AGENDA

ITEM

5.b. (4)

TOWN OF CLINTON

SUMMARY PERMIT APPLICATION FOR SPREADING OF RESIDUAL LIME PRODUCT FROM STATE APPROVED FACILITIES.

Introduction

Pursuant to the Board of Selectman policy (in effect 4/03) for enforcement of the Town of Clinton Solid Waste Ordinance, a summary permit process may apply for the agronomic utilization of certain residuals known as lime mud or grit, or other agricultural liming agents, generated by paper manufacturers utilizing the oxidation process (as opposed to the bleaching process that may create dioxin contamination concerns), in accordance with a program license issued by the Maine Department of Environmental Protection where under no site utilization review is required by the MEDEP, provided the applicant submits: (1) a certified nutrient management plan to which the applicant will conform loading rates when utilizing the residual on the site: and (2) a current "best practices" agreement with respect to the applicants compliance with all siting and operational standards for residual utilization, including property and feature setbacks under Maine DEP Rule 419. The summary permit expressly does not apply to similar liming agents generated by paper mills using the bleaching process as the BOS is informed no program license have yet been granted by MEDEP for such generators. The summary permit does not apply for permanent stock piling (more than six months) of the residual. Permit fees are waived for this Summary Permit process only.

NAME OF APPLICANT:
Flood Brothers

ADDRESS OF APPLICANT:
839 River Road, Clinton, ME

DESCRIPTION OF RESIDUAL TO BE UTILIZED BY YOU:
Sappi Fine Paper North America Lime Mud
Imerys Pigments and Additives Group Precipitated Calcium Carbonate (PCC) Grit

DEP PROGRAM LICENSE # OF THE GENERATOR OF THIS RESIDUAL:
Sappi-S-022170-SD-A-N
Imerys—S-022093-SD-A-N

NAME AND ADDRESS OF SUPPLIER OF THE RESIDUAL:
New England Organics
1100 Waterville Road
Unity, ME 04988

IDENTIFICATION OF PROPOSED LAND SPREADING SITE:
MAP 1 LOT(S) 24

IF LAND NOT OWNED BY YOU IS A VERIFICATION DOCUMENT ATTACHED TO APPLICATION: Yes_____ No_____ if no please provide statement why not?
Land is owned by Flood Brothers.

STOCK PILING OF RESIDUAL WILL BE TEMPORARY (Less than six months) AND THE STOCKPILED MATERIAL WILL BE USED ON SITE? Yes___X___ No_____

WHAT IS THE ANNUAL PROJECTED AMOUNT OF STOCKPILED MATERIAL 1000 tons.

WHEN DO YOU ANTICIPATE THE MATERIAL WILL BE APPLIED TO THE LAND: Fall 2007.

YOUR LOADING RATE FOR THE RESIDUAL ON THE UTILIZATION SITE WILL CONFORM TO YOUR NUTRIENT MANAGEMENT PLAN. Yes___**X**___ No_____
[Attach a copy of the most recent nutrient management plan for the site.]

YOU WILL CONFORM WITH ALL SITING AND OPERATIONAL STANDARDS FOR UTILIZATION OF THE RESIDUAL, INCLUDING PROPERTY AND FEATURE SETBACKS, SET FORTH IN MAINE DEP RULE 419. Yes___**X**___ No_____
[Attach copy of your most recent "best practices agreement" executed with the MEDEP Program License or its agent, with regard to this residual.]

SIGNATURE OF APPLICANT: Gene B. Frost

DATE OF SIGNATURE: 3/19/07

This permit approval is good for one year and will expire April 1st of each subsequent year.

BOARD OF SELECTMAN APPROVAL SIGNED BY CHAIRMAN AFTER PUBLIC HEARING AND AFFIRMATIVE VOTE BY BOARD OF SELECTMEN. [Minutes to be attached to the Application]

TOWN OF CLINTON

_____ DATE; _____
Chairman, Board of Selectmen

Maine Department of Environmental Protection
Program License

Sappi Fine Paper North America Lime Mud

RECEIVED SEP 14 2006

Applicant
ATTN: MICHAEL FORTIN

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

S.D. WARREN CO.	)	SOLID WASTE ORDER
d/b/a SAPPI FINE PAPER NORTH AMERICA	)	
SKOWHEGAN, SOMERSET COUNTY, MAINE	)	PROGRAM APPROVAL
LIME MUD UTILIZATION	)	
S-022170-SD-A-N	)	
(APPROVAL WITH CONDITIONS)	)	NEW LICENSE

Pursuant to the provisions of 38 M.R.S.A. Section 1301 et. seq. and 06-096 CMR Chapter 419, Agronomic Utilization of Residuals (effective July 19, 1999, revised December 19, 1999), and the other Solid Waste Management Rules (effective November 2, 1998, revised September 6, 1999), the Department of Environmental Protection (the Department) has considered the application of S.D. WARREN COMPANY d/b/a SAPPI FINE PAPER NORTH AMERICA ("SAPPI" or "the applicant") with its supportive data, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

The applicant requests approval of an agricultural utilization program for the lime mud generated by SAPPI . The applicant, through its contractor, proposes to sell its residual lime mud for agricultural utilization.

2. FACILITY / RESIDUAL CHARACTERIZATION

A. Facility: SAPPI owns and operates an integrated pulp and paper mill located in Skowhegan, Maine. The facility produces approximately 1,500 tons per day of wood pulp using the Kraft chemical process, and produces approximately 2,200 tons per day of fine paper.

B. Lime Mud Generation: Lime mud is generated in the chemical recovery system at the SAPPI mill. Lime mud consists of calcium carbonate ($CaCO_3$) and, to a much lesser degree, calcium hydroxide ($Ca(OH)_2$). To recausticize the pulp digesting liquors required to dissolve the lignins from wood fiber, large amounts of calcium oxide (CaO, quick lime) are used. The resulting chemical reaction yields lime mud, which is washed and added to the lime kiln. Within the kiln, $CaCO_3$ is converted into CaO that can be recycled into the recausticizing process. When components of the system are not functioning properly or are down for repairs, excess lime mud is generated within the process.

