

IN THE MATTER OF

PINE TREE WASTE INC.)
WESTBROOK, CUMBERLAND COUNTY, MAINE)
SOLID WASTE TRANSFER STATION)
#S-022074-WH-D-A (APPROVAL WITH CONDITIONS))

SOLID WASTE ORDER
TRANSFER STATION/
PROCESSING FACILITY
AMENDMENT

Pursuant to the provisions of 38 M.R.S.A. Section 1301 et seq., and 06-096 CMR Chapters 400, 402, and 409 of the Maine Solid Waste Management Regulations (effective September 6, 1999), the Department of Environmental Protection has considered the application of PINE TREE WASTE, INC. (hereinafter called "PTW") with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

- A. Application: The applicant, PTW, has applied for approval to amend Board Order #S-022074-WH-A-N, dated April 19, 2001, which approved the construction and operation of a 1000 ton per day solid waste transfer station, an office-building complex, and a maintenance area for vehicles/ other equipment. This transfer station was approved to transfer both MSW and unprocessed construction and demolition debris ("CDD") delivered to the facility to other licensed solid waste facilities for further processing and/or disposal.

This application to amend the approved facility license proposes to exclude the office building/maintenance building from the facility plan and construct a construction and demolition debris (CDD) processing building, along with a slightly redesigned transfer station. The finalized site plans submitted in support of this application are stamped and dated August 15, 2005. The application was modified on October 26, 2006 to increase the total capacity of the CDD processing facility from 500 tons per day to 1000 tons per day . Total capacity of the solid waste facility remains at 1000 tons per day.

The specific changes from the original license are:

- 1) The corporate office building and the associated parking area will not be constructed.
- 2) The hauling division headquarters building, the maintenance building, associated parking areas, truck-fueling station, and container storage areas will not be constructed.

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- 3) A CDD materials processing building has been proposed in the area in the western portion of the property, on land that was previously approved for the location of the office complex and vehicle maintenance building. The CDD processing building will also house staff amenities and a small (one-bay) equipment maintenance shop. A small one-story office building is also proposed to be constructed at the site.
- 4) The internal roads for the site have been slightly redesigned to improve on site vehicle traffic.
- 5) The MSW transfer building footprint has been modified to include an additional dock on the north side of the building, for material removal from the building. CDD materials planned for transfer in the original transfer station building will be directed to the CDD processing facility building on the western side of the property, and MSW will be accepted at the transfer building.
- 6) The proposed change in the facility design and the exclusion of the office complex will decrease the amount of traffic in passenger car equivalents (PCE) to and from the site at both the AM Peak Hour (110 PCE to 94 PCE) and in the PM Peak Hour (170 PCE to 82 PCE).
- 7) Changes in the facility and internal road changes will reduce the amount of wetlands to be disturbed from 39,562 square feet to 26,924 square feet. A revised NRPA Permit L-T01052-TD-C-M to allow for less wetlands impact in the revised design, was approved by the Department on April 21, 2005.

Also included in the application are:

- A modified stormwater management plan to reflect changes in the facility design;
- Resubmitted documentation of title, right, and interest in the property;
- Resubmitted information concerning the impact of the facility on existing uses and scenic character of the surrounding property;
- A revised traffic study reflection the proposed changes to the facility; and,
- Revised information concerning technical ability, financial ability, and civil and criminal disclosure.

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The PTW facility is to be located off Route 22 or “County Road” in Westbrook, Maine

- B. History: The Board of Environmental Protection assumed jurisdiction of the PTW solid waste transfer station application on December 7, 2000, after the project was determined to be of significant public interest. The Board granted requests for intervenor status from the Cities of Westbrook and South Portland, the Towns of Gorham and Scarborough, Regional Waste Systems, Inc., and Rep. Harold Clough.

A public hearing was held in Westbrook on February 9, 2001 and continued on February 15, 2001 in Augusta to enable the Board to accept testimony from the parties and the public concerning the transfer station application.

After deliberation, the Board issued Board Order #S-022074-WH-A-N approving, with conditions, the construction and operation of the solid waste facility.

A minor revision to the facility license, Department Order #S-022074-C-M was issued on April 18, 2003, granting a 2 year extension to the standard condition of approval #5 which requires construction of the approved solid waste facility within 2 years of approval. This amendment application, as summarized in paragraph 1 above, was accepted for processing prior to the lapse of the 2 year extension approved in Department Order #S-022074-C-M.

PTW is a wholly owned subsidiary of Casella Waste Systems Inc.

