



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

IN THE MATTER OF

ARIES PINE TREE LLC	)	FIRST PROCEDURAL ORDER
SANFORD, YORK COUNTY	)	
AIR EMISSION LICENSE APPLICATION	)	ORDER GRANTING
(A-1195-71-A-N) AND	)	PETITION TO INTERVENE AND
SOLID WASTE PROCESSING FACILITY	)	SCHEDULING PREHEARING
LICENSE APPLICATION (S-100033)	)	CONFERENCE
	)	

In this First Procedural Order the Presiding Officer GRANTS the Petition to Intervene submitted in this matter. The Presiding Officer also establishes the service list for Parties, schedules the first Prehearing Conference, and discusses ex parte communications.

I. INTRODUCTION AND BACKGROUND

On January 28, 2026, the Maine Department of Environmental Protection (Department) accepted for processing an application by Aries Pine Tree LLC (Aries or Applicant) for a solid waste license for a proposed biosolids gasification facility to be located in Sanford, York County, Maine. On February 3, 2026, the Department accepted for processing an application by Aries for an air emission license for this proposed facility.

On March 19, 2026, the Commissioner of the Department determined that a combined public hearing regarding the solid waste and air emission license applications (applications) would be conducted to assist the Department in the application review process. The hearing will be conducted in accordance with the *Maine Administrative Procedure Act*, 5 M.R.S. §§ 9051–9064, and the Department's *Rules Concerning the Conduct of Licensing Hearings*, 06-096 C.M.R. ch. 3.

On July 6, 2026, the Commissioner of the Department designated Elizabeth J. Wyman as the Presiding Officer for the purpose of carrying out the hearing on the applications.

On July 10, 2026, the Presiding Officer issued a Notice of Opportunity to Intervene (Notice) in this matter, which was published in local newspapers and on the Department's website. The Notice was also distributed by email to individuals who had requested to be added to the list of persons who were interested in this matter. The Notice established a deadline of August 3, 2026 for the submission of a Petition to Intervene. A copy of the Notice can be found on the Department's website at www.maine.gov/dep/projects/aries/index.html.

On July 27, 2026, the Department received a Petition to Intervene filed on behalf of the Sanford Clean Air & Water Coalition and Conservation Law Foundation. A copy of the petition can be found on the Department's website at the address listed above. These filings, as well as application materials and other documents, can be found by clicking on the link "Project File."

II. RULING ON PETITION TO INTERVENE

06-096 C.M.R. ch. 3, § 11(A)(1) sets forth the requirements for what must be included in a petition for leave to intervene in an adjudicatory proceeding regarding a license application. In addition to providing identifying information, the petitioner must set forth a description of the effect that the petitioner believes the activity proposed in the application would have on its interests. For a petitioner that proposes to represent a group or organization, the petition must include a general description of the purpose and membership of the group or organization. The rule provides that a petition to intervene "shall be granted if it demonstrates that the petitioner is or may be, or is a member of a class which is or may be, substantially and directly affected by the proceeding."

The Presiding Officer concludes that the Petition to Intervene filed on behalf of the Sanford Clean Air & Water Coalition and Conservation Law Foundation meets the requirement of demonstrating that the petitioners may be substantially and directly affected by the activity that is proposed in the Aries license applications. The Petition to Intervene includes the information required by 06-096 C.M.R. ch. 3, § 11(A)(1), including detailed declarations from the organizations' members professing how the proceeding could have an effect on their interests.

The Presiding Officer hereby GRANTS the Petition to Intervene and names the Sanford Clean Air & Water Coalition and Conservation Law Foundation as Intervenor and Parties in this adjudicatory proceeding. Pursuant to 06-096 C.M.R. ch. 3, § 11(A)(5), the Intervening Parties have the right to offer testimony and evidence, and participate in the hearing, subject to reasonable terms as directed by the Presiding Officer.

III. PROCEDURAL MATTERS AND SCHEDULING OF CONFERENCE

1. Establishment of Service List

Pursuant to 06-096 C.M.R. ch. 3, § 3(B), the Presiding Officer establishes the following Service List, which identifies the representative of each Party that is to receive service of papers and communications on the Party's behalf.

(a) The Applicant

As the Applicant seeking approval of its request for licenses, Aries, is a Party in this matter. The contact information provided for Aries in the applications on file with the Department is as follows:

Mark Lyons, Senior Director
Aries Pine Tree LLC
4037 Rural Plains Circle
Suite 290
Franklin, TN 37064
mark.lyons@ariescleantech.com

(b) The Intervening Parties

The Intervenors in this matter have provided the following contact information for the individuals they have identified as spokespersons and counsel on behalf of both the Sanford Clean Air & Water Coalition and Conservation Law Foundation:

Katherine O'Brien
Earthjustice
P.O. Box 2297
South Portland, ME 04116
kobrien@earthjustice.org

Nora Bosworth
Conservation Law Foundation
53 Exchange Street, #200
Portland, ME 04101
nbosworth@clf.org

(c) Office of the Attorney General

Advising the Department in this matter are Assistant Attorneys General Valerie Wright and Emma Akrawi. The contact information for AAGs Wright and Akrawi are as follows:

Valerie.A.Wright@maine.gov
Emma.Akrawi@maine.gov

2. Scheduling of Prehearing Conference

The Presiding Officer will conduct a virtual prehearing conference on **Wednesday, September 16, 2026, at 10:00 a.m.**

Representatives identified in the Service List above must attend this conference and be prepared to speak on behalf of the Party they represent. If a Party chooses to have another individual represent them at the conference, they must notify the Presiding Officer and the other Parties prior to the scheduled conference.

The prehearing conference will be conducted virtually via Zoom. The conference will be open to the public for listening purposes; however, the public will not be allowed to participate in the conference. Each Party's representative will be emailed an invitation that is unique to them and will allow them to participate during the conference. The general public may attend the prehearing conference by using the link provided below:

<https://mainestate.zoom.us/j/84322228110>

The Parties' representatives should be prepared to discuss the following topics and issues:

- Confirmation of contacts listed on the Service List;
- Consolidation of presentation pursuant to 06-096 C.M.R. ch. 3, § 11(A)(6);
- The scope of the public hearing;
- The timing and substance of the filing of testimony and rebuttal testimony by the Parties;
- The timing and filing of briefs by the Parties on legal issues, including issues raised in the Petition to Intervene;

- Scheduling of the hearing; and
- Other administrative matters.

The Presiding Officer will schedule additional Prehearing Conferences as needed prior to the public hearing.

3. *Ex parte communications*

Pursuant to 06-096 C.M.R. ch. 3, § 6(A), neither the Commissioner of the Department nor the Presiding Officer may communicate directly or indirectly in connection with any issue of fact, law, or procedure regarding the matter, with any Party or other person legally interested in the outcome of the proceeding, except upon notice and opportunity for all Parties to participate.

Parties may contact the Presiding Officer at the following email address: AriesHearing.DEP@maine.gov. When contacting the Presiding Officer, Parties must ensure that a copy of the communication is made to all representatives of the Parties as provided on the Service List above in section III(1) of this Order.

Dated: August 12, 2026

/s/ *Elizabeth J. Wyman*

Elizabeth J. Wyman
Presiding Officer