C. Quantities Generated: Approximately ten to twelve thousand tons of excess lime mud is generated in SAPPI's recausticizing process annually, with a peak annual production of twenty thousand tons at approximately 75% solids.

D. System Inputs: CaO is the primary chemical compound that is added to the recausticizing cycle. Small quantities of drainage aids and coagulants are added to the process to assist in the dewatering and settling of the lime mud. Salt cake (sodium sulfate) is added through the black liquor cycle. Periodically sodium hydroxide and sodium hydrosulfide are added when the recausticizing process cannot maintain production requirements. This is extremely high quality lime and typically has 96-99% available calcium carbonate equivalents. Lime mud from the SAPPI facility does not have sanitary waste inputs, nor does it ever contact the pulp bleaching portion of the mill.

3. SAMPLING AND ANALYTICAL WORKPLAN

A. Sample Plan: The applicant has submitted a sampling and analytical plan for sampling and analyzing SAPPI lime mud. The plan meets the standards in Chapter 405 section 6.B(2).

B. Lime Mud Analysis:

(1) Baseline nutrients: The applicant's lime mud will be analyzed for the baseline nutrients listed in Chapter 405 section 6.D(2)(a). The applicant proposes to sample and analyze its lime mud for these parameters on an annual basis.

(2) Calcium Carbonate Equivalents: The applicant's residual will be analyzed for calcium carbonate equivalents (CCE) as listed in Chapter 405 section 6.D(2)(c), to determine proper loading rates at utilization sites. The applicant proposes to sample and analyze its lime mud for CCE on an annual basis, using the Association of Analytical Chemists (AOAC) method 1.003. The result of the lime mud analysis for the year 2003 is 99.9% CCE.

(3) Periodic Reports: Within 30 days of receipt by SAPPI, the applicant should submit the results of lime mud analyses to the Department for baseline nutrients and CCE.

C. Soil Testing: The applicant does not propose to analyze the soil at utilization sites each year, prior to spreading lime mud. The Department finds that there would not be an economic incentive for a landowner to purchase an amount of SAPPI

lime mud in excess of that required for a given agricultural site. As proposed by the applicant, SAPPI will not analyze the soil at utilization sites each year, provided recipients are required to purchase the lime mud, and provided SAPPI verifies the amount of usable farm acreage requiring lime mud and does not distribute more lime mud to a farmer than can be used at that site in one calendar year (see Finding of Fact 4B of this order), and the recipient does not re-distribute the lime mud to another landowner.

4. AGRONOMIC BENEFIT

A. Benefit: The applicant proposes to distribute SAPPI lime mud for use as a lime substitute on agricultural land. The applicant has performed initial analysis for baseline nutrients and CCE, in accordance with Chapter 405 sections 6.D(2)(a) and (c). Results of these analyses indicate that the residual represents a high quality substitute lime which exhibits a high degree of consistency, due to the rigorous quality standards demanded by the pulping process

B. Loading Rates: The applicant has proposed to limit the application of SAPPI lime mud to the standard agronomic liming rate of two tons CCE/acre/year if topdressed, or three tons CCE/acre/year if incorporated.

5. RESIDUAL SUITABILITY AND RISK MANAGEMENT

Based upon a review of the historic analytical results of SAPPI lime mud, the Department finds that the lime mud produced by the facility is physically and chemically suitable for the intended utilization activity, is not a hazardous waste, and is of a known and consistent quality. The following requirements apply to the utilization program in order to manage potential risks from lime mud utilization:

A. Nitrogen: SAPPI lime mud contains negligible levels of nitrogen. Land-application of SAPPI lime mud will not supply measurable amounts of nitrogen to utilization sites. Therefore, the applicant is not subject to the siting standards in Chapter 419 section 3.A, or the operating standards in section 4.L.

B. Phosphorus: SAPPI lime mud contains negligible levels of phosphorus. Land-application of SAPPI lime mud will not supply phosphorus to utilization sites in excess of crop uptake rates. Therefore, the applicant is not subject to the siting standards in Chapter 419 section 3.B, the operating standards in section 4.M, or the prohibition in section 4.E(3)(c).

C. Non-Hazardous: SAPPI has performed Toxicity Characteristic Leaching Procedure (TCLP) analyses of lime mud that indicate that the material is non-hazardous.

D. Pathogens and Vectors: SAPPI lime mud receives no sanitary waste inputs, contains no human pathogens, and generates no odors. Therefore, the applicant is not subject to the operating standards in Chapter 419 sections 4.H or 4.I.

E. Heavy Metals: The applicant has performed representative analyses of SAPPI lime mud for inorganic compounds in accordance with Chapter 405 section 6.D(2)(d). Results of these analyses indicate the regulated inorganics in the lime mud are within the applicable limits in Chapter 419, Table 419.4 columns A through C, and Chapter 418, Appendix A. Therefore, the applicant is not subject to the additional operating standards in Chapter 419 sections 4.J.

F. Priority Pollutants: The applicant has submitted the results of lime mud analyses for selected volatile organic compounds (VOCs), target semi-volatile organic compounds (SVOCs), and pesticides. The results of SVOC analyses indicated that these compounds were all non-detect in SAPPI lime mud. Given these results, and an assessment of the inputs into the system that produces the lime mud, the Department finds that SAPPI lime mud will not contain any of these target compounds in concentrations that would exceed the screening standards in Chapter 418, Appendix A. Although the applicant has not tested its lime mud for poly-chlorinated biphenyls (PCBs), the Department finds that PCBs are not used in operations at the SAPPI mill, and that PCBs will not be present in SAPPI lime mud.

