



Minutes of the Meeting of the Northport Village Corporation Board of Overseers

9:00 am, January 12, 2020

Community Hall

Attendees

President: John Spritz
Treasurer: Steve Kazilionis
Village Agent: William Paige

Overseers

Miles Frieden
Lisa Fryer
Mike Lannan
Vicky Matthews
Judy Metcalf
Jeffrey Wilt

(on telephone)

Michael Tirrell

Meeting called to order: at 9:05 a.m.

Approval of minutes: Jeffrey W. moved to approve the minutes from the November 17 meeting; Lisa F. seconded the motion. The vote was unanimous.

Questions/issues from Bayside residents and meeting attendees: Dr. Sid Block addressed the Overseers concerning his and Upstream Watch's concerns regarding the Nordic Aquafarm's permit to build a salmon processing facility. Dr. Blocks' comments are appended to these minutes. (Speaking as a Village resident), Overseer Mike L. also briefly addressed the Board concerning the Nordic Aquafarms issue; his statement is likewise appended to these minutes.

Report of the Treasurer: December warrants were circulated and signed. Steve K. noted that the initial closing for fiscal 2019 was completed, with some issues still to work on; the 2nd closing will occur soon. Steve K. also noted that the new accounting firm for the NVC is working out well. Their monthly cost is initially \$1,200 but is expected to drop over time to around \$600 (what the NVC was paying previously).

Looking ahead to the next fiscal budget (2020-2021), the Treasurer asked for input from the Infrastructure, Personnel and Safety committees and from any Overseers with particular budgetary needs. Committee chairs and Overseers can use the first or second closing information to develop their budgets.

Infrastructure Committee:

Infrastructure Committee: Mike L. presented Regina Leonard and Mike Sabatini from the seawall engineering design team (The Engineers) as the NVC's guests, to explain the engineering aspects of the seawall proposal. The seawall concept is complete, and the design details are 75% complete. The design details for the North Avenue seawall are 90% complete. The extent of project work for the seawall project extends from the boat ramp (not including the boat ramp or the wooden wall to the north of the boat ramp), to the south including the full wooden crib wall, along the north side of the causeway, skipping the end of the causeway (that was rebuilt within the last 10-20 years), along the south side of the causeway, in front of the new disinfection building, along the wastewater treatment plant, and towards the end of lot U5-141 (the end of village Property). The parking circle will be removed and replaced. It will be pulled back approximately 15-20 feet to allow for the proper drainage away from the wall to minimize future run-off erosion, to maintain parking in front of the circle, and to provide some "green space" between the cars and the new granite wall in this drainage area. The Engineers believe that the project is still on schedule for the final design to be complete by early February.

Some key notes from the engineers' presentation:

- The permitting is in process and may not require a pre-application meeting. The seawall in front of North Avenue is riprap and shouldn't need a permit.

- Funding will be accomplished initially with a “bond anticipation note” to be repaid in 2021 by the actual bond.
- At the next Overseers meeting (Sunday, February 2), the Overseers should receive the draft 100% design. At his point the design will be completed and used for bidding. Changes going forward would be limited to addressing comments from the village and regulatory authorities and addressing any design discrepancies determined during bidding.
- The main seawall project is now estimated to cost approximately \$1.36 million including engineering design, bidding documents, and construction management. The current cost estimate includes no work from the yacht club to the end of lot U5-141. The Engineer recommended no work from the yacht club to the end of Lot U5-141 because it was in good shape and not a high risk area, even though it was included in the authorization. There were questions and comments that noted that this is a long-term solution, so there was a desire to revisit whether even minor upgrades such as increasing the rip-rap toe in some places should be considered for this area as well. This additional analysis should be completed this month. A firm cost will be known once the project has been bid out to contractors.
- Moving the parking circle back will reduce two parking spaces along Main Street, but these spots, plus more, will be replaced by draining improvements made to the up-hill ditch between Park Row and the boat ramp. Total parking capacity will actually increase by allowing head-in instead of parallel parking in this area.

Jeff W. made a motion to accept the Engineers’ conceptual design and design details to date; Lisa F. seconded. The vote was unanimous. Vicky M. made a motion to authorize the Treasurer to continue work to initiate the bond anticipation note; Lisa F. seconded; the vote was unanimous.

Steve K. asked Mike L. when the Infrastructure Committee would need money to continue working on the project? Mike noted that the design bills have been coming in since the fourth quarter of last year, and the next one will come at the end of January, so additional funding should be secured ASAP.

Mike also noted that the Village should survey the land at the bottom of North Avenue, to clarify the exact ownership of certain land. The survey will cost \$5K, and will be done by Landmark Corporation, Surveyors & Engineers, of Rockport. Vicky M. made a motion to authorize the NVC to hire Landmark for such a survey, and to appropriate up to \$5K from the Village’s road budget; the motion was seconded by Judy M., and the vote was unanimous.

