

LORRAINE SHAW et al.

v.

BOARD OF ENVIRONMENTAL PROTECTION et al.

Submitted on Briefs January 11, 2007
Decided February 1, 2007

Panel: CLIFFORD, DANA, ALEXANDER, CALKINS, LEVY, and SILVER, JJ.

MEMORANDUM OF DECISION

Fourteen neighbors of a farm in Littleton appeal from the judgment of the Superior Court (Aroostook County, *Hunter, J.*) affirming the decision of the Board of Environmental Protection, approving issuance of a license to the Houlton Water Co. to dump sewage sludge on the farmlands. The neighbors assert that the Board erred by (1) considering new evidence when making a decision different from that of the Commissioner of Environmental Protection; (2) basing its findings on evidence not reviewed or considered by the Board; and (3) making findings of fact not supported by substantial evidence in the record before the Board.

The Board's process for the consideration of evidence on appeal from a decision of the Commissioner of Environmental Protection was consistent with the

process mandated by 38 M.R.S. § 341-D(4) (2006) and 2 C.M.R. 06 096 002-11, -12, § 2.24(B)(4), (7) (2003), and accorded the plaintiffs the requisite elements of administrative due process. *See New England Tel. & Tel. Co. v. Pub. Utils. Comm'n*, 448 A.2d 272, 279 (Me. 1982); *In re Me. Clean Fuels, Inc.*, 310 A.2d 736, 745-48 (Me. 1973). Further, the Board's findings addressed all the issues required by law and regulations, 3 C.M.R. 06 096 400-21, § 400.4(G)(2)(c) (2001); 3 C.M.R. 06 096 419-6, § 419.2(B), (C) (2000); 3 C.M.R. 06 096 419-14 to -15, § 419.4(H) (2000); 3 C.M.R. 06 096 419-23 to -27, § 419.7(A), (B) (2000); and those findings are supported by evidence in the record.

The entry is:

Judgment affirmed.

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