2. DESCRIPTION OF SITE

The parcel proposed for the development (hereinafter referred to as “the property”) is a 104 acre parcel of land accessed off Route 22 or County Road in Westbrook. PTW has also obtained an easement right in “the Waldron parcel” to allow and improve site access to the property from Route 22 and to allow utility installation. The combined 104 acre property is located partially in Westbrook (72 acres), partially in South Portland (11 acres), and partially in Scarborough (21 acres).

The facility is located in the City of Westbrook. The total waste handling area of the facility will be approximately 31 acres and is located entirely in the City of Westbrook.

The property is adjacent to two closed or inactive landfills, the Eco-Maine balefill cells 7&8, and the closed Larson-Chapman-SD Warren landfill.

3. DESCRIPTION OF PROPOSED FACILITY MODIFICATIONS

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This facility was originally approved as a waste transfer station by the Board of Environmental Protection in an Order dated April 19, 2001 (#S-022074-WH-A-N)

The original site plan (as revised on November 27, 2000) was approved in that Order. The revised site plan submitted with the amendment application is stamped and dated August 15, 2005.

A. MSW Transfer Building

PTW has proposed adding a second loading dock on the northern portion of the building to accommodate the removal of additional recycled materials from the waste stream. The design capacity of the MSW transfer building, is approximately 500 tons per day, although it is expected to receive less on a daily basis. There will be no delivery of CDD materials to the MSW transfer building. The container staging area west of the building and the transfer trailer staging area north of the transfer building will be reduced in size. There will be some small changes to the interior of the building to improve material handling and for worker amenities.

B. Residential Recycling Drop-off Area

This area has been slightly re-configured and relocated from the original plan. The upper portion of the paved residential drop off area will be comprised of side loading recyclable material containers and top loading roll off containers. Non-commercial traffic will be excluded from the lower levels of the drop-off area to allow PTW or Casella owned vehicles to service the containers from the lower levels. An attendant, responsible for directing the placement of waste and access control, will be stationed at this residential area during hours when the drop off portion of the facility is open.

A 10' x14' gatehouse and two 75' long scales will be located in the main access road of the facility before the residential recycling drop off area, and both the MSW transfer and the solid waste processing buildings. The gatehouse will provide for access control to the waste handling area when the transfer station/processing buildings are closed.

C. CDD Materials Processing Building

The CDD processing building will be housed in a 220' x 125' metal building located toward the western end of the site. This building will contain CDD processing and storage areas along with a single bay for equipment maintenance, and staff facilities including washrooms, lockers and break rooms. The building also will be encompassed by paved parking areas and access ways, in order to

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provide for efficient movement of vehicle traffic, and to provide areas for temporary parking for both vehicles and trailers.

Fully charged fire extinguishers will be maintained throughout the building. Fire hydrants are provided for near the building as requested by the Westbrook Fire Department.

The building will accept mixed CDD materials including wood, glass, metal, aggregates, etc. from Casella and non-Casella transfer stations and from local projects delivered in both roll off containers and trucks. The design for the processing facility estimates that approximately 1000 tons per day of material will be able to be accepted and processed at the facility. The purpose of the process line(s) is to produce a CDD wood fuel chip suitable for combustion at appropriately licensed boilers. As required in Chapter 418.6 of the Solid Waste Management Regulations, CDD wood fuel chips will be tested by independent third party inspectors to ensure that the CDD wood fuel meets the fuel quality standards of the Solid Waste Management Rules for use as a fuel substitute in licensed bio-mass boilers. At the present time, the intended use of CDD wood fuel chips is as an alternative fuel at the former Georgia Pacific biomass boiler in Old Town, Maine.

The CDD processing facility will utilize a “positive pick” method for selecting fuel for wood chip production removing woody materials for further processing into fuel chips. A track mounted excavator equipped with a grapple will manage the tipping floor by sorting the incoming CDD materials and by resizing and loading bulky wastes and metals into trailers for removal. A front end loader will consolidate and feed materials to the excavator and will assist in the loading of trailers. A front end loader will also consolidate and feed the rest of the CDD materials into the processing line hopper. In the processing line(s), the fines and ferrous metals will be removed by screens and moving belt magnets. The materials will then move to a conveyor which will feed a manual picking station with workers removing wood for further processing and metals (both ferrous and non-ferrous) for recycling. The wood will be placed onto a conveyor that will feed a grinder where it will be resized into fuel chips of a size specified by the receiving bio-mass boiler. The wood fuel will be conveyed to a concrete staging area where it will be loaded by bucket loader into transfer trailers.

Fines generated from the wood processing operation will be removed and mixed with oversized/bulky wastes/other non-processable material (including plastics, treated wood, wire, insulation and other non-suitable “fuel material”) and will be sent off site for disposal.

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Metals, aggregate, asphalt shingles, and similar materials removed during processing will be recycled or further processed at appropriate solid waste processing or recycling facilities.