Mike also suggested that the Village create a notification system when people are working on shoreland zone properties, to notify their neighbors. This notification could come through the Town of Northport or the Village.

Tree Committee: Report attached to these minutes.

Tree Warden Report: The Village received a letter from Diana Easty, co-signed by other Villagers, asking the Overseers to address the issue of brown tail moths, in anticipation of the 2020 summer season. Lisa F. will communicate with Diana Easty, particularly regarding the costs of various brown tail moth control techniques. The Overseers approved a fundraising effort should concerned citizens wish to pursue this option; Steve K. will communicate the process, as needed.

Vicky noted that a tree on George Street had been leaning onto wires, and so the tree was taken down. It was on Village land; a new tree will be planted. Vicky also said that the arborist has come to Bayside and made a list of issues to address in 2020, including pruning in Blaisdell Park. The Tree Warden’s report is appended to these minutes.

Communications Committee: Nothing to report.

Finance Committee: Nothing to report.

Governance Committee: The individuals addressing the Parking Ordinance have met twice since the last Overseers meeting, and will meet next at 8:30 am on Saturday, February 1st, in Community Hall. The Committee provides a call-in number for those wishing to attend who cannot be there physically. The Committee should have a draft for public comment by March.

Personnel Committee: The Committee has met three times since the last Overseers meeting. They:

- Discussed the position of the Treasurer and its job description. (Steve K. is leaving the position after the 2020 Annual Meeting.) Blair has been contacted to develop a list of candidates.
- The Committee is also looking at the role of the Finance Manager and assessing its need.
- The Committee is reviewing the position of the Office Manager and has posted the job for interested candidates.
- The Committee is looking at the immediate and long-term needs of the NVC going forward and will create an organization chart, consider succession planning, and ask the Safety Committee to develop plans for the 2020 Police Officers and Lifeguards.

The Committee meets next at 10:30 on Saturday, February 1, in the Community Hall or by telephone.

Vicky M. noted that the NVC should have a personnel and policy manual for all employees. Jeffrey W. indicated that the Committee would create one.

Utility Committee: Judy M. presented draft 2020 budgets for both sewer and water. Jeffrey W. moved to approve the 2020 water budget; Miles F. seconded; the vote was unanimous.

The sewer budget is proposed to increase because of new costs associated with the chemicals and treatment of NVC's sewage. The increase is anticipated to be \$165/year per sewer user. In addition, the Utilities trustees have voted not to forward \$3K to the NVC General Government in 2020, as they have done for the past several years.

Lisa F. made a motion, and Vicky M. seconded, to approve the sewer budget for 2020.

In discussion, it was noted that the new sewer building (near the Northport Yacht Club) will be paid in its entirety, \$200K, out of Utility reserves. Steve K. noted that the \$3K that the Utilities trustees do not give to the NVC General Government will have to come out of NVC reserves. Jeffrey K. asked if the \$3K could be added on to the \$165-per-sewer-user increase.

The motion was withdrawn; the Utility Trustees will work to see if the \$3K can be drawn from Utilities reserves.

Safety Committee: Michael T. discussed three topics:

1. Planning for 2020 includes working with officers Boucher and Kolko, to see how they can be retained during the 2020 summer season. There may be a different configuration of shifts, depending on the officers' availability.
2. The Board had approved the expenditure of up to \$4K for new speed signs; the NVC now owns 2 permanent speed signs, to go with the moveable speed sign it already has. The new signs are solar-powered; their installation locations are TBD. The Village Agent said he does not yet know the cost of installing the 2 new permanent speed signs.
3. The Committee is working on plans for a sign on the dock to promote safety.

Town of Northport issues: Vicky M. reiterated concerns regarding the Nordic Aquafarms proposal. Michael T. said that the NVC might need the Town to cooperate on any permanent speed sign placement.

Report of the President: John S. said that the Village had received a letter from Peg Wooley, who asked about the potential for installing a memorial bench. Vicky M. said that she would get back to Peg on the matter. There was discussion about memorial trees, instead of benches.

Village Agent Report: Billy P. noted that there is a problem when new foundations are built and their perimeter drains drain out onto neighbors' yards or onto paved streets. The water from these drains can freeze and cause hazards. There was agreement that anyone constructing a new foundation and a perimeter drain needs to first come to the Overseers to request permission to open the road and connect to the stormwater drain.

Comments from Meeting Attendees: Ned Lightner said that his family will repair the Lightner bench, which has wooden slats that require attention. The Overseers were appreciative.

Meeting adjourned: at 12:05 pm. The Overseers then went into Executive Session at 12:10 pm, which ended at 12:27 pm. No votes were taken.

The next Overseers meeting is at 9 am on Sunday, February 2.

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Meeting minutes submitted by John Spritz.