G. Dioxin: Analysis of SAPPI lime mud for polychlorinated dibenzo-p-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs) indicates that the total toxicity equivalents of these compounds are below 27 parts per trillion (ppt).

Additionally, in 1997, SAPPI converted its bleaching process to an "Elemental Chlorine Free System", thereby minimizing potential for dioxin generation. Therefore, the applicant is not subject to the additional standards in Chapter 419 section 4.K.

6. PROTECTION OF WATERS OF THE STATE

A. The applicant is not subject to the siting standards in Chapter 419 section 3. Additionally, to ensure that the operating standards in section 4.E will be met at utilization sites, the applicant proposes that all lime mud recipients will be

required to sign a Best Management Practice (BMP) Agreement with the applicant. The applicant has submitted a draft BMP Agreement form to the Department. The draft BMP Agreement requires that all spreading sites shall be located a minimum of 100 feet from water supply wells, residences, and classified water bodies; a minimum of 25 feet from intermittent streams and drainage gullies; and on slopes of less than 15%. Additionally, the BMP Agreement requires that field stacking storage sites shall be located according to the following criteria:

(1) Storage sites will be located upgrade of slope, or if not, runoff will be diverted away from stacked lime mud;
(2) Lime mud will be stored in areas with low public contact;
(3) Lime mud will only be stored on sites where it will be utilized (unless additional storage sites are licensed by the Department);
(4) Lime mud will be stored for no longer than two years from the date of delivery (unless an extended storage period is approved in a Department license);
(5) To facilitate spreading on a 100 year floodplain, lime mud will not be stored in excess of 30 days, nor after September 15th of any calendar year;
(6) Lime mud will be stored and utilized in accordance with the appropriate agricultural BMPs, including maximum rates of two tons CCE/acre/year if topdressed, or three tons CCE/acre/year if incorporated; and
(7) Storage sites will meet the following setbacks:

(a)	Residences:	300 feet (100 feet with landowner permission)
(b)	Public Roadways:	100 feet
(c)	Property Boundaries:	50 feet
(d)	Water Supply Wells:	300 feet (100 feet with landowner permission)
(e)	Surface Waterbodies:	100 feet

B. The BMP Agreement also specifies that lime mud shall not be applied to frozen, saturated or snow-covered ground. The Department finds that the applicant should retain copies of signed BMP Agreements at the Somerset mill for a period of five years from the date of the last lime mud delivery to the applicable agronomic end user

C. Sludge: SAPPI lime mud is not sludge, and is not subject to the licensing and operating standards in Chapter 419, sections 3.C and 4.N.

D. Risk Management:

S.D. WARREN CO	6	SOLID WASTE ORDER
d/b/a SAPPI FINE PAPER NORTH AMERICA	)	
SKOWHEGAN, SOMERSET COUNTY, MAINE	)	PROGRAM APPROVAL
LIME MUD UTILIZATION	)	
S-022170-SD-A-N	)	
(APPROVAL WITH CONDITIONS)	)	NEW LICENSE

(1) In accordance with Chapter 419 section 7.A(4), the applicant has submitted documentation to demonstrate that agricultural utilization and field stacking of SAPPI lime mud poses minimal potential risks to human health or the environment. Nutrient calculations have shown that land-application of SAPPI lime mud at the maximum allowable rate of three tons CCE/acre/year would not result in nutrients being applied in excess of the uptake rates for the crops proposed to be grown, or in excessive loading of any regulated contaminants.

(2) The applicant is not subject to the siting standards in Chapter 419 section 3 or any of the additional operational standards of Chapter 419 sections 4.F through N, provided applications of SAPPI lime residuals are limited to the maximum allowable liming rate of two tons of CCE/acre/year for topdressed lime mud and three tons of CCE/acre/year of incorporated lime mud.

E. The applicant proposes to utilize SAPPI lime mud on agricultural sites. The Department finds that limiting the spreading of the residual to established agricultural sites will meet the intent of the setbacks required under Chapter 419 section 4.G and Chapter 400 section 4.E(1)(b).

F. Contingency Plans: SAPPI owns and operates a licensed landfill on the Somerset site, for disposal of the solid wastes, including lime mud, that are generated at the Somerset mill. Additionally, SAPPI currently has an agreement with another paper company to provide the other paper company with lime mud for its kilns. Lime mud that cannot be delivered to utilization sites will alternately be delivered to SAPPI's landfill for disposal or to other paper companies for utilization in their processes.

G. Onsite Storage: SAPPI proposes to store lime mud, at the Somerset plant, on a 3-acre bituminous concrete pad located in the mill's woodyard and on a bituminous concrete pad between the lime kiln and the PCC plant. This short-term storage will facilitate site operations and provide surge capacity when trucking is not an option (i.e., posted roads, etc.). The woodyard pad was originally licensed by Scott Paper Winslow Mill in 1992 (DEP License #S-20884-WM-A-N) for the storage of pulp and papermill sludge and boiler ash. SAPPI currently uses the pad to store pulp mill screen rejects, salt, sand, and lime mud. To ensure safe storage of the lime mud, the applicant proposes to follow the operational standards for residual storage sites, as contained in Department Regulations, Chapter 419, Section 12.

S.D. WARREN CO	7	SOLID WASTE ORDER
d/b/a SAPPI FINE PAPER NORTH AMERICA	)	
SKOWHEGAN, SOMERSET COUNTY, MAINE	)	PROGRAM APPROVAL
LIME MUD UTILIZATION	)	
S-022170-SD-A-N	)	
(APPROVAL WITH CONDITIONS)	)	NEW LICENSE

7. FINANCIAL AND TECHNICAL ABILITY

A. Financial Capacity: Costs to run the program will be covered by avoided costs to SAPPI from landfilling the lime mud, and by the fees charged to farmers for purchase of the lime mud.