The processing building is designed to be capable of handling up to 1000 tons per day of incoming CDD materials, although the facility is expected to receive less on a daily basis. The facility is designed to accept and process CDD materials within the confines of the processing building and is not designed to provide for storage of materials on a long term basis. Due to the storage space constraints within the building, it will be necessary to remove these materials on a regular and timely basis as needed to keep up with the inflow of materials.

All processing of materials will be performed inside the processing building. All waste storage will occur within the building or in closed containers on paved trailer storage areas of the property. The facility is not expected to generate excessive noise at any protected location or generate unreasonable dust or odors.

Data will be collected and recorded for all incoming wastes and for outgoing wastes, residues, and products of processing. This data will include the weights and origins of incoming wastes and the weights and destinations of all outgoing materials. This data will be submitted to the Department monthly and will be summarized in the facility's annual report to the Department.

As a prior condition of approval #5 in the original Board Order, #S-022074-WH-A-N, the combined MSW/CDD tonnage of the transfer station is limited to 500 tons per day until transportation infrastructure improvements are completed.

A 40' x 20' single story wood-framed office building will be constructed adjacent to the processing building. This building will house management and office support staff for the entire facility. It will include offices, restrooms, a conference room, and an employee break room.

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D. Schedule of Construction

This development will be phased in over a period of approximately 2 years from the spring of 2008 into 2010:

Spring 2008	Begin site work at residential drop off area
Winter 2008	Finish the construction of the residential drop off area.
Spring 2009	Begin construction of CDD processing building and office building
Winter 2009	Complete the construction of CDD processing building.
After 2009	Start of construction of MSW transfer station.

The Department finds the applicant has submitted the required information of Chapter 409.3.C. describing the proposed processing design characteristics of the facility, the types of wastes to be handled at the facility, storage and handling of materials accepted and produced at the facility, and the schedule for construction of the facility

4. FINANCIAL ABILITY

The applicant has submitted documentation indicating the remaining costs to construct the facility as designed is approximately \$5.63 million dollars and will be drawn on an existing line of credit from Bank of America. The applicant has agreed to post a performance bond for the total estimated cost of the project, with the total project bonding reduced as the project phases are completed. This construction bonding mechanism was required by Condition of Approval #4 in the original Board Order.

The Department finds that the applicant has submitted the required information of Chapter 400.4.B to determine the financial ability of the applicant to develop the project in a manner consistent with the State environmental standards and laws.

5. TECHNICAL ABILITY

The applicant has submitted documentation indicating that Pine Tree Waste, Inc. is a wholly owned subsidiary of Casella Waste Systems whose principal business is the collection, processing, transport, recycling, and disposal of various solid wastes. Pine Tree Waste currently operates MSW and CDD transfer facilities in West Bath and Waterville. Casella subsidiary, KTI Biofuels, currently operates a wood processing facility in Lewiston. Another Casella subsidiary, NEWSME Landfill Operations LLC, is the operator of the "Juniper Ridge" landfill. Pine Tree Waste is additionally supported, on an as needed basis, by personal from the Casella Permits, Compliance, and Engineering Department.

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The Department finds that the applicant has submitted the required information to determine the applicant’s technical ability to design, construct, operate, maintain, and close the facility.

6. CIVIL AND CRIMINAL DISCLOSURE STATEMENT

The applicant has submitted a current criminal and civil disclosure statement indicating that, at the time this application was submitted and accepted for processing, in the past 5 years Pine Tree Waste, Inc. and Casella Waste Systems, Inc. have had no violations of environmental laws in Maine. There has been one Consent Agreement for Casella Waste Systems, Inc. in Vermont (dated May 22, 2002) reflecting a settlement for an antitrust settlement of commercial term contracts and contract renewal provisions, not related to environmental laws.

The Department finds that PTW has submitted a complete criminal and civil disclosure statement for Pine Tree Waste, Inc, Casella Waste Inc., and for the required corporate individuals as required in Chapter 400.12.

7. TRAFFIC

Traffic impacts anticipated for the amended facility uses are projected to be less than the traffic anticipated for the originally planned facility approved in Department Order #S-022074-WH-A-N. Traffic is based on a operating capacity of the total facility at 1000 tons per day of all materials accepted and removed from the facility.

