

ATTACHMENT 9

DISCLOSURE STATEMENT

Provided in this Attachment is a Disclosure Statement from the owners and others that may have a legal interest in the proposed project as described in Chapter 400, Section 12.A of the Maine Solid Waste Regulations.

This Disclosure Statement has been prepared to address each of the Subsections listed in 06-096 CMR Chapter 400, Section 12.A. Where applicable, each section provides the information for both MRC and Fiberight.

Criminal or Civil Record. *The Department may refuse to grant, or approve the transfer of, a license for a solid waste facility or activity if it finds that the owner or the operator or any person having a legal interest in the applicant or the facility has been convicted of any criminal law or adjudicated or otherwise found to have committed any civil violation of environmental laws or rules of the State, other states, the United States, or another country. Such an adjudication or finding can be by means of a court order or consent decree, or by means of an administrative order or agreement.*

A. Full Disclosure

(1) **Persons.** *All applicants for a new or amended license, or transfer of a solid waste license, shall submit, at the time of application, a disclosure statement with the Department containing information about the following persons:*

(a) *The individual applicant; or*

(b) *If the applicant is a business entity:*

(i) *Any officers, directors, and partners;*

Municipal Review Committee (MRC)

The applicant is Municipal Review Committee, Inc., (MRC) a non-profit corporation formed, pursuant to state law, in 1991 to ensure the continuing availability to its members of long term, reliable, safe, and environmentally sound methods of solid waste disposal at a stable and reasonable cost. A listing of officers and directors is included in this Attachment.

Fiberight, LLC

Fiberight, LLC is a Delaware limited liability company with a main office in Baltimore Maryland. A listing of officers and directors is included in this Attachment.

(ii) *All other persons or business concerns, having managerial or executive authority and holding more than 5 percent of the equity in or debt of that business unless the debt is held by a chartered lending institution;*

MRC

Managerial and executive authority rests with the MRC officers and directors. The MRC is a nonprofit entity. No officer or director holds any equity or debt in the business entity.

Fiberight, LLC

Managerial and executive authority rests with the Fiberight officers and directors. No officer or director holds any equity or debt in the business entity.

(iii) All other persons or business concerns other than a chartered lending institution having a 25 percent or greater financial interest in the applicant; and

No person or business concern holds a financial interest in the MRC or Fiberight, LLC.

(iv) The managerial person with operational responsibility for the facility or activity; or

Craig Stuart-Paul, President and CEO of Fiberight, LLC will have the overall operational responsibility of the proposed Hampden, Maine Facility.

(c) If the applicant is a public entity, all persons having managerial or executive authority over the solid waste facility or activity.

Municipal Review Committee (MRC)

The MRC will not have managerial or executive authority over the solid waste facility. The MRC will own the land upon which the project will be constructed. That land will be leased to Fiberight which will construct and operate the project.

(2) **Applicant Information.** *The full name, business address, home address, date of birth, social security number (if requested) and Federal Employer Identification number of the persons required to disclose under this section;*

The full name, business address, home address, date of birth of those required to disclose is included in this Attachment.

Municipal Review Committee, Inc.
395 State Street
Ellsworth, ME 04605

EIN Number: 01-0468832

Fiberight, LLC
1450 South Rolling Road
Baltimore, MD 21227

EIN Number: 77-0700865

- (3) **Related Companies.** *The full name and business address of any company that collects, transports, treats, stores, or disposes of solid waste or hazardous waste in which any of the persons required to disclose under this section holds at least a 5% equity interest;*

NONE (MRC & Fiberight)

- (4) **Criminal Convictions.** *A listing and explanation of any criminal convictions of the State, other states, the United States, or another country of the persons required to disclose under this section;*

Municipal Review Committee (MRC)

Below is a description of the conviction that turned up via SBI background check:

Charles P. Reeves; misdemeanor conviction for unlawful trafficking in scheduled drugs (charge class D); date of disposition: 1991-10-07; Hancock County Superior Court.

