



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

DEPARTMENT ORDER

IN THE MATTER OF:

**EUROVIA ATLANTIC COAST LLC
dba NORTHEAST PAVING
Acquisition of
LANE CONSTRUCTION ASSETS**

-) **LICENSE TRANSFER**
-) Site Location of Development
-) Mining Registration
-) Air Emission
-) Wastewater Discharge
-) Solid Waste

Bangor, Penobscot County
L-002748-80-H-T
L-011267-26-K-T
MER05B500

S-22368-WX-B-T
MER05B499

Belfast, Waldo County
L-18302-14-G-T
A-54-71-N-T
MER05B524

Houlton, Aroostook County
GPID #605

Charlotte, Washington County
GPID #692
GPID #693
A-978-71-E-T

Lewiston, Androscoggin County
A-488-71-L-T

Dyer Brook, Aroostook County
GPID #814

Medway, Penobscot County
L-18249-80-G-T
A-14-71-O-T

Ellsworth, Hancock County
L-26284-80-B-T

Presque Isle, Aroostook County
L-2749-14-C-T
A-363-71-O-T
MER05B513

Hancock, Hancock County
L-17718-80-D-T
GPID #316
A-49-71-Q-T

Searsport, Waldo County
L-7945-80-D-T
A-524-71-K-T

Hermon, Penobscot County
L-15667-26-F-T
A-90-71-M-T
A-166-71-P-T
A-257-71-T-T
A-449-71-K-T
A-590-71-K-T
A-860-71-H-T

Stockton Springs, Waldo County
L-17995-80-D-T

Washington, Knox County
L-21220-80-B-T
GPID #94
A-173-71-M-T

Winterport, Waldo County
L-13701-80-F-T

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Pursuant to Maine's *Water Pollution Control* laws, 38 M.R.S. §§ 411–424-B; *Site Location of Development* laws, 38 M.R.S. §§ 481–489-E; *Protection and Improvement of Air* laws, 38 M.R.S. §§ 581–610-D; and the *Maine Hazardous Waste, Septage and Solid Waste Management Act*, 38 M.R.S. §§ 1301–1319-Y, 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 Maine Department of Environmental Protection (Maine DEP) has considered the application of EUROVIA ATLANTIC COAST LLC dba NORTHEAST PAVING with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

On December 7, 2018, EUROVIA ATLANTIC COAST LLC dba NORTHEAST PAVING, (Eurovia) submitted an application to the Maine DEP for the transfer of all active Maine DEP licenses, as defined in 06-096 C.M.R. ch. 2 § 2(1)(L), any modifications, condition compliance orders, all other approvals, and all applications pending, held, or submitted by The Lane Construction Corporation (Lane Construction) relating to the Plants & Paving Business assets of Lane Construction located in Bangor, Belfast, Charlotte, Dyer Brook, Ellsworth, Hancock, Hermon, Houlton, Lewiston, Medway, Presque Isle, Searsport, Stockton Springs, Washington, and Winterport (the Assets).

Maine DEP accepted Eurovia's license transfer application as complete for processing on December 14, 2018. A schedule of permits and applications that are the subject of the application, and this Department Order, is set forth in Appendix A. The intent of this Order is to transfer any and all Maine DEP licenses, permits, certificates, registrations, applications, and decisions concerning the Assets. Any license, permit, certification, registration, application, or decision not specifically listed in this Order is incorporated herein.

2. TRANSFER REQUIREMENTS

The following information regarding Eurovia was submitted in support of the transfer application:

- A. Full Name and Address.** The full name and address of the applicant is: Eurovia Atlantic Coast LLC dba Northeast Paving, 2911 N Graham Street, Charlotte, North Carolina 28206.
- B. Title, Right, or Interest.** Eurovia submitted a copy of an Asset Purchase Agreement, between Eurovia and Lane, dated August 16, 2018. Based on the foregoing, Eurovia has provided sufficient evidence of title, right, or interest in the Assets to allow the transfer to Eurovia of the licenses, permits, approvals, permits-by-rule, registrations, variances, certifications and amendments thereto, condition compliance orders, and pending applications concerning the Assets, subject to the conditions set forth below.
- C. Financial Capacity and Intent.** Eurovia submitted an estimate of the anticipated environmental compliance costs for the Assets. Eurovia also submitted quarterly reports from Vinci, parent corporation of Eurovia, and a statement from Eurovia stating that they

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commit to fund any and all environmental operating costs relating to the Assets. Based on the foregoing, Eurovia has demonstrated sufficient financial capacity and intent to assure compliance with all Maine DEP licenses, permits, approvals, permits-by-rule, registrations, variances, certifications and amendments thereto; condition compliance orders, pending applications, as well as any statutory and regulatory criteria applicable to the Assets, subject to the conditions set forth below.

