



DEPARTMENT ORDER

IN THE MATTER OF:

NE RENEWABLE POWER)	LICENSE TRANSFER
WEST ENFIELD, LLC)	
ACQUISITION OF)	Site Location of Development
STORED SOLAR FACILITY)	Air Emission
Enfield, Penobscot County)	Wastewater Discharge
L-10434-24-O-T)	Stormwater
A-91-70-F-T)	
W-006116-5S-L-T)	
MER05C209)	

Pursuant to the provisions of Maine’s *Site Location of Development law* (Site Law), 38 M.R.S. §§ 481 to 489-E; *Waste Water Discharge laws*, 38 M.R.S. §§ 413 to 415; *Stormwater Management law*, 38 M.R.S. § 420-D; *Protection and Improvement of Air laws*, 38 M.R.S. §§ 581 to 610-D; rules promulgated pursuant to these laws and the *Rule Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. ch. 2 (2018), the Maine Department of Environmental Protection (Department) has considered the application of NE RENEWABLE POWER WEST ENFIELD, LLC with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

On December 14, 2022, NE Renewable Power Jonesboro, LLC (Applicant), submitted an application to the Department for the transfer of all active licenses, as defined in 06-096 C.M.R. ch. 2 § 2(1)(L), and any applications pending, relating to the property and buildings located at 62 Whitneyville Road, in Jonesboro (the Property). The Jonesboro facility was originally licensed by the Department in 1985.

The Department accepted Applicant’s license transfer application as complete for processing on January 9, 2023. A schedule of licenses 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 all or portions of those active licenses that apply to the Property. Any Department license or application concerning the Property not specifically listed in this Order is incorporated herein.

2. TRANSFER REQUIREMENTS

The applicant submitted the following information in support of the transfer application:

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- A. **Name and Address.** The full name and address of the applicant is: NE Renewable Power West Enfield, LLC, 1231 Main Road, West Enfield, Maine 04493.
- B. **Title, Right, or Interest.** The Applicant has submitted a Quitclaim Deed without Covenant from the Bankruptcy trustee for the prior applicant, dated December 1, 2022, demonstrating that title to the property has been transferred to Applicant. The Department finds that this Deed provides sufficient evidence of title to the Property to allow the transfer of licenses and applications to Applicant.
- C. **Financial Capacity and Intent.** The Applicant is a wholly owned subsidiary of Hartree Partners, an energy and commodities firm with approximately 4 billion dollars in capitalization. Applicant will be able to rely on Hartree, if necessary, to meet any financial obligation in order to comply with all applicable licenses and applications.

The Department finds that the Applicant has demonstrated sufficient financial capacity and intent to assure compliance with all Department licenses relating to the Property.

- D. **Technical Capacity and Intent.** The Applicant has retained the services of operations and engineering personnel from the previous license holder. The applicant has also retained qualified consulting services to assist in ensuring compliance with all applicable licenses and applications.

The Department finds that the information submitted in the application provides sufficient evidence that the Applicant has the technical capacity and intent to comply with all Department licenses, pending applications, and any statutory and regulatory criteria applicable to the Property.

- E. **Air Emissions Wastewater Discharge Certification.** The Applicant certifies that there will be no increase in air emissions or wastewater discharge beyond that provided for in the existing licenses, either in quantity or type.

BASED ON THE ABOVE FINDINGS OF FACT, the Department CONCLUDES that NE RENEWABLE POWER WEST ENFIELD, LLC has demonstrated title, right, or interest to the Property as well as the technical and financial capacity and intent to comply with the conditions of all Department licenses and pending applications associated with the Property 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 Department APPROVES the application of NE RENEWABLE POWER WEST ENFIELD, LLC, 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.

