



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

MUNICIPAL REVIEW COMMITTEE, INC)	TRANSFER
MUNICIPAL WASTE SOLUTIONS, LLC)	
Multi-Program License Transfer from)	
COASTAL RESOURCES OF MAINE)	Solid Waste
AND FIBERIGHT, LLC)	Air Emission
Hampden, Penobscot County)	Stormwater
#S-022458-WX-O-T)	NRPA
#A-1111-71-D-T)	
#L-026497-TG-D-T)	
#L-026497-NJ-E-T)	
(Approval with Conditions))	

Pursuant to the provisions of the *Maine Hazardous Waste, Septage, and Solid Waste Management Act*, 38 M.R.S. §§ 1301 through 1319-Y; *Protection and Improvement of Air Law*, 38 M.R.S. §§ 581–610-D; *Stormwater Management Law*, 38 M.R.S. §420-D; and *Natural Resource Protection Act* (NRPA), 38 M.R.S. §§ 480-A through 480-JJ, rules promulgated pursuant to these laws and the Department’s *Rule Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. ch. 2 (2018), the Department of Environmental Protection (Department) has considered the application of MUNICIPAL REVIEW COMMITTEE, INC (MRC) and MUNICIPAL WASTE SOLUTIONS, LLC (MWS) with its supportive data, staff summary, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

- A. Application: MWS has acquired the Coastal Resources of Maine (CRM) solid waste processing facility located on land owned by MRC in Hampden, and submitted a joint application to the Department for the transfer of all Department licenses, as defined in 06-096 C.M.R. ch. 2 § 1(L), any modifications, condition compliance orders, all other approvals, and all applications pending, held, or submitted by CRM and/or Fiberight, LLC related to the facility.
- B. History: Fiberight LLC and MRC received a solid waste processing facility license (Department # S-022458-WK-A-N, issued July 14, 2016), and other associated air emissions, stormwater, and NRPA licenses for the construction and operation of a facility to accept and process municipal solid waste. CRM was added as a co-licensee on the solid waste license in a subsequent minor revision (Department # S-022458-WK-E-M, issued September 26, 2017). CRM owned the processing facility, which began operation in April 2019 and began commercial operation in November 2019. The CRM facility suspended

MUNICIPAL REVIEW COMMITTEE, INC	2	TRANSFER
MUNICIPAL WASTE SOLUTIONS, LLC)	
Multi-Program License Transfer)	
Hampden, Penobscot County)	

operations on May 27, 2020. MRC formed MWS in June 2022 and currently wholly owns MWS.

C. Project Summary: MWS, a Maine limited liability company in good standing, has acquired the CRM processing facility in Hampden and requests to transfer the Department licenses from CRM, MRC, and/or Fiberight LLC (as applicable) to MRC and MWS (jointly). A schedule of permits and applications that are the subject of the application, and this Department Order, is set forth in the Appendix attached below. The intent of this Order is to transfer all active licenses, permits, certificates, registrations, applications, and decisions that apply to the facility, except the license for beneficial use of solid waste (Department #S-022522-WL-A-N), which is the subject of a separate transfer order. Any license, permit, certification, registration, application, or decision concerning the facility not specifically listed in this Order is incorporated herein, with the exception of the beneficial use license.

2. TITLE, RIGHT, OR INTEREST

MRC owns the property on which the processing facility is located. MRC purchased the processing facility out of receivership and assigned its title, right, or interest to MWS. The application documents included evidence of purchase and subsequent assignment and assumption. MWS also provided a memorandum of lease demonstrating that it leases the property on which the processing facility is located from MRC. The Department finds that MWS has submitted adequate evidence of title, right, or interest in the facility.

3. FINANCIAL CAPACITY

MRC has maintained the facility since operations were suspended in May 2020 and states that it will continue to fund compliance costs now that ownership has passed to MWS, its wholly owned subsidiary. MRC provided information showing it has sufficient funds on hand to meet compliance costs during shutdown. MWS is pursuing various options for facility restart and operation, including entering into a joint venture partnership and entering into an agreement with a contract operator, and is investigating financing options, but has not yet finalized its plans. A breakdown of costs of operation and unfinished construction has not yet been provided.