TRIP GENERATION SUMMARY

Facility as Amended
MSW Transfer/Processing Facility/Residential Drop Off

	AM		PM	
	Trucks	Cars	Trucks	Cars
Construction and Demo Debris	22	0	22	0
MSW Transfer	17	0	10	0
MSW Residential	0	5	1	5
Employees (25)	0	11	0	11
Total Trips	39	16	33	16
Total Passenger Car Equivalent	94		82	

Previously Approved Facility

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MSW Transfer/Office Complex/Hauling Facility/Residential Drop Off Area

	AM		PM	
	Trucks	Cars	Trucks	Cars
Maintenance Facility/Hauling Division	24	14	30	47
Transfer Station	47	3	6	3
Corporate Office Building	0	34	0	39
Scales/Gate House	0	1	0	1
Residential Drop Off Area	0	2	0	8
Total Trips	28	54	36	98
Passenger Car Equivalents	56	54	72	98
Total Passenger Car Equivalents	110		170	

Based on the submitted traffic study for the modified facility, Maine DOT has determined that the previously required traffic improvements are still necessary to maintain adequate safe traffic flow to and from the facility:

- A. Install a left turn bypass lane on Route 22 for left turning traffic entering the facility from the east and improve the entrance access to the facility.
- B. Install an advance warning sign on Route 22 (County Road) approximately 1000 feet west of the proposed entrance to warn vehicles heading eastbound on Route 22 that there are slow moving trucks entering Route 22 eastbound ahead. The signs must have flashing beacons activated by a vehicle exiting the facility.
- C. PTW has paid the first \$50,000 (on September 11, 2001) of three (3) impact fees to MDOT toward the proposed MDOT/PACTS Route 22/Spring Street intersection improvement project to provide for additional capacity at the intersection.
- D. Contribute to MDOT a second impact fee of \$50,000 towards a more permanent future Route 22 highway improvement project, to remove the crest of the hill. This fee is to be paid prior to the facility becoming operational.
- E. Prior to facility operation, the applicant shall pay to MDOT a third impact fee of \$50,000 in order to provide for needed improvements to address capacity deficiencies on the Route 22 corridor beginning at the Portland/Westbrook town line and extending westerly through the intersection of Route 22/Saco Street in Scarborough, through the Route 22/Route 114 intersection in Scarborough, and ending at the Route 22/Route 114 intersection in Gorham. This fee is to be paid prior to the facility becoming operational.

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The Department finds that the applicant has submitted the traffic information required in Chapter 400.4.D to allow determination of the adequacy of the provisions made.

8. DESCRIPTION OF FACILITY OPERATIONS

The applicant has submitted an operations manual for the entire solid waste facility addressing operating procedures at the MSW transfer building, the CDD processing building, and the residential drop off area.

The MSW portion of the transfer station will continue to receive, consolidate and transfer MSW for off-site disposal.

The residential drop off portion of the facility will continue to accept various materials for recycling including CDD for further processing at the facility.

The CDD processing facility will receive, sort, and process CDD for the purpose of producing CDD wood chip fuel for use by off-site boilers. Outgoing residuals and wastes from processing will be sent for additional offsite recycling, or disposal.

The entire facility (transfer station and processing facility) is designed to be capable of handling 1,000 tons per day of MSW and CDD combined, but will likely receive lower volumes on a daily average.

Trucks (roll-off carriers, packers, or other collection vehicles) will enter the transfer station from Route 22 via the private access road. After weighing at the gatehouse, the trucks will proceed to the transfer station building or to the CDD processing building for off-loading. Attendants at the transfer station and processing building will visually inspect the off loaded materials to ensure only proper materials are accepted at the facility.

MSW will be consolidated into open top transfer trailers. Once full, these trailers will be tightly tarped and removed from the trailer shed portion of the transfer station building to the trailer parking area. These trailers will be taken to a licensed disposal facility by a licensed hauler within 72 hours of loading. Tight tarping of the loaded trailers and the timely removal of trailers are expected to minimize any odors associated with the MSW.

CDD materials will be off loaded onto the tipping floor, sorted and processed into materials suitable for recycling, processing, or disposal. These materials and will be loaded into trailers and removed promptly from the facility. Non-recyclable CDD materials will be loaded into open top trailers, tightly tarped, and removed from the facility in a timely manner.

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All waste entering or leaving the facility will be properly contained during transportation to prevent any leaking, spilling, blowing or any other type of discharge to the environment. All commercial vehicles will be weighed and inspected at the scale house to ensure compliance.

Vehicles used by residential users of the facility, including pick up trucks and smaller vehicles, will be directed to the residential drop off area by the gatehouse attendant. Once at the residential drop off area, the attendant will direct the user to the proper recycling or disposal container. Vehicles will then exit the site via the access road.

There will be no off-loading of any waste to the ground surface, no burning of any materials at the facility, and no on-site disposal of any waste.

Hours of operation for the facility will be Monday through Saturday from 6 AM-6 PM and after those hours and on Sunday as necessary.