NVC Personnel Committee Meeting Re-cap

Meeting Date: January 4, 2020

Re-cap Date: January 5, 2020

Attending in person: Miles Frieden, Judy Metcalf, Jeffrey Wilt

Attending by telephone: Steve Kazilionis, John Spritz, Michael Tirrell

Action Items:

Treasurer Position:

Review job description assuming a traditional treasurer's role (post Steve), share with committee (assigned to Steve)

Contact Blair Einstein to develop candidates list (assigned to John (complete))

Finance Manager:

Review/develop job description, separating the FM role from the Treasurer (assigned to Steve)

Investigate outsourcing options including NR Bookkeeping (Judy, Jeffrey)

Office Manager:

Review job description (committee)

Investigate outsourcing options, including NR Bookkeeping, considering an option of a combined OM/FM role (Judy, Jeffrey)

Advertise traditional OM position—jobsofmaine.com, baysidemaine.com, (assigned to Steve. complete)

Collect and review applications (Steve will collect and share with committee)

Future Meetings:

Review immediate, mid and long term NVC structure, with org. chart

Discuss succession planning process for all positions

Safety Committee to review lifeguard and police needs at their next meeting

Next Meeting:

February 1, 10:30 at Village Office or by telephone (605-475-4902 — access code 577505#)

TREE COMMITTEE REPORT

January 2020

Committee Chair: Lisa Fryer

John Hoy has been gathering information from Project Canopy 2020. The due date for grants is March. There may be a possibility of two grants: one focused on planting trees and one on planning for invasive pests, aimed specifically at browntail moths. More information to come following a February registration workshop by Project Canopy.

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TREE WARDEN REPORT

January 12, 2020

1. Emergency tree removed at Maple and George – approx. \$1500
2. Work to be completed from now to spring depending on weather
 - a. West Street tree removal
 - b. Pruning in Blaisdell Park
 - c. Pruning at stairs in Auditorium Park
 - d. Removal of stumps at Merrithew Square mailboxes. Fencing is scheduled to be repaired and new low-maintenance plantings to be considered.

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January 12 , 2010

Statement for the NVC Board of Overseers

On January 8, the public was finally able to present its case against Nordic Aquafarms to the Belfast Planning Board. I am writing to tell you how brilliantly and convincingly members of the Northport Village Corporation, Upstream Watch, Friends of the Harriet L. Hartley Conservation Area, Local Citizens for Smart Growth and other citizens from Lincolnville, Northport, Belfast, Belmont and Searsmont presented their cases.

It must have been abundantly evident to the Planning Board that Nordic's permit application should be immediately denied or at least tabled until completed analyses and recommendations from the Bureau of Environmental Protection, the Army Corps of Engineers, other relevant agencies and the courts were made available to them.

Unfortunately, although the Board respectfully listened, my sense from the visible attitude and the few verbal comments made by members of the Planning Board and other City officials, was that the public and expert statements were gratuitously being accepted and tolerated so that the Board could claim it had listened to public opinion. I am not optimistic about how the Planning Board will rule.

To heighten my concern about how much public opinion and scientific testimony might count, that very day, despite much scientific evidence and public opinion, the Maine State Public Utilities Commission ruled in favor of the CMP gas corridor from Canada to Massachusetts through the western Maine wilderness. I have to conclude that public opinion and scientific evidence are no match for corporate money and political pressure when it comes to our regulatory agencies, so I am equally pessimistic about future rulings on the Nordic fish factory from the Maine State Board of Environmental Protection.

This is not to say that public statements, demonstrations and scientific presentations should be abandoned—they remain a thorn in the side of Nordic and have slowed their development and ability to garner additional funding.

What I am saying, however, is that, in my opinion, the best (and perhaps only) way to stop Nordic will be in the courts. Nordic's "Achilles heel" is their lack of ownership or permission to drive their intake and discharge pipes across the Harriet L. Hartley Conservation Area at the mouth of the Little River. It is imperative that this tidal zone be defended and remain in private ownership.

The legal resistance to Nordic, however, is exceedingly costly and its burden should be shared first by those most at risk and then also by those concerned about our shared environment and economy. We now have 3 suits in Federal and State courts challenging Nordic and have also been bearing the costs of defending ourselves against very dubious countersuits. (If you have never heard of a SLAPP suit, check Jon Oliver's HBO commentary on YouTube—instructive, amusing and frightening all at the same time.)

Nordic is an existential threat to Bayside, as great as was the failure of our wells 20 years ago and now is regarding the rising level of the bay that threatens our seawall and sewage system. In the past and at substantial cost our community dealt with the water shortage and is now contending with the predicted effects of climate change. Unfortunately we must also understand, proactively address and commit ourselves to defeating Nordic

The warm nitrogen-rich effluent from Nordic's wastewater discharge pipe will form a constant 100 million gallon plume of nitrogen rich warm effluent just off our shore and subject to onshore winds and storm current shifts. Our beaches, our swimming, our sailing, our property values, our ability to rent our cottages and more, all are at risk. The eventual financial cost to Baysiders personally will be substantial; the cost to us as a community will be even greater.

