions members may have regarding the Board’s work or the specific recommendations in this report.

Respectfully submitted,



Susan M. Lessard, Chair

Board of Environmental Protection

Attachment A: Board members’ biographical information

## Attachment A: Board of Environmental Protection Members

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**Susan M. Lessard**  
Bangor, 2<sup>nd</sup> Term

Ms. Lessard has 40 years of experience in local government in Maine. She currently serves as Town Manager for the Town of Bucksport, and previously served as the Town Manager for the communities of Hampden, Vinalhaven, Fayette, and Livermore Falls. As such Ms. Lessard has extensive experience in solid waste management issues, municipal financial management, and community development. She is a past president of the Maine Municipal Association and has served on the Municipal Review Committee and the Maine Rural Development Council. Ms. Lessard has received a number of awards for her work including the Governor's Environmental Excellence Award (2002) for development of a collaborative process for municipal review of major landfill expansion projects in Hampden, and the Maine Engineering Excellence Award (1998) and Maine Town and City Manager's Association Leadership Award (1999) for the development of an innovative alternative landfill capping plan for the town of Vinalhaven. Ms. Lessard also received a U.S. Coast Guard Public Service Commendation (1996) for her work on a program to transfer ownership of thirty-five Maine lighthouses from the federal government to municipalities and non-profit organizations across the state. Ms. Lessard resides in Bucksport with her husband Dan. Ms. Lessard was reappointed to the Board by Governor Janet T. Mills in January 2022. Ms. Lessard's term on the Board ends on January 30, 2026.

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**Robert Marvinney**  
Readfield, 1<sup>st</sup> Term

Dr. Marvinney is a Licensed Geologist with more than 40 years of experience with geological and environmental issues in Maine. While not a native of the State, he has spent most of his professional career here. He retired in July 2021 from his position as Director of the Bureau of Resource Information and Land Use Planning, and State Geologist, an appointed position that he held for 26 years. Dr. Marvinney's experience with Maine began in the early 1980s while carrying out geological projects in northern Maine for his Master's and Doctorate degrees from Syracuse University. While State Geologist at the Maine Geological Survey, he initiated, carried out, and/or directed many projects that highlight the impact Maine's geology can have on the health and well-being of Maine citizens. Most recently, he co-chaired the Science and Technical Subcommittee of the Maine Climate Council that produced the report, "*Scientific Assessment of Climate Change and Its Effects in Maine*," that summarizes current impacts and likely future scenarios for climate change in Maine. He has lived in Readfield with his wife Cheryl for more than 34 years and has two grown children. Dr. Marvinney was appointed to the Board by Governor Janet T. Mills in January 2022.

## Attachment A: Board of Environmental Protection Members

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**Barbara Vickery**  
Richmond, 1<sup>st</sup> Term

Barbara Vickery is a Conservation Biologist who spent 33 years with The Nature Conservancy, most recently as Director of Conservation Programs. At the Conservancy she was lead scientist, oversaw the stewardship of its preserves and easements, initiated programs in freshwater and marine conservation, and planned land conservation across the state and region. Mrs. Vickery served on numerous state advisory committees, including the Ecological Reserves Science Advisory Committee, the Bureau of Public Lands Integrated Resource Plan, Maine Forest Biodiversity Project Steering Committee, and steering committees of two of MDIFW's State Wildlife Action Plans, which gave her opportunities to work with industry, state agencies and many other environmental organizations. Mrs. Vickery received a B.A. from Harvard in early childhood education and was a teacher for 10 years. She later earned a B.S. in Biology from Bates College and served as Botanist for the State Planning Office Critical Areas Program before joining The Nature Conservancy. Since retirement eight years ago Mrs. Vickery assumed co-managing editor responsibility for Birds of Maine, a major book that her husband was not able to finish before he died. Since the book's publication in 2020, she has become an active volunteer, serving on the Board of the Forest Society of Maine, as Secretary to the Bates Morse Mt. Conservation Area Corporation, and promoting climate adaptation actions in Richmond, where she lives, and Phippsburg where her family owns seasonal homes. Mrs. Vickery was appointed to the Board by Governor Janet T. Mills in January 2022. Mrs. Vickery's term on the Board ended on December 12, 2025. Mrs. Vickery has offered to remain on the Board beyond her term expiration while a new Board member is appointed and confirmed by the Legislature.