The Department finds that MWS, through its owner MRC, has provided adequate evidence of financial ability to meet compliance costs while the facility is shut down. The Department further finds that, prior to restarting the facility, MWS must submit a breakdown of costs of operation and any unfinished construction, and must provide

MUNICIPAL REVIEW COMMITTEE, INC	3	TRANSFER
MUNICIPAL WASTE SOLUTIONS, LLC)	
Multi-Program License Transfer)	
Hampden, Penobscot County)	

evidence of availability and commitment of funds to complete unfinished construction and to operate the project as currently approved by the Department. This information must be submitted to the Department for review and approval.

4. TECHNICAL ABILITY

During shutdown, the managerial person with operational responsibility for the facility is the Executive Director of MRC, Michael Carroll. Mr. Carroll has been successfully meeting these responsibilities since the facility suspended operation in May 2020. Once a contract operator has been engaged, that entity will assume operational responsibility. MWS has retained Haley Ward, an environmental engineering and consulting firm, to provide technical assistance as needed. Haley Ward’s staff includes professional engineers with experience in solid waste management and air licensing. Haley Ward staff were involved with the facility permitting and previous operation, are familiar with the permit requirements, and have experience working with the Department on environmental permitting and compliance. MWS proposes to provide additional information regarding the technical ability of the selected contract operator and any additional technical consultants prior to restarting the facility.

The Department finds that MWS has provided adequate evidence of technical ability to maintain the facility during shutdown (including facility heating), but that additional evidence of technical ability of the contract operator and any additional technical consultants must be provided prior to restarting the facility. For the purposes of this transfer order, restarting the facility is defined as the acceptance of waste for processing. This information must be submitted to the Department for review and approval.

5. DISCLOSURE

MWS is a wholly owned subsidiary of MRC. MRC is governed by a Board of Directors elected by the MRC membership. The application included a disclosure statement documenting that none of the persons required to disclose had civil or criminal violations or other proceedings to disclose.

The Department finds that civil and criminal disclosure information has not been provided for the contract operator’s managerial person with operational responsibility for the facility, for any partners in MWS, or for its financial backers. This information is required for the civil and criminal disclosure submittal to be complete.

Therefore, the Department finds that MWS has provided sufficient disclosure information for the facility while it is in shutdown. The Department further finds that a revised civil

MUNICIPAL REVIEW COMMITTEE, INC	4	TRANSFER
MUNICIPAL WASTE SOLUTIONS, LLC)	
Multi-Program License Transfer)	
Hampden, Penobscot County)	

and criminal disclosure statement providing all information required by 06-096 C.M.R. ch. 400, § 12 for the selected contract operator’s managerial person with operational responsibility for the facility, any partners in MWS, and the financial backers of MWS must be submitted to the Department for its review and approval prior to restarting the facility.

BASED on the above Findings of Fact, the Department makes the following CONCLUSIONS:

1. MWS has submitted adequate evidence of title, right, or interest in the facility.
2. MWS, through its owner MRC, has provided adequate evidence of financial ability to meet compliance costs while the facility is shut down. Prior to restarting the facility, MWS must submit a breakdown of costs of operation and any unfinished construction, and must provide evidence of availability and commitment of funds to complete unfinished construction and to operate the project as currently approved by the Department. This information must be submitted to the Department for review and approval.
3. MWS has provided adequate evidence of technical ability to maintain the facility during shutdown, but additional evidence of technical ability of the contract operator and any additional technical consultants must be provided prior to restarting the facility. This information must be submitted to the Department for review and approval.
4. MWS has provided sufficient disclosure information for the facility while it is shutdown, but a revised civil and criminal disclosure statement providing all information required by 06-096 C.M.R. ch. 400, § 12 must be provided for the selected contract operator’s managerial person with operational responsibility for the facility, any partners in MWS, and the financial backers of MWS. This information must be provided to the Department for review and approval prior to restarting the facility.