I am asking for you to recognize the threat. And I am asking you to extend your formal opposition to Nordic to include the Friends of the Harriet L. Hartley Conservation Area. As individuals, your financial support for the legal efforts to protect and preserve the Conservation Area will be exceedingly important and greatly appreciated.

Supporting the Friends will be the best way to stop Nordic, protect yourselves, ourselves and Bayside. So please think about what stopping Nordic will be worth to you.

I'm also adding a copy of my statement to the Belfast Planning Board. Thank you for your patience in listening to me this morning.

Sidney

(STATEMENT OF MIKE LANNAN)

January 8, 2020

Dear Belfast Planning Board, Northport Village Corporation Overseers, Northport Select Board, and Northport and Belfast Residents:

Hello. My name is Michael Lannan. I am President of Tech Environmental, which is a consulting firm that specializes in helping facilities, neighbors of facilities, and regulators navigate the permitting process with respect to environmental concerns, and with a special emphasis on nuisance potential. We have an office on Front Street in Belfast, an office in Waitsfield, Vermont, and an office in Waltham, Massachusetts.

I am also a resident of Northport, a homeowner in Bayside Village, an Overseer for the Northport Village Corporation (NVC), a boater on the Penobscot Bay, a decent curler in Belfast, a not so good golfer in Northport, a trustee of the NVC Utility Committee, the Chair of the NVC Infrastructure Committee, and a Maine registered Professional Engineer specializing in Environmental Engineering. I am speaking to you today as a representative of Upstream Watch. Upstream Watch's goal from day one has been about the science, and the potential economic, energy, and environmental risks, as compared to the potential benefits.

Thank you for the opportunity to provide our thoughts on the permitting process to date for the proposed Nordic Aquafarms (NAF) Recirculating Aquaculture System (RAS). As we all know, the Planning Board has clearly spent quite a bit of their personal time on this application and they should be commended for their service to the City, and the mid-coast area that is potentially affected by this proposal. Before I provide additional comments on Upstream Watch's behalf, it is important to remind everyone that I personally, my firm Tech Environmental, Upstream Watch, and the NVC have taken no stand endorsing or opposing this project.

As many of you know, Nordic Aquafarms has permits pending before both the City of Belfast's Planning Board and the Maine Board of Environmental Protection. I have attended, not all, but a majority of these meetings in person. I have listened to the various agents of the proponent speak, I have scanned, or read in detail, every permit submission they have provided, and I have watched them operate throughout the process.

While the proponent might feel otherwise, this permitting process for a project of this size and complexity, and for the infrastructure proposed, and the way it was proposed, is moving at a face pace. I, and my staff, have literally read or scanned through every permit submission, DEP requests for information (RFIs), and responses to RFIs. This exercise was necessary, since I could not simply read the permit applications. Nordic's original permit applications submitted in May of 2019 to DEP and the City of Belfast have never been formally updated. On the DEP website there are multiple responses to comments posted, included the extremely large documents with stormwater submittal changes. Only the proposed stormwater changes are available on the City's site, so it is unclear what parts of the application and responses that Nordic has made, are actually pending for the City and whether the

applications pending at DEP and at the City are consistent. For a project of this size and complexity, it is very unusual and uncommon, for the proponent to not keep their permits up to date. This lack of basic permitting protocol can be seen a reflection of the either the Technical Ability of the applicant, or the degree to which the proponent is willing to work with the city and its neighbors.

Many think of the permitting process simply as a “hurdle to overcome”, but in my nearly three decades assisting, developing, evaluating and/or reviewing hundreds to thousands of projects, it is actually so much more. Ultimately, it is a reflection of the proponent, the project, the area’s desire for the project, the financial, energy, and environmental benefits and risks. Eventually, every project comes down to the “three-legged” stool of economics, energy, and the environment.

While in the past I have provided specific testimony, on detailed environmental issues and environmental rules or laws, this letter prepared for submission at tonight’s Planning Board meeting on January 8, 2020 is focused on how this all does, or does not, fit together, as requested by the Planning Board. The hope as presented at the last meeting by the City, but not mentioned formally in the agenda, is that this project will shift from specific topics of concern to the permit as a whole. Part of this proposed shift may or may not include restricting public comment moving forward.

Again, as we all know, the Planning Board has clearly spent quite a bit of their time on this application and it is understandable that the Planning Board may like to move forward towards closure. But at this juncture the only way to move forward is to deny the application(s) because they are simply insufficient, contradictory, and inadequate to meet the required “burden of proof” with respect to the three-legged stool.

It does not seem possible that this process can shift from individual topics, as it is still simply unclear for the Planning Board to know what individual topics are being proposed, and therefore, what to possibly deliberate. And since the topics are all directly, indirectly, or inversely related, there is a multilayer web of uncertainty as to what is being proposed.