B. Technical Ability: SAPPI has documented their extensive experience managing the production, beneficial use and disposal of their solid wastes. In addition, SAPPI has retained the Environmental Exchange, Inc., a residuals management contractor located in Hermon, Maine, to manage SAPPI's lime mud utilization program. Environmental Exchange, Inc. has successfully managed other lime residuals utilization programs in Maine in excess of five years. Farmers utilizing SAPPI lime mud will certify that they will follow the BMPs required by this license. SAPPI has no history of violations of the laws or regulations regarding agricultural utilization of residuals, for at least the last five years.

8. SITE LICENSING PROCESS

A. Individual Site Licenses: The applicant proposes not to license individual utilization sites or field stockpile sites. The applicant states that end users will be required to purchase the lime mud for a reasonable fee based on amount of acreage requiring lime addition, so there will not be an economic incentive for a landowner to purchase an amount of SAPPI lime mud in excess of that required for a given agricultural site. Further, SAPPI states that it will not distribute more lime mud to a farmer in a given year than can be used at the site during that year unless the individual site is licensed as a residual storage and distribution facility under Chapter 419 section 10. SAPPI will provide all recipients of its lime mud with a copy of the BMP Agreement, which describes the maximum application rates, and details the BMPs for storing and using the material.

B. Siting Standards: Based on the characteristics of the residual, the applicant is not subject to the siting standards in Chapter 419 section 3. The applicant has provided the information that will be provided to end users of SAPPI lime mud, which is sufficient to ensure that the standards in Chapter 419 sections 4.E, 10 and 12 will be met at utilization sites. The Department finds that not licensing individual utilization sites or field stockpile sites is appropriate, provided no more lime mud is provided to an individual than will be used on their farm in a given year.

9. TRAFFIC

S.D. WARREN CO	8	SOLID WASTE ORDER
d/b/a SAPPI FINE PAPER NORTH AMERICA	)	
SKOWHEGAN, SOMERSET COUNTY, MAINE	)	PROGRAM APPROVAL
LIME MUD UTILIZATION	)	
S-022170-SD-A-N	)	
(APPROVAL WITH CONDITIONS)	)	NEW LICENSE

Shipments of lime mud will replace shipments of agricultural lime that would normally be delivered to utilization sites. The applicant estimates that fewer than 16 vehicle trips will be made per day to deliver lime mud to any utilization site. No new roads are required to be constructed for the proposed activity. Existing State and local laws regulate vehicle weight limits and speed limits on roads used to transport materials to the site. When applicable, site entrance permits will be obtained from Maine Department of Transportation. The proposed activities are consistent with the ongoing agricultural activities at utilization sites.

10. NOISE

Lime mud utilization will not generate noise in excess of that generated during normal agricultural operations at any utilization site.

11. ODOR

Lime mud generates little or no perceptible odor.

12. SCENIC CHARACTER

No new permanent structures are proposed to be constructed for the project. Lime mud utilization will be consistent with ongoing agricultural activities at utilization sites.

13. EROSION

Best management practices will be utilized during the construction of facilities proposed for temporary storage of lime mud. Site operators will certify by their signatures on BMP Agreement Forms that they will abide by the appropriate BMPs.

14. UTILITIES

No new utilities are proposed for the project. No new utilities are needed since the project is consistent with the ongoing agricultural activities at utilization sites.

15. FLOODING

To expedite spreading, lime mud will not be stored longer than 30 days, nor later than September 15th of any calendar year within the 100 year flood plain. Utilization of lime mud will not increase the flooding potential of any area.

S.D. WARREN CO	9	SOLID WASTE ORDER
d/b/a SAPPI FINE PAPER NORTH AMERICA	)	
SKOWHEGAN, SOMERSET COUNTY, MAINE	)	PROGRAM APPROVAL
LIME MUD UTILIZATION	)	
S-022170-SD-A-N	)	
(APPROVAL WITH CONDITIONS)	)	NEW LICENSE

16. REPORTS

The applicant will maintain records and file all required reports in accordance with Chapter 419 section 6. An annual report that meets the standards in Chapter 419 section 6.C, including a summary of the volume of lime mud generated, volume utilized, and volume disposed of for the previous calendar year, along with a signed certification statement, will be submitted to the Bureau of Remediation and Waste Management by February 28th of each year. Lime mud analyses which had not previously been submitted to the Department will also be included with this annual report.

BASED on the above Findings of Fact, and subject to the conditions listed below, the Department makes the following CONCLUSIONS:

1. The proposed project will not pollute any water of the state, contaminate the ambient air, constitute a hazard to health or welfare, or create a nuisance, provided that:

   A. The applicant provides the results of chemical analyses of lime mud on an annual basis. SAPPI lime mud will be tested for the following: pH, % dry solids, total volatile solids, sodium, total potassium, total phosphorus, total carbon, calcium, magnesium, iron, and CCE; and the applicant will submit analytical results to the Department within 30 days of receipt;

   B. The applicant limits applications of SAPPI lime mud to the maximum allowable liming rate of two tons CCE/acre/year if topdressed, or three tons CCE/acre/year if incorporated;

   C. The applicant ensures that the agronomic end users purchase SAPPI lime mud;

   D. The applicant does not distribute more SAPPI lime mud to agronomic end users in a given year than can be used at the recipient's sites during that year, and the lime mud recipient does not re-distribute lime mud to another landowner;

   E. The applicant executes BMP Agreements, which include all the information in Finding of Fact 5H of this order, with all agronomic end users receiving SAPPI lime mud, and provides the end users with copies of the Agreement;

   F. Applicant retains each signed BMP Agreement, at the Somerset mill, for a period of five years from the date of the last lime mud delivery to the applicable

agronomic end user, and provides copies of such agreements to the Department upon request during that period;

G. The applicant ensures that SAPPI lime mud is not placed where it will be washed into waters of the state;

H. The applicant ensures that SAPPI lime mud is not land-applied when the soil is frozen, snow-covered or water-saturated; and

I. The applicant submits an annual report of lime mud utilization activities that meets the standards in Chapter 419 section 6.C;