THEREFORE, the Department APPROVES the above noted application of MRC and MWS, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations.

1. EFFECT ON EXISTING ORDERS. All other Findings of Fact, Conclusions, and Conditions associated with all approvals that are the subject of this Order remain as approved and are incorporated herein.
2. At least 60 days prior to restarting the facility, MWS shall submit a breakdown of costs of operation and any unfinished construction, and shall provide evidence of availability and commitment of funds to complete unfinished construction and to operate the project

MUNICIPAL REVIEW COMMITTEE, INC 5 TRANSFER
MUNICIPAL WASTE SOLUTIONS, LLC)
Multi-Program License Transfer)
Hampden, Penobscot County)

as currently approved by the Department. This information shall be submitted to the Department for review and approval.

- 3. At least 60 days prior to restarting the facility, MWS shall provide additional evidence of technical ability of the selected contract operator and any additional technical consultants. This information shall be submitted to the Department for review and approval.
- 4. At least 60 days prior to restarting the facility, MWS shall provide a revised civil and criminal disclosure statement including all information required by 06-096 C.M.R. ch. 400, § 12 for the selected contract operator’s managerial person with operational responsibility for the facility, any partners in MWS, and the financial backers of MWS. This information shall be submitted to the Department for review and approval.
- 5. The invalidity or unenforceability of any provision, or part thereof, of this license shall not affect the remainder of the provisions 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 18th DAY
OF April, 2023.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
Melanie Loyzim, Commissioner

FILED
April 19th, 2023
State of Maine
Board of Environmental Protection

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURE

Date of initial receipt of application: August 31, 2022
Date of application acceptance: September 21, 2022

Date filed with the Board of Environmental Protection:

APPENDIX: LICENSES AND APPLICATIONS

SOLID WASTE LICENSES

NUMBER	DESCRIPTION	EFFECTIVE
S-022458-WK-A-N	Solid Waste Processing Facility	7/14/2016
S-0022458-WK-B-C	Compliance with Special Conditions #3 and #8 of S-022458-WK-A-N	10/21/2016
S-022458-WK-D-C	Compliance with Special Conditions #4, #5, and #6 of S-022458-WK-A-N	9/26/2017
S-022458-WK-E-M	Minor Revision-Submittal of Coastal Resources Operating Agreement, Management, and Administrative Services Agreement	9/26/2017
S-022458-WK-C-C	Compliance with Special Condition #3 of S-022458-WK-A-N	9/1/2017
S-022458-WK-F-C	Compliance with Special Condition #3 of S-022458-WK-A-N	4/8/2018
S-022458-WK-G-C	Compliance with Special Condition #3 of S-022458-WK-A-N	7/11/2018
S-022458-WK-H-C	Compliance with Special Condition #3 of S-022458-WK-A-N	8/16/2018
S-022458-WK-I-C	Compliance with Special Condition #3 of S-022458-WK-A-N	8/16/2018
S-022458-WK-J-C	Compliance with Special Condition #3 of S-022458-WK-A-N	8/31/2018
S-022458-WK-K-C	Compliance with Special Condition #3 of S-022458-WK-A-N	11/8/2018
S-022458-WK-L-C	Compliance with Special Condition #3 of S-022458-WK-A-N	4/2/2019
S-022458-WK-M-M	Minor Revision-Addition of Outdoor Storage of Unprocessed Single-Sort Recyclables	4/12/2019
S-022458-WK-N-C	Compliance with Special Conditions #6 and #10 of S-022458-WK-A-N	4/12/2019

STORMWATER AND NRPA LICENSE

NUMBER	DESCRIPTION	EFFECTIVE
L-026497-NJ-A-N/ L-026497-TG-B-N	Stormwater Management and Natural Resources Protection Act	7/14/2016

AIR EMISSIONS LICENSE

NUMBER	DESCRIPTION	EFFECTIVE
A-1111-71-A-N	New minor source license	7/14/2016
A-1111-71-B-A	Minor modification to add biogas-fired boiler and address staging of project	4/1/2019
A-1111-71-C-A	Minor modification to add three make-up air units	10/9/2019