If we just use the construction air emissions as an example. Nothing has been provided to date with respect to construction air emissions, yet over 200,000+ yards of soil will now be removed along with forest, brush, stumps, rock, and other items, and a substantial base of gravel, stable soil, or gravel will need to be provided. None of this concern is in current application pending. This change in site suitability has the potential for significant nuisance and respirable particulate emissions from the truck traffic, equipment operations, exposed areas, diesel emissions from trucks and non-road earth moving equipment, the act itself of earth moving, grading, scooping, dumping, and hauling, the hauling and diesel emissions of the replacement fill, the building materials, concrete, driveways, bypass road, and on, and on.

Again, using the unsuitable soils example, the interrelated aspect is highlighted at a Planning Board meeting over 125 days ago where Ellie Daniels, a Person of Interest and an abutter, (and not by the proponent by the way), informed the Planning Board of the vast added quantities of unstable soil that would need to be removed.

Ms. Daniels’ calculations used a 10-cubic yard dump truck. That is the standard size of a three or four axle dump truck. Obviously, if larger trucks are used, there will be less truck trips, so it is possible to reduce the number of trip ends by using 24-cubic yard tractor trailer truck as Ed Cotter suggested would

Nordic Aquafarms Permitting to Date December 8, 2020

likely be used at the meeting instead. At first glance, it sounds like the potential traffic and air emission impacts from trucking this new concern could be cut in half, right? Wrong. First and foremost, it is likely that many size trucks will be used to keep to their original schedule, as they have not formally altered it as a result of this unstable soil determination. And cement does not generally come in these larger trucks, so there will be 10-yard cement trucks no matter what, but if we simply explore the potential collateral impact strictly from using 24-yard trucks instead of 10-yard trucks, the only possible conclusion is that it is impossible to know whether this is an added benefit or an added impact, because:

1. A larger truck means less trips for the same material, but it also means more respirable particulate from truck wells as the potential respirable emissions are related to the total weight of the truck over the area of impact.

2. Larger trucks are harder and slower to maneuver, and as a result must wait significantly longer to make turns at intersections like the left turn on to Route 3 from Route 1. Although the formal trip ends are less, the overall traffic impact may actually be more.

3. Additionally, larger trucks will require significantly different turning, idling, and loading patterns. They will likely be on-site much longer and the viability of an 80,000 square foot active area, with the proposed schedule comes into question.

4. Then there are differences in weight, and potential impact to the longevity of the roadways. If the unstable soil is saturated, a 24-yard total truck weight should exceed the recommended weight limits. While the City may elect to provide a waiver for the overweight limit, it must consider the potential to shortening of the road lifespan doing so.

5. Lastly, there was discussion of backfilling gravel delivery trucks with the unstable soil. While this is likely possible to some extent, it becomes less ideal if larger trucks are used. The 80,000 square foot staging area will not allow for as much flexibility if larger loads are coming and going. Again, all of these parameters fit together; one impacts the other.

The real problem here for the Planning Board with respect to the example above, is knowing: what is proposed now for hauling? Is it formally the original numbers in Table 18-1? After all that table has never been formally updated. Is it the hauling scenario Ellie Daniels presented, and Ed Cotter acknowledged “that is sounds about right” with 10-yard trucks, or the possible 24-yard trucks Mr. Cotter mentioned? How much stable backfill material is now needed? Will it be gravel? Will it be soil? Will it be cement? Will it be crushed bedrock?

Again, another proponent meeting response suggested that blasting would be minimized because some of the bedrock can be removed with an excavator, but some will need a hoe-ram. A hoe-ram was not included in the generic construction equipment suggested, yet it is one of the loudest possible pieces of equipment. The proponent mentioned that the bedrock that can be removed by a backhoe or hoe-ram will be crushed and reused on-site to limit traffic. Okay, but the details of this process, or how it would work has never been discussed in the application, on-site aggregate processing operations is another significant new process that will create more noise and air emissions, and staging.

There were also discussions at a meeting of a cement plant on-site to limit traffic impacts, yet a cement plant comes with its own set of potential impacts, needs, and concerns. Again, none of this is discussed in the applications(s).

And lastly, the proponent has elected to permit a 2-Phase construction project, yet there is absolutely no discussion or analysis of the potential traffic, noise, air emissions, odors, discharge impacts, etc. during the overlap of Phase 1 Operations and Phase 2 construction.

There is not a single topic that has been addressed in its entirety and to completion. Many responses from the proponent to questions from the Planning Board, Parties of Interest, and the public, have been couched with statements about how the details will be determined after the BEP hearings. That approach is simply not fair to the Planning Board or the public. Essentially, what that response is really saying is that the proponent is willing to waste the time of the Planning Board in this process to get input to items for use at BEP that they claim they vetted when they filled out their applications and informed the City and DEP that their application was complete.