2. The applicant has the financial and technical ability to develop the project in a manner consistent with State environmental standards;

3. The applicant has made adequate provisions for traffic movement of all types into, out of and within proposed facilities and utilization sites;

4. The proposed project fits harmoniously into the existing natural environment and will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipalities or in neighboring municipalities;

5. Proposed facilities and utilization sites will be on soil types suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment;

6. Proposed facilities and utilization sites will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur;

7. The applicant has made adequate provisions for utilities including water supplies, sewerage facilities, solid waste disposal and roadways required for the project, and the proposed facilities and utilization sites will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipalities or area served by those services; and

8. The activity will not unreasonably cause or increase the flooding of the area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the above noted application of S. D. WARREN COMPANY d/b/a SAPPI FINE PAPER NORTH AMERICA SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

S.D. WARREN CO	11	SOLID WASTE ORDER
d/b/a SAPPI FINE PAPER NORTH AMERICA	)	
SKOWHEGAN, SOMERSET COUNTY, MAINE	)	PROGRAM APPROVAL
LIME MUD UTILIZATION	)	
S-022170-SD-A-N	)	
(APPROVAL WITH CONDITIONS)	)	NEW LICENSE

1. The Standard Conditions of Approval, a copy attached as Appendix A.

2. The applicant shall provide the results of chemical analyses of lime mud on an annual basis. SAPPI lime mud will be tested for the following: pH, % dry solids, total volatile solids, sodium, total potassium, total phosphorus, total carbon, calcium, magnesium, iron, and CCE; and the applicant will submit analytical results to the Department within 30 days of receipt.

3. The applicant shall limit applications of SAPPI lime mud to the maximum allowable liming rate of two tons CCE/acre/year if topdressed, or three tons CCE/acre/year if incorporated.

4. The applicant shall ensure that agronomic end users must purchase SAPPI lime mud.

5. The applicant shall not distribute more SAPPI lime mud to agronomic end users in a given year than can be used at their sites during that year.

6. The applicant shall execute signed BMP Agreements, which include all the information in Finding of Fact 5H of this order, with all agronomic end users receiving SAPPI lime mud, and shall provide the end users with copies of the Agreement.

7. The applicant shall retain copies of signed BMP Agreements at the Somerset mill for a period of five years from the date of the last lime mud delivery to the applicable agronomic end user. Copies shall be provided to the Department upon request during that five year period.

8. The applicant shall ensure that SAPPI lime mud is not placed where it will be washed into waters of the state.

9. The applicant shall ensure that SAPPI lime mud is not land-applied when the soil is frozen, snow-covered or water-saturated.

10. Lime mud delivered to a recipient shall not be re-distributed to another landowner by that recipient.

S.D. WARREN CO	12	SOLID WASTE ORDER
d/b/a SAPPI FINE PAPER NORTH AMERICA	)	
SKOWHEGAN, SOMERSET COUNTY, MAINE	)	PROGRAM APPROVAL
LIME MUD UTILIZATION	)	
S-022170-SD-A-N	)	
(APPROVAL WITH CONDITIONS)	)	NEW LICENSE

The applicant shall submit an annual report of lime mud utilization activities to the Department that meets the standards in Chapter 419 section 6.C.

DONE AND DATED AT AUGUSTA, MAINE THIS 13th DAY

OF August, 2003.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: David Lennett
Dawn R. Gallagher, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

Date of initial receipt of application: May 29, 2003

Date of application acceptance: June 19, 2003

Date filed with Board of Environmental Protection:

FILED
AUG 19 2003
BOARD OF ENVIRONMENTAL PROT.
STATE OF MAINE

This Order was prepared by Mark King of the Bureau of Remediation and Waste Management.

XMK50404

Maine Department of Environmental Protection
Program License

Imerys Pigments and Additives Group Precipitated Calcium Carbonate (PCC) Grit

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

IMERYS PIGMENTS AND ADDITIVES GROUP, INC.	)	SOLID WASTE ORDER
SKOWHEGAN, SOMERSET COUNTY, MAINE	)	
LIMING AGENT PROGRAM APPROVAL	)	
S-22093-SD-A-N (APPROVAL WITH CONDITIONS)	)	NEW LICENSE

Pursuant to the provisions of Title 38 M.R.S.A. Sections 1301 *et seq.*, and 06-096 CMR Chapters 400 - 418 *Maine Solid Waste Management Rules* (effective November 2, 1998), and Chapter 419, *Agronomic Utilization of Residuals* (effective July 19, 1999), the Department of Environmental Protection has considered the application of IMERYS PIGMENTS AND ADDITIVES GROUP, INC. (Imerys) with its supportive data and other related materials on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

A. Application: Imerys requests approval to distribute precipitated calcium carbonate (PCC) grit and PCC sludge, from its PCC facility in Skowhegan.

B. Proposal: The applicant proposes to distribute PCC grit and PCC sludge for land application, as a substitute for agricultural lime. The applicant proposes to distribute the residuals under this program license, without the need for individual site licenses.

2. FACILITY DESCRIPTION

Imerys Pigments and Additives Group, Inc. (Imerys) is a division of Americarb, Inc. Imerys operates a PCC facility at the SAPPI paper mill in Skowhegan. The facility produces high-grade calcium carbonate for use in the papermaking process. Calcium carbonate is produced by slaking lime, then carbonating the resultant calcium hydroxide. The calcium hydroxide and the precipitated calcium carbonate are screened to remove coarse particles. The screened, coarse particles are termed "PCC grit". Product washed from the screening process is de-watered on a filter press. The filter-pressed solids are termed "PCC sludge".

PCC grit and PCC sludge are stored in a roll-off containers at the facility.

Imerys produces approximately 2,000 wet ton of PCC grit and 3,000 wet tons of PCC sludge per year.