The applicant has submitted a hazardous and special waste handling and exclusion plan, which is appended as Appendix A of the Facility Operations Manual.

The Department finds the applicant has submitted the required information of Chapter 409.4.B.

9. SITING CRITERIA

The proposed processing building and associated structures are not within 100 feet of the solid waste boundary of any active, inactive or closed solid waste disposal facility. The waste handling boundary is not within 500 feet of any residence; is not within 100 feet of any public road; and is not within 250 feet of any abutting property boundary.

The Department finds the applicant has submitted the required siting information Chapters 402 and 409.

10. FITTING THE SOLID WASTE FACILITY HARMONIOUSLY INTO THE NATURAL ENVIRONMENT/EFFECTS ON EXISTING USES AND CHARACTER OF THE AREA

The subject property consists of a mixed deciduous and conifer woods, overgrown fields, remnants of the former “Chapman farm” and wetlands. Clearing of the 104 acre parcel will be minimized and screening of the facility from view will be maximized. The applicant has minimized disturbance of wetlands and streams on the property. There are no known historic sites, protected locations, or established viewing areas within a 2,000 foot radius of the facility.

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The MSW transfer station and the CDD processing facilities will be operated within closed buildings and are therefore presumed to meet the noise standards of Chapters 400.4.F and 402.2.C (5).

The applicant has submitted a lighting plan for the facility designed to minimize any “light pollution” associated with the facility.

The Department finds that the applicant has submitted the required information to determine if the solid waste facility will fit harmoniously into the natural environment.

11. ADEQUATE PROVISIONS FOR UTILITIES

The applicant has submitted the following to demonstrate provisions for utilities to service the facility:

- A. A letter dated August 28, 2000 from the Portland Water District indicating adequate capacity to serve the facility with water, including fire suppression water.
- B. An undated letter from the City of Westbrook Engineering Department stating the City has adequate capacity to accept the wastewater proposed to be generated by the facility.
- C. A letter dated October 4, 2000 from the Portland Water District indicating the design of the manholes and sand/grit/oil separators proposed for the vehicle maintenance building and transfer station are adequate. This letter requires sampling of wastewater after the facility commences operations to determine whether appropriate pre-treatment of wastewater is required.

The Department finds that the applicant has submitted adequate information for the Department to determine any unreasonable adverse effect on existing or proposed utilities in the municipality or areas served by those utilities, as required in Chapters 400.4.L and 402.2.B(9) & C(7).

12. NO UNREASONABLE RISK THAT A DISCHARGE TO A SIGNIFICANT GROUNDWATER AQUIFER WILL OCCUR

The applicant has proposed the following measures to demonstrate the solid waste facility will not pose an unreasonable risk that a discharge to a significant ground water aquifer will occur at the facility:

- There will be no disposal of wastes or water discharges, direct or indirect, at the facility.

- All storage of wastes will be either within the CDD processing building, or in suitable containers on paved storage pads.
- All fluids (sanitary wastewater, washdown water, and incidental leachate) will go to a licensed Publicly Owned Treatment Works or public sewer.
- Petroleum stored in the 1,000 gallon above ground diesel re-fueling station will be provided with secondary containment, and measures will be taken to protect the fueling station from accidental vehicular traffic impact.
- The facility is not located on a significant ground water aquifer.

The Department finds that the applicant has submitted adequate information as required in Chapter 400.4.K. to determine if the facility will pose an unreasonable risk of a discharge of water pollutants, directly or indirectly, to a significant groundwater aquifer.

13. NO UNREASONABLE ADVERSE EFFECT ON SURFACE WATER QUALITY

The applicant has provided or proposed the following to demonstrate the proposed facility will have no unreasonable adverse effect on surface water quality:

- There will be no discharge of pollutants, either directly or indirectly, into any surface water body.
- The facility has met applicable Stormwater Management Standards of 06-096 Chapter 500.
- There will be no disposal of any solid waste at the facility.
- All wastes will be accepted in enclosed buildings, and stored in suitable containers on paved surfaces.

The Department finds the applicant has submitted adequate information to demonstrate that there will be no unreasonable adverse effect on surface water quality, in accordance with the requirements of Chapters 400.4.H and 402.2.A, B, & C.

14. NO UNREASONABLE EFFECT ON AIR QUALITY

The applicant has proposed the following to demonstrate the facility will have no unreasonable adverse effect on air quality:

- There will be no open burning at the facility.
- The MSW side of the transfer station floor will be washed daily. The CDD processing facility will be washed as needed.
- All putrescible wastes will be stored in tightly tarped trailers outside of the facility. All materials removed from the facility will be in vehicles suitable to prevent leaking or blowing of materials.
- The applicant will take suitable measures to control dust at both the MSW transfer station and at the CDD processing facility.