Please note that agents of the proponent often use the acceptance of the application as administratively complete to suggest that the proposed project permit application is complete. Those are two completely different things. The first threshold, administratively complete, is simply a check to see if the permit has all the components. That does not mean that the permit is complete to the level of detail for approval. If it were, then there would be no need for the actual review process. When the proponent stands up at a Planning Board meeting and says, “that air, odor, noise, wastewater, ground water, surface water, city, wetlands, etc. question will need to be addressed at the BEP hearing”, what they are really saying is that we submitted the bare minimum, or close to it, to meet the administratively complete threshold to start the review process. And, we will work out the details after the permits are issued, unless we are forced to do so by a Board, BEP, or the public beforehand. The Planning Board and Belfast and Northport residents can simply review the video of the previous meetings to see these deferral comments occurring steadily.

As mentioned earlier, one can learn a lot from the way a proponent approaches the permitting process. Unfortunately, as the process unfolds, this proponent has done nothing but add concern, instead of addressing concern. Although NAF touts an “open-door policy” in meetings and in its advertisements, the proponent has repeatedly refused our requests for the back-up material to any of their very vague studies. This is not an unusual request, but is standard practice in permitting, and actually required as part of the DEP rules.

More importantly, any company that claims to have an “open-door policy” should want to provide their back-up information to demonstrate that they took a conservative approach to compliance, regardless of whether it is formally required, as it is in this case. If they plan to be a good neighbor during construction, operations, and maintenance, they should want to address concerns now. Anyone that leans on lawyers to argue against the applicability of requests to provide required information, should be questioned. Furthermore, this proponent has refused to answer many of the DEP’s formal request for information directly. Again, I do not need to get into a detailed demonstration of how or why here, as the RFIs, and the RFI responses stand alone, and are all readily available on the DEP website.

In contrast to the recent objection that NAF’s lawyers just filed that requested that all Upstream Watch’s questions and concerns be stricken from the record because of a few inconsistent pagination concerns, I will use our firm as an example to demonstrate how a firm should work directly with a municipality or regulatory authority as part of the process. For smaller projects, Tech may initially consider a “less is more” approach to permitting, and initially simply provide the results and the assumptions, and possibly not the calculations or modeling input and output files. Tech

would then provide them at a later date if requested. Tech does not refuse these requests because we are eager to work with the regulatory agency, and we want to put public concerns to rest. We know we did it right, and we are happy to share, if it helps provide a basis for the approval.

For larger projects, such as this one, we would always provide the calculations in either a qualitative or quantitative manner, depending on which would be more helpful. We would either include the modeling files, if we knew they were required, or if not at least offer to provide them. We would always include a detailed evaluation of how a subconsultant's work fits into the project. Simply saying "see the appended report" does not provided the Planning Board, regulators, or the public with the context necessary to accept a report or analysis as pertinent to establishing the burden of proof, especially a report with no input file, output file, equipment list, or equipment data included. Again, there are many examples in the application, so only one will be included here to illustrate the concern. Below is the entire analysis of how the noise report, provided by a subconsultant (Acentech) to a subconsultant (Gridworks Energy Consulting, Inc), is relevant to this project:

*"3_0_0_NOISE_
Gridworks_Energy_Consulting_LLC_was
retained_by_Nordic_to_prepare_a_full_noise_
study_presenting_the_potential_noise-related_
impacts_from_construction_and_operation_of_
the_development._This_Construction_
Operation,_and_Maintenance_Noise_Impact_
Assessment_has_been_included_as_Appendix_
30-A._According_to_the_assessment,_sounds_
associated_with_construction,_operation_or_
maintenance_of_the_Project_will_be_modest_
and_in_compliance_with_federal,_state_and_
local_noise_level_requirements."*

While it is okay to append a report to add data to defend or backup one's argument for burden of proof, the applicant must still demonstrate site specific applicability and requirement. Please note that this statement and the appended report discusses construction noise, but the proponent would rather argue that construction noise is exempt that simply address the reality of it. Again, that action speaks loudly.

The fact that this proponent has continued to refuse to provide the wastewater, oxygen generation, disinfection, water, fish module equipment air emissions, capacities, sound data, is a huge concern. The question is simply: Why? It is not because of propriety concerns. Tech works with many companies that have very strict confidentiality agreements. There are plenty of ways to provide the basic equipment information required for permitting without breaking these agreements.

Furthermore, it is not because they do not have the funding to do it. At the very first Planning Board meeting in the boat house, the proponent discussed the many millions of dollars spent on permitting and design. It was presented during the Financial Ability topic presentation by the proponent. Unfortunately, if they have the money and pumps, fans, blowers, oxygen generation equipment, etc. are common and not proprietary then, the remaining logical answers are:

- 1.The initial studies were only performed at the cursory level and may not be complete,
- 2.The initial studies may not be representative anymore,

3. The studies made some less than conservative assumptions,
4. The studies may not hold up to scrutiny with respect to the analysis being reasonable worst-case, and/or demonstrating compliance.

