

BOARD OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF

NORDIC AQUAFARMS, INC )  
Belfast and Northport )  
Waldo County, Maine )  
 )  
A-1146-71-A-N )  
L-28319-26-A-N )  
L-28319-TG-B-N )  
L-28319-4E-C-N )  
L-28319-L6-D-N )  
L-28319-TW-E-N )  
W-009200-6F-A-N )

**Motion to Establish Timetable for a Board of Environmental Protection Decision on Nordic Aquafarms Inc.’s Applications**

The Board of Environmental Protection (“Board”) is currently considering applications from Nordic Aquafarms, Inc. (“Nordic”) pursuant to the Site Location of Development Act (“SLODA”), Natural Resources Protection Act (“NRPA”), Wastewater Discharge License/Maine Pollutant Discharge Elimination System (MEPDES) Permit and Chapter 115 Minor Air Emissions as well as any incorporated approvals such as, but not limited to, water quality certification pursuant to NRPA or compliance with Maine General Permits (together herein “Nordic Applications”). Pursuant to 38 M.R.S. § 344-B and Chapter 2 of the Department’s Rules at § 12(B), Nordic hereby moves to clarify the remaining timetable for the Board’s review of and decision on the Nordic Applications.

Nordic respectfully requests that the Board establish May 22, 2020 as the deadline for the Board’s decision on the Nordic Applications.

**I. Establishing a Timetable for the Board’s Decision Pursuant to 38 M.R.S. § 344-B.**

“The processing period for an application begins on the date the Commissioner notifies the applicant that the application is complete.” 38 M.R.S. § 344-B(3). The Department annually updates guaranteed processing times for its review of all application types. Each of the Department’s processing times are substantially shorter than the time that has already elapsed in processing the Nordic Applications. Section 344-B(3)(A)(2) further provides that “[i]f the board assumes jurisdiction over an application, the board shall set a new timetable for the application and shall stop the processing period or extend the deadline subject to the conditions of this subsection.”<sup>1</sup>

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<sup>1</sup> Section 12(B) of Chapter 2 further provides that “[f]or applications to be decided by the Board, the processing time is established by the Board pursuant to 38 M.R.S. § 344-B(3)(A)(2).”

The Commissioner issued the completeness determination on June 13, 2019. On June 20, 2019, the Board voted to assume licensing jurisdiction over the Nordic Applications. *See* Maine Board of Environmental Protection, First Procedural Order (August 15, 2019). Accordingly, the Board must establish a timetable pursuant to the provisions of 38 M.R.S. § 344-B(3)(A)(2) and Chapter 2 § 12(B).

Nordic appreciates the Board's careful and thorough consideration of the Nordic Applications, and the Department's iterative review process, which resulted in project improvements. Nordic values the Board's transparency in addressing and resolving the issues presented by Intervenor throughout the hearing process to date.

The record closed on February 18, 2020 for most items and is now closed with regard to all but two items (updated DEP air modeling and DMR assessment) which are on track for completion by mid-March. The transcript of the Board hearings circulated to the parties on March 9, 2020. The Department's guaranteed processing times run on the order of days, not months or years. To date, 271 days passed since the completeness determination. Between now and May 22, 2020 there are more than 70 days and six Board meeting dates including the meeting scheduled on April 9. A final processing deadline of May 22, 2020 will result in a processing period of 344 days.

Nordic respectfully proposes that this timeline would provide a reasonable period for completion of the Board process and respectfully requests that the Board establish May 22, 2020 as the deadline for decision making on the Nordic Applications.

Dated: March 10, 2020



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Joanna Tourangeau, Bar No. 9125  
*Counsel for Nordic Aquafarms, Inc.*