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**Robert S. Duchesne**  
Hudson, 2<sup>nd</sup> Term

Robert Duchesne is a former state legislator and radio show broadcast host. Mr. Duchesne's radio career spanned more than three decades, during which he served as host of a popular radio show that was broadcast across eastern and central Maine. During his radio career, Mr. Duchesne was active in charity and public service organizations in the Bangor area, including Downeast Big Brothers Big Sisters, Maine Audubon, and the Maine Association of Broadcasters. He also served on several economic and business development boards. In 2005, Mr. Duchesne was elected to the Maine House of Representatives, where he served six non-consecutive terms. While in the Legislature, he chaired both the Environment and Natural Resources Committee and the Inland Fisheries and Wildlife Committee, and started his own guiding business – Maine Birding Trail. Mr. Duchesne shares his birding expertise in a weekly birding column for the Bangor Daily News. Robert Duchesne resides at Pushaw Lake in Hudson with his wife, Sandi. Mr. Duchesne was reappointed to the Board by Governor Janet T. Mills in February 2024, and was appointed by the Governor as Board Chair effective January 16, 2026.

## Attachment A: Board of Environmental Protection Members

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**Robert M. Sanford**  
Gorham, 2<sup>nd</sup> Term

Robert Sanford is Professor Emeritus of Environmental Science and Policy at the University of Southern Maine. Mr. Sanford obtained an M.S. and Ph.D. in Environmental Science from the State University of New York College of Environmental Science and Forestry, and an undergraduate degree in Anthropology from SUNY Potsdam. He is the author of numerous books and journal articles on environmental planning and policy, applied archeology, instruction, and civic engagement. Prior to joining the faculty of the University of Southern Maine in 1996, Mr. Sanford served 10 years as an Environmental Board District Coordinator in Vermont. Mr. Sanford has served on numerous advisory committees for state and local government as well as non-profit organizations including the Maine Water Resources Committee, the Maine Farmland Project, and the Friends of the Presumpscot River. Mr. Sanford also served on the Town of Gorham's Municipal Recycling Committee for ten years. He lives in Gorham with his wife and son. Mr. Sanford was reappointed to the Board by Governor Janet T. Mills in February 2024.



**Steven Pelletier**  
Topsham, 2<sup>nd</sup> Term

Mr. Pelletier is a Certified Wildlife Biologist®, Maine Licensed Forester, and Professional Wetland Scientist with over 40 years of professional natural resource experience. Earlier in his career he served as a Wildlife Biologist with the US Forest Service and as an Environmental Specialist for the Maine Department of Environmental Protection's Land Bureau, was later co-founder/ owner of Woodlot Alternatives, Inc., a Maine-based ecological consulting firm, until its acquisition by Stantec Consulting in 2007. At Stantec he served as Senior Principal and US Ecosystems Discipline Lead specializing in rare species habitats and site and landscape-level resource assessments, also serving as Principal Investigator of two federal offshore migration research projects. Mr. Pelletier also conducted and oversaw a broad variety of diverse projects ranging from highway/ rail transportation to offshore energy development. He has authored numerous publications on a variety of natural resource topics including forest biodiversity, bat migration, vernal pools, and resource mitigation and compensation planning. He has served on a variety of Federal and State advisory committees and stakeholder groups and in 1989, co-founded the ME Association of Wetland Scientists. He currently serves on the Maine Board of Licensure of Foresters and several local community organizations including the Brunswick-Topsham Land Trust Advisory Board, Topsham Conservation Commission, and Topsham Development, Inc. Mr. Pelletier resides in Topsham with his wife Mary. Mr. Pelletier was reappointed to the Board by Governor Janet T. Mills in February 2024.

## Attachment A: Board of Environmental Protection Members

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**Betsy Fitzgerald**  
Machiasport, 1<sup>st</sup> Term

Elizabeth “Betsy” Fitzgerald has twenty years’ experience in local government in Washington County following a thirty-five-year high school teaching career in central Maine. Having recently retired as the Washington County Manager, she currently serves as the Operations Manager for the Town of Machias as well as the code enforcement officer and plumbing inspector for a number of area towns. She recently completed her second term as the Commissioner from Washington County on the Land Use Planning Commission and chaired the Commission for the past year. Ms. Fitzgerald also serves on the Maine State Liquor and Lottery Commission and the Maine Recovery Council. She was instrumental in establishing the Washington County Heritage Center, a repository of historical and genealogical resources for families and their ancestors who came from Washington County. Ms. Fitzgerald resides in Machiasport. Ms. Fitzgerald was appointed to the Board by Governor Janet T. Mills in July 2025.