Results in a report may still seem okay even if any of the items above are a concern, if the amount of information presented is minimized. For example, at Tech, when we review sound studies for a municipality, county, or a state agency, we have coined a term we call the “marshmallow factor”. This term is used generically to describe unconservative or unrepresentative assumptions that may be used for a project. In this specific case it refers to the sound reflectivity factor in the model for structures and ground surfaces. While the results of the model run may show compliance, did the proponent assume a reasonable reflectivity or did they assume the building and ground was made of a spongy, absorptive, marshmallow-like substance? If they were not conservative, it can only be known with the modeling input, output, and site-specific data assumptions.

Generally speaking, there are two ways to permit a facility (1) by providing the proper studies and justification so that specific criteria can be written in as thresholds for compliance, or (2) by providing open ended conditions that will allow a facility to learn as they go, make improvements, and refine the process in an iterative manner. The proponent, through their own volition, has proposed an incredibly large facility on this site, in one permitting exercise, with two separate phases of construction and start-up days. For a project of this magnitude, the second approach is simply not feasible.

While the site is vast, the proposed use will disturb and fill nearly every acre of the site up to, or near, the required property line buffer, or shoreland buffer. When completed, and fully operation, it has proposed to harvest enough salmon to supply 7% of the US salmon demand (or twice the demand of all of New England), from one location, in our neighborhood.

Some suggest that it could be an economic windfall for the area, or some suggest that it could be a complete environmental disaster. What is more likely is that if it were built and operated as the applications and proponents wishes suggest, it would start out somewhere in between on the “sunny” day as presented in the applications. The problem the proponent has is that it must satisfy the burden of proof that it can be in compliance each and every day, not just on days where the wastewater plant is operating at 99% removal, their discharge in the bay is free of antibiotics, metals, and their plume is moving towards the “open ocean” as they describe it, the fish are completely healthy, sufficient power is present, there is adequate groundwater available, the feed is ideal, their product is being harvested and butchered properly, the product is being shipped as planned, there is sufficient heat available, there is sufficient heat being removed, moisture is under control, odor is being controlled, noise is limited, all the mechanical and SCADA systems are functioning, oxygen is being provided as planned, their wastes are being removed in a timely manner, etc. While the proponent discusses a normal day, there have been no assurances or demonstrations that it will not become a complete disaster on a less than ideal day. We call this stress testing a facility. There has been minimal to no stress testing results reported in the application. That fact alone, must result in a denial, unless the permit is resubmitted with stress tests.

This was plainly clear with respect to air quality. Tall stacks may not be necessary on a daily basis, but they are necessary when we are “socked-in” with fog (i.e. on a day or evening where the weather has created an inversion). This is why, not just the sunny day, but all the days over a period of five years must be assessed during any EPA approved air dispersion study assessment. Tech has been working with DEP on the recent dispersion modeling exercises and has identified some additional air quality concerns that will be presented once we have finalized them.

Unfortunately, the proponent has not provided sufficient information to justify the financial, energy, and environmental benefits, and to address the risks. It may be hard to fathom how to assess benefits and risks from a facility that could produce 7% of the US Salmon. So, to get an idea, we compared it to the sizing simple societal utility needs, and the typical public scrutiny necessary for just one of these items.

As individual consumers, we tend to think of infrastructure and utility averaging periods in months and years, not in minutes or days, as the proponent's application uses. Usage in cubic yards per day or gallons per minutes can be harder for a consumer appreciate, since no one has their waste picked up daily, and no one pays their water and wastewater bills on a minute basis. When I work with the Utility or Infrastructure Committees, we review usage and needs on a monthly, quarterly, or annual basis. As a consumer I think in monthly and annual billing usage and costs, and may analyze average daily usage to explore trends, but individual daily usage is simply not that relevant. Individual daily usage is important for a single user that has incredible demands.

The table below illustrates the voluminous demands of this facility in simple daily and yearly time periods, and in a comparison to potential population basis usage. For people per household the national average of 2.6 people was used.

Infrastructure Need	Daily Usage/Production	Annual Usage/Production	Population Served
Wastewater	7,700,000 gallons	2,800,000,000 gallons	66,000 people *
Water	1,700,000 gallons	630,000,000 gallons	32,000 people **
Power Plant	330,000 kilowatts	123,000,000 kilowatts***	48,000 people ****
Solid Waste	110,000 pounds *****	180,000,000 pounds	25,000 people
Fish Product	200,000 pounds	73,000,000 pounds *****	30,000,000 people
Gross income	\$550,000 *****	\$200,000,000 *****	6,500 people(income)