3. AGRONOMIC BENEFIT

PCC grit and PCC sludge have a calcium carbonate equivalence of between 50 and 85 percent. As such, the residual has a value as a substitute for agricultural lime.

4. RESIDUAL SUITABILITY

A. Inorganics: The applicant has performed an initial analysis for Total Inorganic Compounds in accordance with Chapter 405.6.D(2)(d). The analysis indicates that none of the inorganics exceeded the screening standards listed in Chapter 419, Table 419.4.

B. Salt Toxicity: The applicant has performed an initial analysis for salt content in accordance with Chapter 405.6.D(2)(h). The results indicate a salt content between 6.25 and 7.45mmhos/cm.

C. Target Volatile and Semi-Volatile Organic Compounds: The applicant has performed an initial analysis for target volatile and semi-volatile organic compounds as required by Chapter 405.6.D(2)(i) and (j). The results indicate that none of the volatile or semi-volatile organic compounds listed in Chapter 405 were detected.

D. PCBs, Pesticides and Dioxin: The applicant has performed an initial analysis for Target PCBs and Target Pesticides, pursuant to Chapter 405.6.D(2)(k) and (l). Analyses indicate that all parameters are within the screening standards contained in Chapter 418, Appendix A. Initial analyses of the residual for polychlorinated dibenzo-p-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs), performed pursuant to Chapter 405.6.D(2)(m), indicate that the total toxicity equivalents of these compounds are below 27 (ppt). Therefore the applicant is not subject to the additional standards in Chapter 419, section 4.K.

5. SAMPLING AND ANALYTICAL WORK PLAN

The applicant has submitted a sampling and analytical workplan that meets the standards for waste characterization in Chapter 405.

The applicant proposes to perform on-going analysis for baseline nutrients, inorganic compounds, and salt content, as listed in Chapter 405.6.D(2)(a),(d), and (h). The on-going analysis will occur approximately three months, six months, and one-year after this order is issued. If all parameters analyzed are within Department limits, the analytical

frequency will be reduced to once-per-year. The Department finds that additional sampling and analysis must be performed if any parameter is detected above Department limits.

The applicant proposes to sample and analyze PCC grit and PCC sludge for CCE and percent solids for the first three months that the program approval is in effect. If there is minimal or no variability in the parameters, the sampling and analysis frequency for CCE and percent solids will be reduced to semi-annually.

The Department finds that the applicant should submit analytical results to the Department within 30 days of receipt.

6. RISK MANAGEMENT

The applicant is not subject to the siting standards in section 3 or any of the additional operational standards of Chapter 419, sections 4.F through N, provided the PCC grit and PCC sludge application, in combination with other nutrient sources used on the fields, is limited to the liming requirements of the crop.

The Department finds that limiting PCC grit and PCC sludge spreading to established agricultural sites will meet the intent of the setbacks required under Chapter 419 Section 4.G and Chapter 400 Sections 4.E. (1)(b). The applicant has submitted a copy of storage and utilization guidelines to be followed by the site operator.

7. SITE LICENSING PROCESS

The applicant proposes that licenses not be required for utilization sites and field stockpile sites. Based on the characteristics of the residual, the applicant is not subject to the siting standards in Chapter 419, section 3. The applicant has provided the information that will be provided to end users of the residual. This information is adequate to ensure that the operating standards in Chapter 419, section 4.E will be met at utilization sites.

The information provided is also adequate to ensure that storage sites will meet the general siting and design standards in Chapter 419, section 10.A and B, and the operational standards in Chapter 419 section 12.A and B for storage. Stacking sites will typically be on topographically high areas, and will be selected to minimize the risk of run-on to the stockpile. Stockpiles will retain a conical shape to shed water, thus minimizing leachate generation.

The Department finds that not licensing individual utilization sites or field stockpile sites is appropriate, provided the applicant does not distribute more PCC grit or sludge to end

users in a given year than can be utilized at their site, and provided the applicant does not exceed applicable screening standards in Chapter 419, Table 419.4 for heavy metals, or Chapter 418, Appendix A, for semi-volatile organic compounds.

8. FINANCIAL AND TECHNICAL ABILITY

The applicant estimates the cost of operating the land application program to be less than $160,000.00 annually. The applicant has submitted evidence that Imerys has assets available to operate the program in a manner consistent with the requirements.

The applicant has retained the services of New England Organics (NEO) to provide PCC grit and PCC sludge management services. NEO has extensive experience with management of PCC grit and other residuals land application projects throughout New England.

The applicant has provided a certification that the owner, operator and any person having a legal interest in this order has not been convicted of any criminal law or adjudicated civil violation of environmental laws in Maine.

9. PROTECTION OF THE WATERS OF THE STATE

The Department finds that limiting PCC grit and PCC sludge spreading to established agricultural sites will meet the intent of the setbacks required under Chapter 419 Section 4.G and Chapter 400 Sections 4.E. (1)(b). The applicant has submitted a copy of storage and utilization guidelines to be followed by the site operator.

The information provided is also adequate to ensure that storage sites will meet the general siting and design standards in Chapter 419, section 10.A and B, and the operational standards in Chapter 419 section 12.A and B for storage. Stacking sites will typically be on topographically high areas, and will be selected to minimize the risk of run-on to the stockpile. Stockpiles will retain a conical shape to shed water, thus minimizing leachate generation.

10. TRAFFIC

The applicant states that the utilization program will not result in an increase in traffic beyond that associated with normal agricultural activities. The applicant therefore meets the alternative traffic standard in Chapter 419, section 4.F, and section 10.B(8).

11. NUISANCES AND AIR QUALITY

PCC grit and PCC sludge does not produce objectionable odors during handling and is unlikely to cause odor nuisances at the site where it is handled.

PCC grit and PCC sludge have sufficient moisture content such that no significant amounts of dust will be created.

Residual land application will not generate noise in excess of that generated during normal agricultural operations at any site proposed or currently used for ash utilization.

