



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

October 17, 2012

Ms. Betsy Lowe
Eastern Maine Mussel Corp.
garbo@maine.net

*Transmitted via electronic mail
Delivery confirmation requested*

**RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0037036
Maine Waste Discharge License (WDL) Application #W009031-5P-C-M
FINALIZED Permit / WDL Minor Revision**

Dear Ms. Lowe:

Enclosed, please find a copy of your **final** MEPDES permit and Maine WDL **Minor Revision**, which was approved by the Department of Environmental Protection. Please read the permit/license and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "Appealing a Commissioner's Licensing Decision."

Sincerely,

Bill Hinkel
Division of Water Quality Management
Bureau of Land and Water Quality
bill.hinkel@maine.gov
ph: 207.485.2281

Enc.

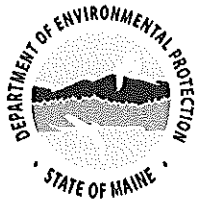
ec: Tanya Hovell, Lori Mitchell, MeDEP Sandy Mojica, USEPA File

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679-2094
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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

EASTERN MAINE MUSSEL CORP.)	MAINE POLLUTANT DISCHARGE
HANCOCK, HANCOCK COUNTY, MAINE)	ELIMINATION SYSTEM PERMIT
MUSSEL PROCESSING FACILITY)	AND
#ME0037036)	WASTE DISCHARGE LICENSE
#W009031-5P-C-M)	MINOR REVISION
APPROVAL)	

Pursuant to the provisions of the *Federal Water Pollution Control Act*, Title 33 USC, § 1251, *Conditions of licenses*, 38 M.R.S.A. § 414-A, *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2 (effective August 1, 1994), and applicable regulations, the Department of Environmental Protection (Department) has considered a May 31, 2012 request submitted by Eastern Maine Mussel Corporation (EMM or permittee) to the Department for a minor permit revision to Waste Discharge License (WDL) #W009031-5P-A-N/ Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0037036, which was issued by the Department on April 8, 2009. With its supportive data, agency review comments, and other related materials on file, the Department FINDS THE FOLLOWING FACTS:

MINOR PERMIT REVISION REQUESTED/DISCUSSION

The April 8, 2009 permit established a daily maximum total residual chlorine (TRC) concentration limitation of 1.0 mg/L and specified at Special Condition A, Footnote #3:

TRC – The permittee is not authorized to discharge waste waters containing residual chlorine via Outfall #001A until 1) the facility's outfall pipe has been extended into the receiving water to a minimum depth of at least eight (8) feet below the surface of the water at mean low water level; and 2) upon receiving written Department approval to commence the discharge of waste waters containing residual chlorine. Monitoring for TRC is required once per day each day that chlorine or chlorine-based compounds are discharged via Outfall #001A.

On July 18, 2012, the Department accepted EMM's Permit By Rule Notification Form #54489 pursuant to *Permit By Rule*, 06-096 CMR 305 (amended June 8, 2012), to complete construction activities associated with a modified outfall structure, as described on a plan entitled, "Shoreline Construction Outfall Plan" and prepared by Summit Environmental Consultants, Inc. The Department found the proposed plan to be acceptable for purposes of complying with EMM's MEPDES permit and made a professional judgment determination that the cost of extending the outfall pipe to mean low water is not economically feasible.

On September 26, 2012, EMM's consultant notified the Department that construction of the modified outfall structure to enhance mixing of the effluent with the receiving water at high tide and to prevent shoreline erosion surrounding the outfall pipe was complete. EMM has developed a standard operating procedure for equipment disinfection wash water collection and treatment, which has been reviewed and determined acceptable by the Department. The protocol specifies that the TRC concentration of wash water must be less than 0.05 mg/L prior to discharge to the receiving water. The U.S. Environmental Protection Agency (USEPA) has established a minimum level (ML) of detection for TRC of 0.05 mg/L.

Based on operational changes at the facility, EMM seeks to revise authorization to discharge wastewater containing residual chlorine via Outfall #001A any time provided pre-discharge testing demonstrates TRC is below the USEPA's ML of 0.05 mg/L.

MINOR PERMIT REVISION GRANTED

The completed outfall pipe construction project results in an outfall that terminates above the mean low water line of Taunton Bay such that it is exposed at low tide. Therefore, the acute dilution factor associated with the discharge is 1:1.

With an acute dilution factor of 1:1 and acute ambient water quality criterion of 0.013 mg/L for TRC, the end-of-pipe (EOP) water quality-based concentration limit for TRC is 0.013 mg/L. The permittee proposes to dechlorinate wash waters containing chlorine so that TRC is non-detectable prior to discharge.