The Department finds that the applicant has submitted adequate information to demonstrate that the facility as proposed will not unreasonably adversely effect air quality, including fugitive dust and nuisance odors as required in Chapter 400.4.G.

15. NOT UNREASONABLY CAUSE OR INCREASE FLOODING

The facility is not located within the one hundred year floodplain, will not restrict the flow of a 100-year flood, and will not reduce the storage capacity of a floodplain. All drainage facilities at the proposed facility have been sized to handle the runoff from up to a 25 year storm. The post-development rate of stormwater outflow from the site will not exceed the pre-development rate. The proposed facility will not unreasonably cause or increase the flooding of the area or adjacent properties.

The Department finds the applicant has submitted adequate information as required in Chapter 400.4.M. to demonstrate that the proposed facility will not unreasonably cause or increase flooding of the facility site or of adjacent properties, will not create an unreasonable flood hazard, and will have no unreasonable effect on run-on, run-off, or infiltration at the location.

16. SOIL TYPES THAT ARE SUITABLE AND WILL NOT CAUSE UNREASONABLE EROSION

The applicant proposes to construct the facility and all structures on soils capable of supporting all proposed structures and roads at the facility.

The applicant has prepared an erosion and sedimentation control plan to prevent unreasonable erosion of soil or sedimentation. The plan references the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices", dated

March 1991, and includes requirements for the installation, construction, inspection and maintenance of temporary and permanent erosion control measures, and for the sequence, scheduling, and supervision of construction.

The Department finds the applicant has submitted the required information of Chapter 400.4.J to determine the facility as proposed, is located on soils suitable for the nature of the undertaking and the construction and operation of the facility will not cause unreasonable sedimentation or erosion of soil.

17. NO UNREASONABLE ADVERSE EFFECT ON OTHER NATURAL RESOURCES

The applicant has submitted the following to demonstrate the proposed impact on wetlands at the site has been permitted by the Department under the Natural Resources Protection Act (38 MRSA sections 480-A to 480-Z) and by the U.S. Army Corps of Engineers:

- A. a Natural Resources Protection Act Permit by Rule to allow for the impact of 11,276 square feet of 4 stream crossings, Department Order #25964, dated October 2, 2000;
- B. a Natural Resources Protection Act Tier II Department Order #1052, dated November 16, 2000, which approved the filling of 28,287 square feet of wetlands, a revised Natural Resources Protection Act Tier II Department Order #L-T01052-TD-C-M minor revision, dated April 21, 2005 which reduced the amount of wetlands fill to 26,924 square feet; and,
- C. a U.S. Army Corps of Engineers Permit to impact up to 39,563 square feet of wetlands.

The Department finds the applicant has submitted the required information of Chapter 400.4.I. to determine if the proposed facility will have an unreasonable adverse effect on other natural resources in the municipality, or in neighboring municipalities.

18. PROVISIONS FOR THE REMOVAL OF PROCESSED MATERIALS AND SOLID WASTES

The applicant has submitted the following to demonstrate provisions for the timely transfer of solid waste accepted at the processing facility to licensed disposal or recycling facilities:

- A. A fuel contract dated February 4, 2004 between Fort James Operating Company and the applicant for the acceptance of wood fuel chips for use as an alternative fuel at the former Georgia Pacific bio-mass boiler in Old Town, Maine.

- B. A disposal contract dated November 1, 2004 between New England Waste Services of Maine Landfill Operations LLC (“NEWSME”) and Pine Tree Waste for the disposal of acceptable waste including bulky wastes, CDD process fines, processed off-spec wood fuel, unprocessed MSW and by-pass materials (Bypass MSW from waste-to-energy incinerators due to temporary interruptions in service or in sufficient capacity), provided these materials constitute a Maine generated solid waste as defined in the “Operating Services Agreement” between the State (the owner) and Casella (the operator) of the Juniper Ridge Landfill in Old Town, Maine. No waste deemed “unacceptable” to the NEWSME facility, will be directed to that disposal location. The Pine Tree Landfill in Hampden, operated by a Casella subsidiary company, offers an alternative disposal location for these materials, subject to future agreements.
- C. A recycling contract dated November 1, 2004 between KTI Recycling of New England (KTINE) and the applicant for the recycling of acceptable materials including asphalt shingles, metals, bulky items, tires, leaf & yard waste, paper, glass, plastic, tin cans, aluminum, cardboard, and paperboard) at the KTINE facility in Scarborough, Maine and other KTI affiliated recycling facilities in Massachusetts.

The Department finds the applicant has submitted the required information referenced in Chapter 402.2.C(9), 402.4.C (2), and 409.3.D to provide for the removal and/or disposal of all waste streams handled at the facility.