Fiberight

NONE

- (5) **Civil Violations.** *A listing and explanation of any adjudicated civil violations of environmental laws or rules administered by the State, other states, the United States, or another country by any of the persons required to disclose under this section in the 5 years immediately preceding the filing of the application;*

NONE (MRC & Fiberight)

- (6) **Consent Decrees and Administrative Orders or Agreements.** *A listing and explanation of administrative agreements or consent decrees entered into by, or administrative orders directed at, any of the persons required to disclose under this section for violations of environmental laws administered by the Department, the State, other states, the United States or another country in the 5 years immediately preceding the filing of the application;*

Municipal Review Committee (MRC)

NONE

Fiberight

For those persons required to provide disclosure statements as part of this application, Craig Stuart Paul is the only person that has entered into a Consent Decree and Administrative Order or Agreement. Fiberight of Blirstown Operating LLC, a company owned in part by Fiberight LLC, but not a company believed to be a company required to disclose under section 3 above, entered into a Complaint and Consent Agreement/Final Order (CAFO) with the United States EPA on June 12th 2014 (attached hereto). Craig Stuart Paul signed the CAFO on behalf of the Company as the Chief Executive Officer. Please note the following related to the events leading up to the CAFO.

- At the time of the alleged complaint the Company demonstrated that there was no production of any kind occurring at the site, and that there was no ethanol or denaturant stored in any of the vessels thereon.
- Coincident with the complaint the neighboring dairy farm (3,000 head) had just experienced a significant manure pond breach that caused untreated manure to enter Coon Creek.
- The Company demonstrated that there was no pipe or storm water discharge that could enter Coon Creek, other than from the dairy. The Company further demonstrated to EPA that a pipe, one that that once had discharged from the ethanol plant, had been disconnected by the Company.

The Company believes that the cause of the incident was linked to earlier production by Xethanol, and entered Coon Creek through a pipe that was subsequently closed off by the Company. This earlier discharge may have been exacerbated by the manure leak, however as the “last man standing” at the Blairstown site, the Company was held accountable. The Company did not accept any liability or admit any of the claims made by the inspector as indicated in Paragraph 87 of the CAFO, however to avoid a lengthy court battle with the United States Government, it chose to enter into a CAFO.

As outlined in Paragraph 93 of the Agreement, the Company certified that the facility was in compliance with all applicable requirements as of the date of signature (April 2, 2014). The \$35,000 penalty was paid by the Company, and each count was addressed by the Company as follows:

- A Storm Water Pollution Prevention Plan (SWPPP) was updated to reflect current operation.
- Employee training regarding the SWPPP has been conducted.
- Qualified personnel conduct necessary inspections.
- An Spill Prevention Control & Countermeasure (SPCC) Plan has been prepared and implemented.
- Employee training regarding SPCC has been conducted.
- The pipe, that once had discharged from the previous ethanol plant, had been disconnected by the Company.

The Company has had no other incidents involving administrative agreements, consent decrees, or administrative orders regarding environmental laws concerning the Fiberight of Blairstown facility

(7) **Other Proceedings.** *A listing and explanation of any ongoing court proceeding, administrative consent agreement negotiation, or similar ongoing administrative enforcement action not already provided in which the applicant or any of the persons required to disclose under this section is a party and which concerns environmental laws administered by the Department or the State; and*

NONE (MRC & Fiberight)

- (8) **Other Information.** *A listing of any agencies outside of Maine that have regulatory responsibilities over the applicant in connection with its collection, transportation, treatment, storage or disposal of solid or hazardous wastes and any other information required by the Department or the Office of the Attorney General that relates to the enforcement history or character of the applicant.*

MRC

NONE

Fiberight, LLC

The Virginia Department of Environmental Quality has regulatory responsibility over the Fiberight, LLC processing facility located in Lawrenceville, Virginia.