Based on the physical and operational changes completed at the facility, the Department is revising the daily maximum concentration limitation for TRC from 1.0 mg/L to 0.013 mg/L and authorizing the permittee to discharge wastewater containing residual chlorine via Outfall #001A any time provided pre-discharge testing demonstrates TRC is below the ML and when the end of the discharge pipe is submerged by the receiving water. Compliance with the daily maximum TRC limitation in this permit will be based on USEPA's minimum level (ML) of detection of 0.05 mg/L. Pre-discharge testing for TRC shall be conducted in accordance with the permittee's standard operating procedure. The permittee shall incorporate this standard operating procedure into its Operations and Maintenance Plan required by Special Condition F of EMM's April 8, 2009 permit. **No later than 60 days following the effective date of this permit revision**, the updated portions of the O&M Plan shall be submitted to the Department for review and comment.

CONCLUSIONS

BASED on the findings summarized in the attached Fact Sheet dated October 17, 2012, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.

3. The provisions of the State's antidegradation policy, *Classification of Maine waters*, 38 M.R.S.A. § 464(4)(F), will be met, in that existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected.
4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).

ACTION

THEREFORE, the Department hereby APPROVES the above noted request of EASTERN MAINE MUSSEL CORPORATION for the MINOR REVISION to Waste Discharge License #W009031-5P-A-N/ Maine Pollutant Discharge Elimination System permit #ME0037036, which was issued to EMM on April 8, 2009, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

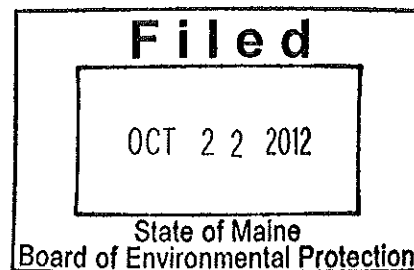
1. *Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits*, revised July 1, 2002, copy attached to April 8, 2009 permit.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. All terms and conditions in combination WDL #W009031-5P-A-N/ MEPDES permit #ME0037036 dated April 8, 2009 and Minor Revision #W009031-5P-B-M/ MEPDES permit #ME0037036 dated June 14, 2011 not modified by this permitting action remain in effect and enforceable.
4. This minor revision expires on April 8, 2014, concurrent with the April 8, 2009 WDL / MEPDES permit. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of the April 8, 2009 permit, the terms and conditions of the April 8, 2009 permit and all modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective April 1, 2003)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

DONE AND DATED AT AUGUSTA, MAINE THIS 21st DAY OF October, 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns
for PATRICIA W. AHO, Commissioner



Date filed with Board of Environmental Protection

Date of minor revision request: May 31, 2012
This Order prepared by Bill Hinkel, BUREAU OF LAND & WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge treated **mussel processing waste water** to the Taunton Bay in Hancock, Maine via **OUTFALL #001A**. Such discharges shall be limited and monitored by the permittee as specified below⁽¹⁾.

Effluent Characteristic	Minimum Discharge Limitations		Monitoring Requirements			
	<u>Monthly Average</u> as specified	<u>Daily Maximum</u> as specified	<u>Monthly Average</u> as specified	<u>Daily Maximum</u> as specified	<u>Measurement Frequency</u> as specified	<u>Sample Type</u> as specified
Flow <i>[50050]</i>	Report gpd <i>[07]</i>	24,500 gpd <i>[07]</i>	---	---	Continuous <i>[CN]</i>	Recorder <i>[RC]</i>
Total Suspended Solids <i>[00530]</i>	188 lbs./day <i>[26]</i>	388 lbs./day <i>[26]</i>	922 mg/L <i>[19]</i>	1,657 mg/L <i>[19]</i>	1/Month <i>[01/30]</i>	Composite ⁽²⁾ <i>[CP]</i>
Oil & Grease <i>[03582]</i>	18 lbs./day <i>[26]</i>	28 lbs./day <i>[26]</i>	88 mg/L <i>[19]</i>	137 mg/L <i>[19]</i>	1/Month <i>[01/30]</i>	Grab <i>[GR]</i>
Settleable Solids <i>[00545]</i>	---	---	---	1.0 ml/L <i>[25]</i>	1/Week <i>[01/07]</i>	Grab <i>[GR]</i>
Total Residual Chlorine (TRC) <i>[50060]</i>	---	---	---	0.013 mg/L <i>[19]</i>	1/Discharge ⁽³⁾ <i>[01/DS]</i>	Grab <i>[GR]</i>
Production <i>[00145]</i>	Report lbs./day <i>[26]</i>	Report lbs./day <i>[26]</i>	---	---	1/Day <i>[01/01]</i>	Measure <i>[MS]</i>
pH (Std. Units) <i>[00400]</i>	The pH shall not be less than 6.0 or greater than 9.0 SU at any time.				---	---

The italicized numeric values bracketed in the table above are code numbers utilized by Department personnel to code the monthly Discharge Monitoring Reports (DMRs).

FOOTNOTES: See Page 5 of this permit revision for applicable footnotes.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

FOOTNOTES:

1. **Sampling** – All effluent monitoring shall be conducted at a location following the last treatment unit in the treatment process as to be representative of end-of-pipe effluent characteristics. Sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services.