D. Technical Capacity and Intent. Eurovia has identified key employees who will be responsible for environmental compliance at the Assets. Resumes for these management employees were included in the application. Based on the foregoing, Eurovia has demonstrated that it has the technical capacity and intent to comply with all Maine DEP licenses, permits, approvals, permits-by-rule, registrations, variances, certifications and amendments thereto, condition compliance orders, pending applications, and any statutory and regulatory criteria applicable to the Assets, subject to the conditions set forth below.

E. Solid Waste Facility Disclosure. The disclosure statement provided by Eurovia in accordance with the Department's Solid Waste Management Rules, *General Provisions*, 06-096 C.M.R. ch. 400, § 12, indicates that the corporation and parent corporation and the directors and operator, have no record of any criminal violations, or civil violations, consent decrees, administrative orders or agreements, or other ongoing court proceeding or administrative enforcement action concerning environmental laws or regulations in the last five years.

3. BENEFICIAL USE PERMIT

The permit for beneficial use of solid waste, S-22368-WM-A-N, predates recent changes in the Department's Beneficial Use of Solid Wastes rule, 06-096 C.M.R. ch. 418 (July 8, 2018). Section 2(G) of the revised rule requires that existing licensed beneficial uses must request modification of their permits to incorporate new or amended provisions of the rule within 60 days of the effective date of the rule. Accordingly, the beneficial use permit is transferred subject to the condition that the applicant submit an application for permit modification to comply with the revised chapter 418 within 60 days of the date of this transfer order.

BASED ON THE ABOVE FINDINGS OF FACT, the Maine DEP CONCLUDES that EUROVIA ATLANTIC COAST LLC dba NORTHEAST PAVING has demonstrated title, right, or interest to the Assets as well as the technical and financial capacity and intent to comply with the conditions of all Maine DEP licenses, permits, approvals, permits-by-rule, registrations, variances, certifications and amendments thereto, condition compliance orders and pending applications associated with the Assets described in this Order's findings, including without limitation those licenses and applications listed in Appendix A, and to satisfy all applicable statutory and regulatory criteria, subject to the conditions set forth below.

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THEREFORE the Maine DEP APPROVES the application of EUROVIA ATLANTIC COAST LLC dba NORTHEAST PAVING, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards:

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. SEVERABILITY. 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.
3. Within 60 days of the date of this transfer order, the applicant must submit an application for modification of permit # S-22368-WM-A-N for any modifications necessary to comply with the current requirements of the Department's Beneficial Use of Solid Wastes rule, 06-096 C.M.R. ch. 418 (2018).

DONE AND DATED AT AUGUSTA, MAINE THIS 18 DAY OF APRIL, 2019.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

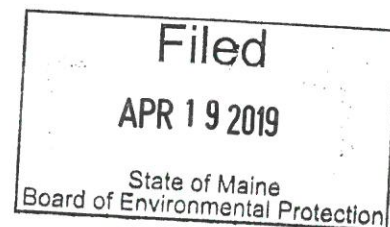
By: 
Gerald D. Reid, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: December 7, 2018

Date application accepted for processing: December 14, 2018

Date filed with the Board of Environmental Protection:



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APPENDIX A: CURRENT LICENSES AND APPLICATIONS

LAND DEVELOPMENT ORDERS

NUMBER	DESCRIPTION	EFFECTIVE
L-002748-80-A-X	BLASTED ROCK QUARRY	1/13/1972
L-002748-80-B-A	AMENDMENT / ODLIN ROAD QUARRY	2/12/2014
L-002748-80-C-M	MINOR REVISION / MODIFICATION OF GW MONITORING PLAN	12/4/2017
L-002748-80-D-B	MINOR AMENDMENT: OVERBURDEN STORAGE GRADING & WETLAND DISTURBANCE	7/10/2018
L-002748-TH-E-N	REMOVE FORESTED WETLANDS TO EXPAND EXISTING QUARRY	7/10/2018
L-002748-80-F-C	CONDITION COMPLIANCE / EXECUTED & RECORDED APPROPRIATE BUFFER DEED RESTRICTIONS / BANGOR QUARRY	1/26/2018
L-002749-14-B-A	QUARRY EXPANSION	7/18/1997
L-007945-80-A-X	Expand existing pit to 37 acres	6/23/1982
L-007945-80-A-M	Portable asphalt and concrete batch plants	5/23/1990
L-007945-80-B-T	Transfer to Lane Construction	9/8/1994
L-007945-80-C-M	Modification - Sediment tanks	1/7/2000
L-11267-26-G-T	TRANSFERRED FROM VAUGHN THIBODEAU & SONS INC	10/4/2010
L-11267-26-J-B	MINOR AMENDMENT/CONCRETE PLANT	9/27/2011
L-13701-16-A-N	GRAVEL PIT MINING OPERATION	11/4/1987
L-13701-16-B-M	FOLEY PIT RAIL SIDING	6/2/1997
L-13701-80-C-M	MODIFICATION/FOLEY PIT/GRAVEL MINING/REMOVE 6.9 ACRES OF BUFFER	10/16/2003
L-13701-80-D-M	MODIFICATION/FOLEY PIT/GRAVEL MINING/REMOVE 7 ACRES OF BUFFER	10/12/2007
L-13701-80-E-M	MINOR REVISION / CONSTRUCT ROAD BETWEEN ABUTTING PITS / FOLEY PIT	8/20/2012
L-15667-26-B-T	TRANSFER OF ASPHALT PLANT PERMIT FROM HAROLD MACQUIN	10/2/1991
L-15667-26-C-M	HERMON ASPHALT PLANT	4/7/1992
L-15667-26-D-M	RAILROAD TRACK AND OPERATIONS AREA	7/19/1995