12. EROSION

The applicant is subject to the erosion control standards in section 12.A(8) at any storage sites where soils will be disturbed.

13. UTILITIES

No new utilities are proposed or needed since the project is consistent with ongoing agricultural activities at the sites

14. FLOODING

Residual utilization will not affect the flooding potential of any area.

15. REPORTING

The applicant proposes to submit an annual report of utilization activities that meets the standards in Chapter 419, section 6C to the Department by February 28th of each following year. The report will also include a summary of all delivery records. The applicant should report analytical results for PCC grit and PCC sludge to the Department within 30 days of receipt by the applicant.

BASED on the Findings of Fact, and subject to the Conditions listed below, the Department CONCLUDES the proposed project:

1. Will not pollute any water of the state, contaminate the ambient air, constitute a hazard to health or welfare, or create a nuisance, provided:

   A. The applicant follows the additional siting standards in Chapter 419, section 3.B(2), the additional operating standards in Chapter 419, section 4.J, and receives site specific approval from the Department before using individual sites if the applicant's residual exceeds applicable screening standards in Chapter 419, Table

419.4 for heavy metals, or Chapter 418, Appendix A, for semi-volatile organic compounds;

B. The applicant perform additional sampling and analysis if any parameter is detected above Department limits during the proposed on-going analysis for parameters listed in Chapter 405.6.D(2)(a), (c),(d), and (h).

C. The applicant submits analytical results to the Department within 30 days of receipt by the applicant.

D. The applicant does not distribute more PCC grit to a site than can be used in one year at that site.

2. The applicant has the financial and technical ability to develop the project in a manner consistent with State environmental standards;

3. The applicant has made adequate provisions for traffic movement of all types into, out of and within utilization sites;

4. The proposed project fits harmoniously into the existing natural environment and will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipalities or in neighboring municipalities;

5. The proposed facilities will be on soils types suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sedimentation;

6. The proposed facilities will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur;

7. The applicant has made adequate provisions for utilities including water supplies, sewerage facilities, solid waste disposal and roadways required for the project, and the proposed facilities will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipalities or area served by those services; and

8. The activity will not unreasonably cause or increase the flooding of the areas or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES above noted application of IMERYS, INC., SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached as Appendix A.

IMERYS PIGMENTS AND ADDITIVES GROUP, INC.	7	SOLID WASTE ORDER
SKOWHEGAN, COUNTY, MAINE	)	
LIMING AGENT PROGRAM APPROVAL	)	
S-22093-SD-A-N (APPROVAL WITH CONDITIONS)	)	NEW LICENSE

2. If the applicant's residual exceeds applicable screening standards in Chapter 419, Table 419.4, for heavy metals, or Chapter 418, Appendix A, for semi-volatile organic compounds, the applicant shall follow the additional siting standards in Chapter 419, section 3.B (2), shall follow the additional operating standards in Chapter 419, section 4.J, shall submit the information in Chapter 419 Section 7.B and 11 for individual sites for Department review, and shall receive site specific approval from the Department before using individual sites.

3. The applicant perform additional sampling and analysis if any parameter is detected above Department limits during the proposed on-going analysis for parameters listed in Chapter 405.6.D(2)(a), (c),(d), and (h). The frequency and duration of sampling and analysis, in such cases, will be determined by the Department.

4. The applicant shall not distribute more PCC grit to a site than can be used in one year a that site.

5. The applicant shall submit analytical results to the Department within 30 days of receip by the applicant.

DONE AND DATED AT AUGUSTA, MAINE THIS 1ST DAY

OF June, 2001.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: David Lennett
Martha G. Kirkpatrick, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE APPEAL PROCEDURES.

Date of initial receipt of application: 04/05/01

Date of application acceptance: 04/26/01

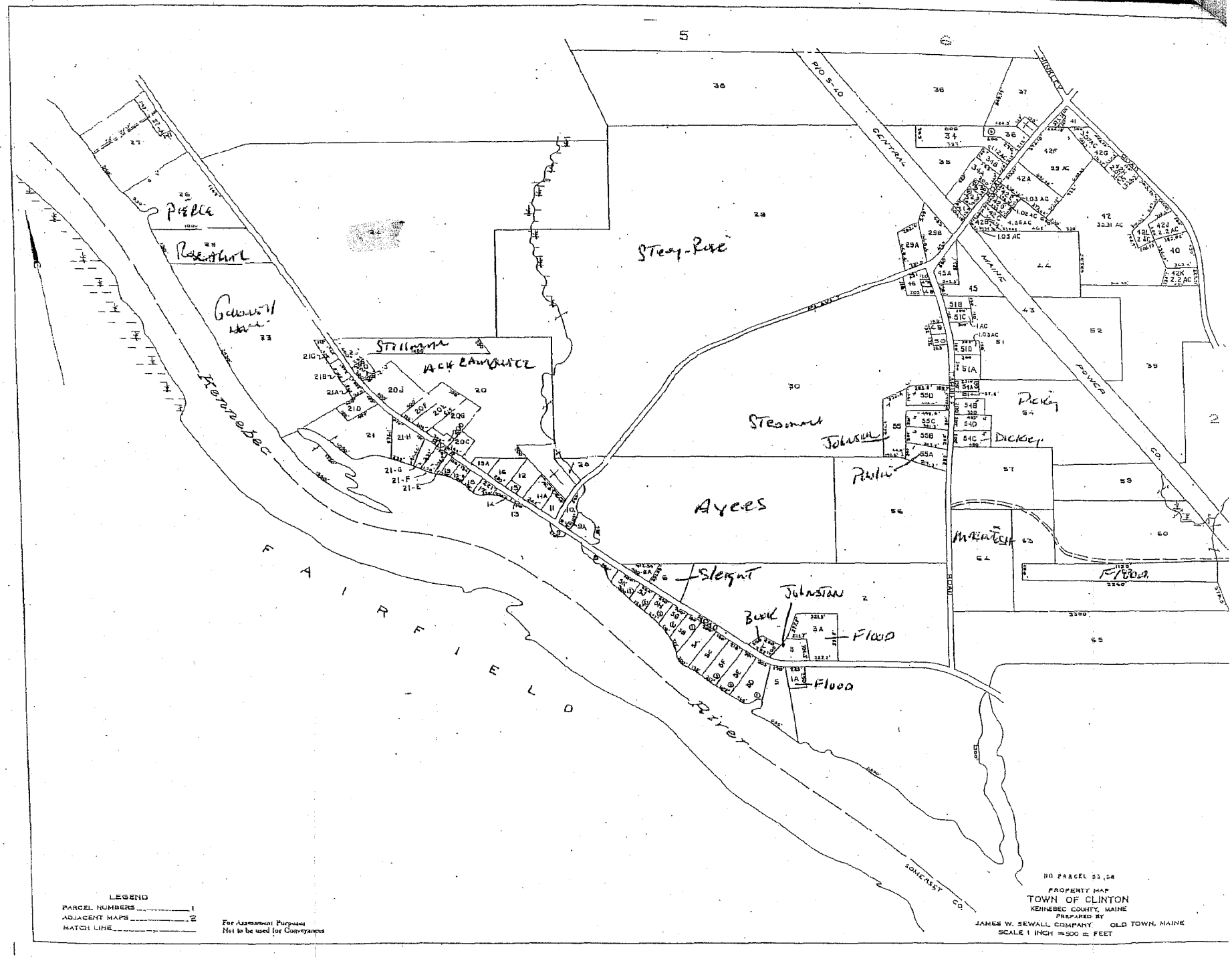
Date filed with the Board of Environmental Protection

