



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

DEPARTMENT ORDER

IN THE MATTER OF

BUCKSPORT MILL LLC)	SOLID WASTE LICENSE
BUCKSPORT, HANCOCK COUNTY, MAINE)	
SPECIAL WASTE LANDFILL)	
#S-007713-WD-BG-A)	AMENDMENT
(APPROVAL WITH CONDITIONS))	

Pursuant to the provisions of the *Maine Hazardous Waste, Septage, and Solid Waste Management Act*, 38 M.R.S.A. §§ 1301-1319-Y and the Department's *Solid Waste Management Regulations, General Provisions*, 06-096 CMR 400 (last amended April 6, 2015), *Landfill Siting, Design, and Operation*, 06-096 CMR 401 (last amended April 12, 2015), and *Water Quality Monitoring, Leachate Monitoring, and Waste Characterization*, 06-096 CMR 405 (last amended April 12, 2015) the Department of Environmental Protection ("Department") has considered the application of BUCKSPORT MILL LLC ("Bucksport Mill") with its supportive data and other related materials on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

- A. Application: Bucksport Mill has applied for an amendment to Department Order #S-007713-WD-S-R, dated February 1997. This order relicensed the special waste landfill now owned by Bucksport Mill.
- B. History: A pulp and paper mill ("the mill") and associated landfill were established in Bucksport, Maine in the 1930s; the mill and landfill have changed ownership several times since then; in February 2015, a new entity acquired the ownership interest in Verso Bucksport LLC, and changed its name to Bucksport Mill. The landfill was initially used for disposal of bark and woodwaste; following construction of the wastewater treatment plant at the mill, sludge was also disposed. Following construction of a biomass boiler at the mill, fly and bottom ash were licensed for disposal in the landfill. The landfill footprint was expanded in the early 1980s (Department Order 00/26-7713-09070, dated February 1982). The landfill license was renewed on February 27, 1997 (Department Order #S-007713-WD-S-R). Various Department licenses have been issued approving gas management, a leachate transport line, disposal of special wastes, and closure of cells brought to final grade. On January 18, 2012 (Department Order #S-007713-WD-BB-A), the Department issued a license amendment to allow an increase in final elevation of the landfill. The mill ceased paper making operation in December 2014, but the landfill has remained active, accepting waste from the multifuel boiler and residuals remaining from the mill

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operation and wastewater treatment plant. On September 2, 2015, Bucksport Mill received approval from the Department's Bureau of Land Quality Control (Department Order #L-007713-20-AF-A) to demolish part of the mill. An application is currently pending (Department #S-007713-WD-BF-M) to perform closure work on the north slope of the landfill, apply temporary cover to part of Cell 6A, and perform necessary repairs at the landfill.

C. Summary of Proposal: Bucksport Mill now requests approval to dispose of debris from demolition of the mill. Approximately 14,000 cubic yards of demolition debris is expected to be disposed in the landfill over the next 2 years; of this, Bucksport Mill expects 8000 cubic yards to be painted or coated concrete, brick, or masonry; approximately 3000 cubic yards to be roofing and insulation (including nonfriable asbestos-containing materials); approximately 2000 cubic yards to be wood; and approximately 1000 cubic yards to be sheetrock, carpet, and other miscellaneous construction materials.

2. PUBLIC NOTICE

Notice of the application was published in the *Bangor Daily News* on August 24, 2015; notice was sent by certified mail to the Town of Bucksport and abutting property owners on the same day. No comments have been submitted to the Department. The Department finds that Bucksport Mill provided the required public notice.

3. PROJECT DESCRIPTION

Bucksport Mill's landfill was previously licensed to accept waste streams generated by the mill; the primary waste streams were sludge from the onsite wastewater treatment plant, ash from the multifuel boiler, groundwood pulp mill tailings, and process woodwaste debris. A number of wastes incidental to the mill operation were also licensed for disposal in the landfill, including demolition/construction/excavation debris, estimated to be 0-3000 cubic yards per year. The Department determined that acceptance of demolition/construction/excavation debris from the mill demolition would require amendment of the landfill license since it was no longer incidental to pulp and paper mill operations.

Bucksport Mill has provided a revised operations manual, including a 2-year cell development plan. The operations manual revisions include those related to the change in ownership acquisition of the mill and landfill as well as those related to changes at the mill and changes in type and quantity of waste disposed.

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4. DEPARTMENT REVIEW

Department staff (“staff”) reviewed the application and the revised operations manual, and comments that figure 5-1 of the operations manual (“Piping System Schematic”) needs to be revised to show the 6-inch toe drain installed during Phase I of the north slope closure project in 2013. Staff also comments that the mill’s waste generation rate has decreased substantially and as a result, the long term development plan needs to be reconsidered. Staff comments that the cell development plan needs to include a conceptual development plan for the life of the landfill and additional information regarding areas where cover material needs to be placed. Staff comments that the cost estimate for closure and post-closure care may need to be revised to address costs associated with grading of the landfill in the event it is closed prior to reaching the licensed final elevation. Staff requests submission of information in response to these comments with the 2015 landfill annual report, due in April 2016. Bucksport Mill has agreed to address the comments in the 2015 landfill annual report.

Staff comments that, as part of the mill demolition, the wastewater treatment plant will be demolished. Landfill leachate, surface water that has come into contact with waste, and water collected from landfill and leachate pond underdrains currently flow via a leachate transport line to the wastewater treatment plant; this leachate transport line will need to be extended to the headworks structure. Staff comments that this extension to the leachate transport line will need to be approved under the *Solid Waste Management Regulations* by a minor revision to the landfill license prior to performing the work.