All analytical test results shall be reported to the Department including results which are detected below the respective reporting limits (RLs) specified by the Department. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the actual detection limit achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL is not acceptable and will be rejected by the Department. For mass, if the analytical result is reported as <Y or if a detectable result is less than a RL, report a <X lbs/day, where X is the parameter specific limitation established in the permit. Compliance with this permit will be evaluated based on whether or not a compound is detected at or above the Department's RL.

2. **Composite Samples** – Composite samples collected for TSS shall consist of a minimum of four grab samples, spaced at least 15 minutes and no more than 1 hour apart, collected during a single processing day.
3. **TRC** – Compliance with the daily maximum TRC limitation in this permit will be based on USEPA's minimum level (ML) of detection of 0.05 mg/L. The permittee shall utilize approved test methods that are capable of producing analytical results down to or below 0.05 mg/L. All analytical test results shall be reported to the Department including results which are detected below the ML. Results reported at or below the ML will be considered to be in compliance with the permit. The Discharge Monitoring Reports will be coded with the ML of 0.05 mg/L such that detectable results reported at or below 0.05 mg/L but greater than the daily maximum water quality based limit established in this permit will not be recorded as violations of the permit.

The permittee shall only discharge wastewater containing residual chlorine when the end of the discharge pipe is submerged by the receiving water. The permittee shall record and document the start and end times and the tide stage at the time of discharge for each discharge of wastewater containing residual chlorine. Documents recorded pursuant to this condition shall be retained in accordance with *Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits*, revised July 1, 2002.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

AND

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: OCTOBER 17, 2012

PERMIT NUMBER: #ME0037036

LICENSE NUMBER: #W009031-5P-C-M

NAME AND ADDRESS OF APPLICANT:

**EASTERN MAINE MUSSEL CORPORATION
P.O. BOX 334
128 POUND ROAD
HANCOCK, MAINE 04640**

COUNTY: HANCOCK COUNTY

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**EASTERN MAINE MUSSEL CORPORATION
P.O. BOX 24
1663 U.S. HIGHWAY 1
HANCOCK, MAINE 04640**

RECEIVING WATER/CLASSIFICATION: TAUNTON BAY, CLASS SB

COUNTY: HANCOCK COUNTY

**COGNIZANT OFFICIAL AND TELEPHONE NUMBER: MR. DUANE (PETE) DALEY
PRESIDENT
P.O. BOX 334 128 POUND ROAD
HANCOCK, MAINE 04649
(207) 422-3837
garbomaine@earthlink.net**

1. MINOR PERMIT REVISION REQUESTED

Based on physical and operational changes completed at the Eastern Maine Mussel Corporation (EMM or permittee) facility, the permittee seeks to revise authorization granted in Waste Discharge License (WDL) #W009031-5P-A-N/ Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0037036, which was issued by the Department on April 8, 2009, to discharge wastewater containing residual chlorine via Outfall #001A from only following outfall extension to mean low water level at any time provided pre-discharge testing demonstrates TRC is below the USEPA's ML of 0.05 mg/L.

2. MINOR PERMIT REVISION GRANTED

EMM's outfall pipe construction project results in an outfall that terminates above the mean low water line of Taunton Bay such that it is exposed at low tide. Therefore, the acute dilution factor associated with the discharge is 1:1.

With an acute dilution factor of 1:1 and acute ambient water quality criterion of 0.013 mg/L for TRC, the end-of-pipe (EOP) water quality-based concentration limit for TRC is 0.013 mg/L. The permittee proposes to dechlorinate wash waters containing chlorine so that TRC is non-detectable prior to discharge.

Based on operational changes at the facility, the Department is revising the daily maximum concentration limitation for TRC from 1.0 mg/L to 0.013 mg/L and authorizing the permittee to discharge wastewater containing residual chlorine via Outfall #001A any time provided pre-discharge testing demonstrates TRC is below the ML. Compliance with the daily maximum TRC limitation in this permit will be based on USEPA's minimum level (ML) of detection of 0.05 mg/L.

3. CONDITIONS OF PERMITS

Conditions of licenses, 38 M.R.S.A. § 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S.A. § 420 and 06-096 CMR 530 require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Classifications of estuarine and marine waters, 38 M.R.S.A. § 469 classifies all estuarine and marine waters lying within the boundaries of the State and which are not otherwise classified, which includes the Taunton Bay at the point of discharge, as Class SB waters. *Standards for classification of estuarine and marine waters*, 38 M.R.S.A. § 465-B(2) describes the classification standards for Class SB waters.

5. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the water body to meet the standards for Class SB classification.

6. DEPARTMENT CONTACTS

Additional information concerning this permitting action may be obtained from, and written comments sent to:

Bill Hinkel
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
e-mail: bill.hinkel@maine.gov Telephone: (207) 485-2281



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.