*Maine code 10-144 CMR Ch. 243 Section 1001.1.1

** <https://www.csgwest.org/policy/WesternWaterUsage.aspx>

*** Actual Usage proposed is approximately one-tenth of this potential based upon a fuel restriction

**** <https://www.electricchoice.com/blog/electricity-on-average-do-homes/>

***** <https://archive.epa.gov/epawaste/nonhaz/municipal/web/html/>

Table 18-1 volumetric operation waste (i.e. not including construction waste) rates x density

[https://www.epa.gov/sites/production/files/2016-](https://www.epa.gov/sites/production/files/2016-04/documents/volume_to_weight_conversion_factors_memorandum_04192016_508fnl.pdf)

[04/documents/volume_to_weight_conversion_factors_memorandum_04192016_508fnl.pdf](https://www.epa.gov/sites/production/files/2016-04/documents/volume_to_weight_conversion_factors_memorandum_04192016_508fnl.pdf) &

<https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-materials>

***** <https://www.seafoodnutrition.org/seafood-101/news/news-update-u-s-per-capita-seafood-consumption-up-in-2017/>

***** Global Price of \$6.05/kg as of 11/2019, <https://www.tridge.com/intelligences/atlantic-salmon>

<https://www.census.gov/quickfacts/fact/table/ME/HSG010218>

Why is the previous table important? Because each one of the items alone should require a substantial permitting and vetting process. Simply stating that the process units being proposed in typical “modules” or are “state-of-the-art” would not be sufficient for permitting for a wastewater treatment plant, a water treatment plant, a food processing facility, a solid waste transfer station, or a power plant. Why should it be sufficient for a facility that is going to provide all five of these together on one site? The simple answer is that it is not.

With three decades of experience designing and permitting all types of facilities, I thought I understood the size of the facility until I went to the formal DEP site walk, and looked at what I thought was the Building 1 corners, but then learned that visible markers were for only one third of the building corners. The other two thirds of the proposed Building 1 were deep into the woods. Only then did I truly realize the size of a facility that could fit both Gillette Stadium and Fenway Park within its footprint.

It actually makes sense that a facility this size needs massive infrastructure. We continue to provide permitting and design services for the wastewater collection and treatment to the Kraft Group for Gillette Stadium and for Patriot Place. The packaged wastewater treatment plant for the Patriots, the hotels, the restaurants, the stores, and the future residential development planned pales in comparison to this one.

The infrastructure NAF is proposing is akin to the infrastructure needed for a city or town of at least 25,000 to 66,000 residents. The population of Belfast and Northport combined are 8,300 people. The population of the four biggest cities in Maine are below with a comparison to the proposed NAF infrastructure.

City	City Population *	Infrastructure Proposed	Comparable Population Served
Portland	66,417 people	NAF Wastewater Plant	66,000 people
Lewiston 3	5,944 people	NAF Power Plant	48,000 people
Bangor	31,997 people	NAF Water Plant	32,000 people
South Portland	25,606 people	NAF Solid Waste 2	5,000 people

*https://www.maine-demographics.com/cities_by_population

So here we have a proponent that is provided ALL the infrastructure of a large city in Maine, yet requesting that it be provided conditional permits. It has provided no information for its sound sources but readily admits that here are 180 sound sources present, but that is okay because they will be addressed via a conditional permit. Unfortunately, if they are out of compliance, who is going to start at the beginning and identify the 180 sources to find the problem? that could take weeks to do. A conditional permit would not be acceptable for any of the cities above, and it should not be here as well.

The proponent claims that the aquaculture facility must be permitted in one step, yet it does not present anything about the overlapping phases of construction and operations. This would not be acceptable for any of the cities listed above, and it should not be here as well.

The number one factor affecting wastewater loading and solid waste is the fish feed. Residual fish feed will pass through the tank and fish waste discharged reflect fish feed. The proponent claims that the industry is changing so rapidly that it must not be limited to one feed. If the feed is changing so rapidly, why wouldn't the proponent suggest that the Phase 2 design needs might be different as well? A permit that does not identify one of its largest potential contributions to its waste would not be acceptable for any of the cities above, and it should not be here as well.

The drain on local infrastructure resources, and the impact to nearby residents will be real. A commitment to this project, means limited options for other projects, and if this project is not as promised, or has a serious mortality event of literally hundreds of millions of pounds of live fish, it could have a serious and permanent detrimental effect on the area (land and sea). The proponent simply has not demonstrated that its economic, energy, and environmental benefits out way its risks, or justify its predominately conditional permitting approach. And unfortunately The proponent has

shifted from its "open door policy" to dissemination of missing design information to lawyers fighting the applicability or technicalities of timeline of for valid comments and concerns that are still being submitted, instead of simply addressing them as any firm claiming to be a future good neighbor would do. As a result, the risks for this project are simply too high to approve and let Nordic Aquafarms design and "tweak" the project after the fact.

Thank you for your time.

Sincerely,

TECH ENVIRONMENTAL, INC.
Michael T. Lannan, P.E.
President