



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
ACTING COMMISSIONER

December 21, 2018

Kim Ervin Tucker
48 Harbour Pointe Drive
Lincolntonville, ME 04849

David B. Losee
7 Highland Avenue
Camden, ME 04843

RE: Nordic Aquafarms, Inc. Application for Waste Discharge License (WDL) / Maine Pollutant Discharge Elimination System (MEPDES) Permit (MEPDES Permit # ME0002771)

Dear Ms. Tucker and Mr. Losee,

Thank you for your letter dated November 26, 2018 on behalf of Upstream Watch regarding the above referenced application for a permit submitted by Nordic Aquafarms, Inc. for a Recirculating Aquaculture System facility in Belfast, Maine.

Department staff have reviewed your letter requesting the Department hold a public hearing for the proposed project. According to the Department's Rule Concerning the Processing of Applications and Other Administrative Matters, Chapter 2 § 7 (B), "[h]earings are discretionary unless otherwise provided by law," and "[t]he Department will hold a hearing in those instances where the Department determines there is credible conflicting technical information regarding a licensing criterion and it is likely that a hearing will assist the Department in understanding the evidence." Your request refers to the complicated and technical nature of the application and references future testimony concerning the efficacy and accuracy of the application. Staff have reviewed your request and the Department has determined that there is not credible conflicting technical information regarding a licensing criterion and a hearing would be unlikely to assist the Department in understanding the evidence. Therefore, the Department has concluded that no public hearing for the pending application is required in this instance, and is exercising its discretion not to hold such a hearing.

The Department will continue to welcome and accept comments during the review of this application. The Department notes that the determination not to hold a hearing is limited to only the pending Waste Discharge License/MEPDES permit application and does not preclude the Department from holding a public hearing on other applications anticipated for this project and does not reflect an unwillingness from the Department to consider requests for hearings regarding these future applications. This determination also does not preclude the Department from holding a public meeting if, on the basis of requests, it finds a significant degree of public interest in a draft permit.

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Concerning your request to be granted intervenor status pursuant to the Department's Rules Governing the Conduct of Licensing Hearings, Chapter 3 §11, these provisions apply in cases "where a decision has been made to hold a hearing on a licensing application . . ." Intervenor status cannot be granted in this case, where a decision not to hold a hearing has been made. In the event the Department decides to hold a hearing on future applications submitted by this applicant, the Department will provide Notice of Opportunity to Intervene, pursuant to Chapter 3, §12(A) to "persons who have made timely requests in writing to be notified of a licensing hearing on a specific matter". The Department will hold your requests for consideration should a decision be made to hold a hearing on a future application. You may also re-petition at that time.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie Loyzim". The signature is fluid and cursive, with the first name being the most prominent part.

Melanie Loyzim
Acting Commissioner