FILED
JUN - 7 2001
BOARD OF ENVIRONMENTAL PROT.
STATE OF MAINE

This Order prepared by James Pollock, Bureau of Remediation & Waste Management.

xjp35735JP/SMI

Tax Maps



Pierce
Rosalind
Stillman
Ackerman
Steep-Rise
Steamer
Johnston
Pauline
Ayers
Sleight
Johnston
Book
Flood
Flood
Dickey
Dickey
Flood
Kennebec
River
FAIRFIELD
SOMERSET CO.
PIO 5-40
CENTRAL
MAINE
POWER
CO.
HINKLEY
ROAD
LEGEND
PARCEL NUMBERS 1
ADJACENT MAPS 2
MATCH LINE
For Assessment Purposes
Not to be used for Conveyances
NO PARCEL 53,58
PROPERTY MAP
TOWN OF CLINTON
KENNEBEC COUNTY, MAINE
PREPARED BY
JAMES W. SEWALL COMPANY OLD TOWN, MAINE
SCALE 1 INCH = 500 ± FEET

New England Organics
Best Management Practices Agreement

BEST MANAGEMENT PRACTICES-AGRICULTURAL
TOWN OF CLINTON

New England Organics
Serving New England Farmers Since 1985

Order #:	
Date:	
Acct.:	

Customer Information

Company: Flood Brothers Farm	Contact: George Flood
Address: 839 - River RD.	e-mail:
City: Clinton	State: ME. Zip: 04927
Phone:(207) 453-6820	Fax: 453-6348 Cell:

Product Information

Product: LIME GRIT LIME CAKE LIME MUD

Quantity---------->	Tons: 1000	Yards:
Quantity supplied will spread	Max. Appl. Rate:	Max. Appl. Rate:
Acres 454	Tons/Acre 2.2	Yards/Acre

HANDLING, STORAGE AND USE RECOMMENDATIONS, GUIDELINES AND RESTRICTIONS

Personal Safety:

Please note, as with any liming agent, fertilizer and/or soil amendment, these products have physical and/or chemical properties that may cause skin or eye irritation in some individuals. Therefore, use appropriate precautions during the handling of these products to minimize inhalation and/or exposure to the skin, eyes, and mucous membranes. Such precautions should include the use of personal protective equipment (gloves, protective eyewear, dust masks, etc.)

Storage:

1. As with any liming agent, fertilizer and/or soil amendment, these products must be stored in a location with low potential for human contact and only on the farm they will be used on.
2. Storage locations must be located on level areas that will minimize potential for surface water contact and not be washed into waters of the State.
3. Storage locations must be setback a minimum of 50 feet from property boundaries, 100 feet from public roadways.
4. Storage locations must be setback a minimum of 300 feet of occupied buildings other than those owned by the site operator or owner. With owners permission 100 feet GF Initials
5. In 100-year floodplains, product may not be stored for more than 30-days and not after September 15th.
6. Product must be utilized within two (2) years of delivery date.

Utilization:

1. Product must not be applied at a rate greater than the maximum application rate listed above.
2. Product must not be applied when the ground is frozen, snow-covered or water-saturated or on slopes in excess of 15%.
3. Product must not be applied within 25 feet of intermittent streams and/or drainage gullies.
4. Product must not be applied within 50 feet of property boundaries and 100 feet of private drinking water wells, residences, classified bodies of water.

I have read, understand, and agree to use the above product in a manner consistent with the aforementioned recommendations, guidelines and restrictions.

George B. Flood — Authorized Signature — Company — 3/19/07 Date

R.A. Johnson — NEO Representative — 3-19-07 Date

Nutrient Management Plan Certification

Plan Approval

Name of person writing the plan Laughlin W. Titus

Name of Person approving the plan Laughlin W. Titus License # CCA 15751
Signature of Person approving the plan Laughlin W. Titus Date 10/11/05
Expiration date 10/14/2010

" I concur with the information and practices outlined in this plan and will record all manure and nutrient applications on the farm. I also agree to amend this plan yearly, especially if

1) Changes occur in crops and/or acreage
2) Significant changes occur in the annualized number of animal units (AU)
3) Changes occur in manure storage facilities or handling

Signature of Operator [signature] Date 10/14/05