DONE AND DATED AT AUGUSTA, MAINE THIS 13th DAY OF FEBRUARY, 2024.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: 
Melanie Loyzim, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 12/14/2022

Date application accepted for processing: 1/9/2023

Date filed with the Board of Environmental Protection:

<p>FILED February 13th, 2024 State of Maine Board of Environmental Protection</p>

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APPENDIX A: LICENSES AND APPLICATIONS

AIR EMISSIONS LICENSES

LICENSE NUMBER	DESCRIPTION	DATE
A-91-72-A-N	Initial Air Emission License	1/9/1985
A-91-72-B-M	Transfer from Ultrapower, Inc. to Babcock-Ultrapower	5/13/1986
A-91-72-C-R	Air Emission License Renewal	11/2/1987
A-91-72-E-M	Minor Revision to comply with NOx RACT	7/1/1996
A-91-71-F-T	Transfer from Babcock-Ultrapower to Indeck Power Overseas, Ltd.	12/9/1996
A-91-71-G-M	Minor Revision to request additional time to install NOx control equipment	5/15/1997
A-91-71-H-T	Transfer from Indeck Power Overseas Ltd to Indeck Maine Energy, L.L.C.	6/5/1997
A-91-70-A-I	Initial Part 70 License	9/5/2001
A-91-70-B-A	Part 70 Section 502(b)(10) change regarding routine repair and replacement	3/11/2004
A-91-70-C-R	Part 70 License Renewal	4/14/2015
A-91-70-D-A	Name change from Covanta Maine, LLC to Stored Solar J&WE, LLC and addition of co-applicant, Stored Solar Jonesboro, LLC	4/20/2017
A-91-70-E-R	Part 70 License Renewal	Pending

LAND RESOURCES LICENSES

LICENSE NUMBER	DESCRIPTION	DATE
L-10434-24-A-N	Site Law Permit for: 23 megawatt wastewood fired power plant - 22 acre project on 560 acre parcel	10/24/84
L-10434-24-B-A	Amendment: condition compliance on water supply and revision to transmission line	4/24/85
L-10434-24-C-M	Minor Revision: change of authority to review financial information from Board to DEP Commissioner	7/24/85
L-10434-24-D-M	Minor Revision: Condition compliance for financial information, and transfer of previous orders from Ultrapower, Inc. to Joint Venture Partnerships	10/30/85
L-10434-24-E-M	Minor Revision: Pumphouse, discharge, and intake structure relocation	11/17/85
L-10434-24-F-M	Minor Revision: Condition compliance -- ground water monitoring program	5/6/86
L-10434-24-G-A	Amendment: Condition compliance for Minor Changes in the facility site plans	6/2/86
L-10434-24-H-M	Minor Revision: Relocation of detention basins	9/28/87
S-10434-24-I-M ¹	Minor Revision: Woodash Storage Facility	3/14/90

¹ This license is a Minor Revision issued under the West Enfield facility's existing Site Location of Development permit -- L-10434-24-A-N; it allows construction of the woodash storage facility as well as storage at the facility.

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L-10434-24-J-A	<i>Exempt activity - no permit issued</i>	----
L-10434-24-K-M	Minor Revision: Transfer portion of parcel to Pleasant River Lumber (corrected order issued 9/12/05)	8/15/05
L-10434-24-M-M	Convey Lots 2 and 3	5/24/17
L-10790-02-A-N	Penobscot River pumping station and discharge structure	4/24/85
L-10790-02-B-M	Minor Revision: change in pumping station and discharge structure location (corrected order issued 5/22/86)	11/16/85
L-10790-02-C-N	Dredging at intake structure	4/16/87
L-10790-02-D-N	Fill -- coffer dam for cooling water intake	5/26/87

WASTEWATER DISCHARGE /STORMWATER LICENSES

LICENSE NUMBER	DESCRIPTION	DATE
W-6116-42-E-R	160,000 GPD non process wastewater - renewal	1/14/97
W-6116-5S-F-R	0.150 MGD cooling tower blowdown - renewal	9/12/03
W-6116-5S-G-M	0.150 MGD cooling tower blowdown - modification	7/26/05
W-6116-5S-H-R	Wastewater Discharge License Renewal	10/14/10
W-6116-42-I-R	Renewal: Waste Discharge License for a Major Industrial Facility, expiration date 4/26/21	4/26/16
W-6116-42-J-T	Transfer to Stored Solar	4/20/17
W-6116-5S-K-R	Cooling Water - Renewal	5/5/21
MER05C209	Multi-Sector General Permit for Stormwater Associated with Industrial Activity	2/1/17