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L-15667-26-E-A	HERMON SITE EXPANSION	1/3/2002
L-17718-80-A-N	GRAVEL PIT AND BATCH/CEMENT PLANT	12/16/1992
L-17718-80-B-C	GRAVEL PIT COND. 3	3/9/1993
L-17718-80-C-C	CONDITION COMPLIANCE	7/9/1993
L-17995-80-A-N	150 ACRE GRAVEL EXTRACTION-13 MILLION CUBIC YARDS	5/12/1993
L-17995-80-B-M	STOCKTON SPRINGS RAILSIDING	3/22/2001
L-17995-80-C-M	MODIFICATION, REPLACE 100' NAT BUFFER WITH EARTHEN BERN	4/22/2002
L-18249-80-B-T	TRANSFERRED FROM PIKE INDUSTRIES INC	4/14/1998
L-18249-80-C-M	RELOCATE STEEL TOWER, REMOVE HIGH GRAVEL EMBANKMENT	11/5/1998
L-18249-80-D-M	CONSOLIDATION OF TOOL SHED AND STORAGE SHED INTO ONE BUILDING	5/12/2000
L-18249-80-E-M	ASPHALT PLANT MODIFICATION - REPLACEMENT OF TWO STORAGE TRAILERS WITH A NEW STORAGE BUILDING	9/24/2002
L-18249-80-F-M	MINOR REVISION / MODIFY MONITORING PLAN / SUNRISE MATERIALS ASPHALT BATCHING FACILITY	8/7/2012
L-18302-14-A-N	ROCK QUARRY	9/14/1993
L-18302-14-B-C	REMOVAL OF COND. 5, 6, 7	3/8/1994
L-18302-14-C-M	QUARRY SITE	4/5/1994
L-18302-14-D-M	MODIFICATION/BELFAST QUARRY PHASING/ALTER EXCAVATION PLAN	9/10/1998
L-18302-14-EC-M	MODIFICATION/LANE BELFAST PLANT SITE EXPANSION	3/1/2000
L-18302-14-F-M	MINOR REVISION / MODIFICATION OF MONITORING PLAN	7/10/2013
L-21220-80-A-N	EXCAVATE BELOW THE WATER TABLE/EXTERNALLY DRAINED PIT	9/8/2003
L-26284-80-A-N	ATF / AN AREA GREATER THAN 10 ACRES FOR THE WORKING PIT	4/18/2014

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GRAVEL PIT REGISTRATIONS

GPID #	LOCATION	
692	Charlotte – Mingo Pit	
693	Charlotte – Mingo Quarry	
814	Dyer Brook – Dyer Brook Pit	
316	Hancock – Merrill Pit	
605	Houlton – Roach Pit	
94	Washington – Washington Pit	

MULTI-SECTOR GENERAL PERMIT FOR STORMWATER DISCHARGE

NUMBER	LOCATION	
MER05B500	Bangor	
MER05B524	Belfast	
MER05B499	Hermon	
MER05B513	Presque Isle	

MINOR SOURCE AIR EMISSION

NUMBER	PRIMARY LOCATION	EFFECTIVE
A-14-71-N-R/A	Medway	4/20/2016
A-49-71-O-R/M	Hancock	4/20/2016
A-49-71-P-A	Hancock	5/24/2017
A-54-71-M-R/A	Belfast	2/2/2017
A-90-71-L-R/A	Hermon	7/30/2014
A-166-71-O-R/A	Hermon	12/23/2015
A-173-71-K-R/A	Washington	7/30/2014
A-173-71-L-A	Washington	5/16/2017
A-257-71-R-R/A	Hermon	12/19/2016
A-257-71-S-M	Hermon	2/2/2017
A-363-71-M-R/A	Presque Isle	10/26/2015

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A-363-71-M-R/A	Presque Isle	10/26/2015
A-363-71-N-A	Presque Isle	5/24/2017
A-449-71-J-R	Hermon	9/11/2012
A-488-71-K-R/A	Lewiston	7/5/2016
A-524-71-I-R/A	Searsport	7/5/2016
A-590-71-J-R/A	Hermon	11/30/2016
A-860-71-G-R/A	Hermon	4/20/2016
A-978-71-C-R/A	Charlotte	6/10/2013
A-978-71-D-A	Charlotte	9/24/2014

SOLID WASTE MANAGEMENT ORDERS

NUMBER	DESCRIPTION	EFFECTIVE
S-22368-WM-A-N	Beneficial use of solid waste –	9/29/11