19. PUBLIC COMMENT RECEIVED

The following comments on the draft order were received in a timely manner from Regional Waste Systems, Inc. an interested party in this application:

- A) The Department should limit the facility to a combined MSW/CDD incoming tonnage of 1000 tons per day, provided that the incoming tonnage of MSW shall not exceed 500 tons per day.

Staff Comment: The original purpose of the tonnage restriction (condition of approval #5) in the facility Board Order was to limit vehicle trips into and out of the facility until the required offsite traffic infrastructure improvements were complete to facilitate the safe movement of the additional truck traffic associated with the solid waste facility, not to limit the capacity of select waste streams. Previously identified off site traffic improvements are still required to be performed prior to the facility operating at 1000 tons per day of combined MSW/CDD as a Condition of Approval of this Order.

- B) A report documenting daily incoming tonnages and the origin of the material and destination of material removed from the facility should be submitted to the Department in a monthly facility report.

Staff Comment: The Department agrees with the comment that the origin of the materials arriving and destinations of materials removed from the facility needs to be provided in the facility monthly report and summarized in the facility annual report.

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

1. The facility will not contaminate any water of the state, contaminate the ambient air, constitute a hazard to health or welfare, or create a nuisance.
2. PTW has the financial and technical ability to develop the solid waste facility in a manner consistent with state environmental standards, provided the applicant provides prior to construction a performance bond or letter of credit setting aside the estimated cost of the solid waste facility. The bond or letter of credit may be reduced as phases of the project are completed.
3. PTW has made adequate provisions for traffic movement of all types into, out of, and within the facility, subject to the following MDOT requirements prior to operation of the facility:
 - A. PTW shall install a left turn bypass lane on Route 22 for left turning traffic entering the facility from the east and improve the entrance access to the facility.
 - B. PTW, shall install an advance warning sign on Route 22 (County Road) approximately 1000 feet west of the proposed entrance to warn vehicles heading eastbound on Route 22 that there are slow moving trucks entering Route 22 eastbound ahead. The signs must have flashing beacons activated by a vehicle exiting the facility.
 - C. PTW shall contribute to MDOT a second impact fee of \$50,000, prior to facility operation, towards a more permanent future Route 22 highway improvement project to remove the crest of the hill.
 - D. PTW pays a third impact fee of \$50,000 to MDOT, prior to facility operation, in order to provide for needed improvements to address capacity deficiencies on the Route 22 corridor beginning at the Portland/Westbrook town line and extending westerly through the intersection of Route 22/Saco Street in Scarborough, through the Route 22/Route 114 intersection in Scarborough, and ending at the Route 22/Route 114 intersection in Gorham;
 - E. PTW limits the capacity of the facility to a combined MSW/CDD tonnage of 500 tons per day until the Route 22/Spring Street intersection improvements are completed;

- F. PTW, through its operations manual, requires Pine Tree Waste, Inc. vehicles to use the Maine Turnpike Exit 46/7A whenever reasonably possible, to reduce traffic flow on Spring Street south of the Route 22/Spring Street intersection;
 - G. PTW does not install a traffic signal at the intersection of Spring Street/Thomas Drive without written approval of MDOT; and
 - H. If MDOT or other parties do not complete the improvements at the Route 22/Spring Street intersection as described above within three years of the initial facility occupancy or operation, PTW shall implement, within four years of initial facility occupancy or operation, the required improvements to the intersection of Route 22/Spring Street.
4. PTW has made adequate provision for fitting the facility harmoniously into the existing natural environment and the facility will not unreasonably affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
 5. The proposed facility will be built on soils types suitable to the nature of the undertaking and will not cause unreasonable erosion or sediment.
 6. The facility will not have an unreasonable adverse effect on surface water quality or pose an unreasonable risk of a discharge to a significant groundwater aquifer.
 7. PTW has made adequate provisions for utilities at the facility, and the proposed facility will not have an unreasonable adverse effect on the existing or proposed utilities in the municipality or areas served by those utilities, provided that the applicant samples wastewater after the facility commences operations to determine whether appropriate pre-treatment of wastewater is required.
 8. The facility will not unreasonably cause or increase the flooding of the area or adjacent properties, or create an unreasonable flood hazard to any structure.
 9. The applicant has adequately described the process flow design, the source, volumes and characteristics of wastes to be received at the facility, the products and wastes to be generated, the methods to store the wastes and products produced at the facility, provided that prior to operation of the facility the applicant submits to the Department a residual material distribution plan which contains contracts for the disposal of by-passed waste not eligible for disposal at the NEWSME Landfill Operations LLC Juniper Ridge facility, and contracts for the beneficial use of the CDD wood fuel chips to be produced at the facility.
 10. The applicant has not demonstrated the facility has the design ability to operate at a volume in excess of 500 tons per day. Prior to exceeding a processing rate of 500 tons per day, the applicant shall submit for review and approval, appropriate data and/or

information demonstrating that the CDD processing facility design, planned operation, and material storage capacity is capable of handling the increased throughput of material in compliance with State environmental standards.