Staff comments that Phase II of the north slope closure was originally proposed to be completed in 2015. This closure was delayed; as stated in Finding of Fact #1.B above, an application for a minor revision to accomplish this work has been submitted to the Department (DEP #S-007713-WD-BF-M, submitted June 29, 2015). Staff recommends that closure be completed during the 2016 construction season. Staff further comments that a redesign of the landfill leachate pond was originally required to be submitted by September 1, 2015, but this project was also delayed. Staff recommends Bucksport Mill submit an application, including a construction schedule, to the Department by March 1, 2016 to reconstruct, replace, or otherwise satisfactorily address the leachate pond. Staff recommends approval of Bucksport Mill’s application to dispose of approximately 14,000 cubic yards of debris from mill demolition over the next 2 years, provided the north slope closure is completed during the 2016 construction season, and provided Bucksport Mill submits an application, including a construction schedule, to the Department by March 1, 2016 to reconstruct, replace, or otherwise satisfactorily address the leachate pond.

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The Department finds that disposal of approximately 14,000 cubic yards of debris from demolition of the Bucksport mill over the next 2 years is acceptable provided the north slope closure is completed during the 2016 construction season, provided a minor revision application for extension of the leachate transport line is submitted under the *Solid Waste Management Regulations* prior to performing the work, and provided Bucksport Mill submits an application, including a construction schedule, to the Department by March 1, 2016 to reconstruct, replace, or satisfactorily address the leachate pond.

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

1. Bucksport Mill provided the required public notice.
2. Disposal of approximately 14,000 cubic yards of debris from demolition of the Bucksport mill over the next two years is acceptable provided: the north slope closure is completed during the 2016 construction season; a minor revision application for extension of the leachate transport line is submitted under the *Solid Waste Management Regulations* prior to performing the work; and Bucksport Mill submits an application, including a construction schedule, to the Department by March 1, 2016 to reconstruct, replace, or otherwise satisfactorily address the leachate pond.
3. All other findings, conclusions, and conditions remain as approved in Department license #S-007713-WD-S-R.

THEREFORE the Department APPROVES the above noted application of Bucksport Mill LLC SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations.

1. The Standard Conditions of Approval, a copy attached as Appendix A.
2. Bucksport Mill shall take all necessary actions to ensure that its activities or those of its agents do not result in unnecessary or noticeable erosion of soils on site during operation of the facility.
3. Phase II of the north slope closure shall be completed during the 2016 construction season.
4. Bucksport Mill shall submit an application for minor revision to the landfill license to extend the leachate transport line prior to performing the work.

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5. Bucksport Mill shall submit an application, including a construction schedule, to the Department by March 1, 2016 to reconstruct, replace, or otherwise satisfactorily address the leachate pond.
6. The invalidity or unenforceability of any provision, or part thereof, of this license shall not affect the remainder of the provision or any other provisions. This license shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

DONE AND DATED AT AUGUSTA, MAINE, THIS 11th DAY
OF December, 2015.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
AVERY T. DAY, ACTING COMMISSIONER

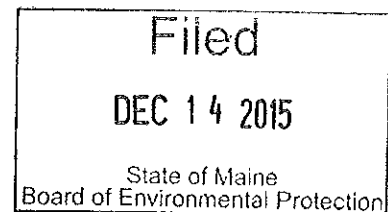
PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

Date of initial receipt of application: August 26, 2015

Date of acceptance: September 4, 2015

Date filed with Board of Environmental Protection:

XKK79641/dlp



Appendix A

STANDARD CONDITIONS TO ALL SOLID WASTE FACILITY LICENSES

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL. VIOLATIONS OF THE CONDITIONS UNDER WHICH A LICENSE IS ISSUED SHALL CONSTITUTE A VIOLATION OF THAT LICENSE AGAINST WHICH ENFORCEMENT ACTION MAY BE TAKEN, INCLUDING REVOCATION.

1. **Approval of Variations from Plans.** The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed by the licensee. Any consequential variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
2. **Compliance with All Applicable Laws.** The licensee shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
3. **Compliance with All Terms and Conditions of Approval.** The licensee shall submit all reports and information requested by the Department demonstrating that the licensee has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. **Transfer of License.** The licensee may not transfer the solid waste facility license or any portion thereof without approval of the Department.
5. **Initiation of Construction or Development Within Two Years.** If the construction or operation of the solid waste facility is not begun within two years of issuance or within 2 years after any administrative and judicial appeals have been resolved, the license lapses and the licensee must reapply to the Department for a new license unless otherwise approved by the Department.
6. **Approval Included in Contract Bids.** A copy of the approval must be included in or attached to all contract bid specifications for the solid waste facility.
7. **Approval Shown to Contractors.** Contractors must be shown the license by the licensee before commencing work on the solid waste facility.
8. **Background of key individuals.** A licensee may not knowingly hire as an officer, director or key solid waste facility employee, or knowingly acquire an equity interest or debt interest in, any person convicted of a felony or found to have violated a State or federal environmental law or rule without first obtaining the approval of the Department.
9. **Fees.** The licensee must comply with annual license and annual reporting fee requirements of the Department's rules.
10. **Recycling and Source Reduction Determination for Solid Waste Disposal Facilities.** This condition does not apply to the expansion of a commercial solid waste disposal facility that accepts only special waste for landfilling.

The solid waste disposal facility shall only accept solid waste that is subject to recycling and source reduction programs, voluntary or otherwise, at least as effective as those imposed by 38 MRSA Chapter 13.

11. Deed Requirements for Solid Waste Disposal Facilities. Whenever any lot of land on which an active, inactive, or closed solid waste disposal facility is located is being transferred by deed, the following must be expressly stated in the deed:
 - A. The type of facility located on the lot and the dates of its establishment and closure.
 - B. A description of the location and the composition, extent, and depth of the waste deposited.
 - C. The disposal location coordinates of asbestos wastes must be identified.