THEREFORE, the Department APPROVES the above noted application of PINE TREE WASTE, INC, to construct and operate a solid waste processing facility, SUBJECT TO THE ATTACHED CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached as Appendix A.
2. The applicant shall limit the capacity of the facility to a combined MSW/CDD tonnage of 500 tons per day until the Route 22/Spring Street intersection improvements are completed. A monthly report documenting daily tonnage and origin of material accepted and the tonnage, type and destination of processed and residual materials removed from the facility shall be submitted to the Department. Department approval shall be required to allow the facility to increase capacity in excess of 500 tons per day.
3. The applicant shall submit a monthly report to the Department including documentation of the tonnage and origin of the material accepted for processing at the facility, and the tonnage, type, and destination of processed material removed from the facility. This information shall also be summarized in the facility annual report.
4. Prior to the operation of the solid waste facility construction, the applicant shall provide documentation to the Department, in the form of signed contracts with licensed facilities, a disposal contract for the disposal of material ineligible for disposal at the NEWSME Landfill Operations LLC Juniper Ridge Landfill, and a distribution plan for the use of the secondary material (primarily CDD wood fuel chips) produced at the facility.
5. Prior to operation of the processing facility at a volume in excess of 500 tons per day, the applicant shall submit for review and approval, appropriate data and/or information demonstrating that the CDD processing facility design, planned operation, and material storage capacity is capable of handling in excess of 500 tons per day of incoming material and is able to adequately distribute the processed and residual materials from the facility.
6. Prior to facility construction, the applicant shall provide a performance bond or letter of credit setting aside a total of \$5,630,000 of the total credit bonding facility to fund this project. The bond or letter of credit may be reduced as phases of the project are completed.
7. All other findings of fact and conditions of approval remain as approved in Board Order #S-022074-WH-A-N dated April 19, 2001. These remaining relevant conditions of approval are:

- A. PTW shall install a left turn bypass lane on Route 22 for left turning traffic entering the facility from the east and improve the entrance access to the facility.
- B. PTW, shall install an advance warning sign on Route 22 (County Road) approximately 1000 feet west of the proposed entrance to warn vehicles heading eastbound on Route 22 that there are slow moving trucks entering Route 22 eastbound ahead. The signs must have flashing beacons activated by a vehicle exiting the facility.
- C. PTW shall contribute to MDOT a second impact fee of \$50,000 prior to facility operation, towards a more permanent future Route 22 highway improvement project to remove the crest of the hill.
- D. PTW pays a third impact fee of \$50,000 to MDOT, prior to facility operation, in order to provide for needed improvements to address capacity deficiencies on the Route 22 corridor beginning at the Portland/Westbrook town line and extending westerly through the intersection of Route 22/Saco Street in Scarborough, through the Route 22/Route 114 intersection in Scarborough, and ending at the Route 22/Route 114 intersection in Gorham.
- E. PTW limits the capacity of the facility to a combined MSW/CDD tonnage of 500 tons per day until the Route 22/Spring Street intersection improvements are completed.
- F. PTW, through its operations manual, requires Pine Tree Waste, Inc. vehicles to use the Maine Turnpike Exit 46/7A whenever reasonably possible, to reduce traffic flow on Spring Street south of the Route 22/Spring Street intersection.
- G. PTW does not install a traffic signal at the intersection of Spring Street/Thomas Drive without written approval of MDOT.
- H. If MDOT or other parties do not complete the improvements at the Route 22/Spring Street intersection as described above within three years of the initial facility occupancy or operation, PTW shall implement, within four years of initial facility occupancy or operation, the required improvements to the intersection of Route 22/Spring Street.

PINE TREE WASTE INC. 21 SOLID WASTE ORDER
WESTBROOK, CUMBERLAND COUNTY, MAINE)
SOLID WASTE TRANSFER STATION) PROCESSING FACILITY
#S-022074-WH-D-A (APPROVAL WITH CONDITIONS) AMENDMENT

DONE AND DATED AT AUGUSTA, MAINE THIS _____ DAY
OF _____, 2006.

FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
David P. Littell, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: December 15, 2004

Date of application acceptance: December 23, 2004

Date filed with the Board of Environmental Protection:

This order prepared by Randy McMullin, Bureau of Remediation and Waste Management
XRM53698