



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

DEPARTMENT ORDER

IN THE MATTER OF

LINCOLN PULP & PAPER CO. INC.) SITE LOCATION
LINCOLN, MAINE)
INDUSTRIAL EXPANSION) FINDINGS OF FACT AND ORDER
#L-015941-26-A-N)

Pursuant to the provision of Title 38 M.R.S.A, Section 483, the Department of Environmental Protection has considered the application of Lincoln Pulp and Paper with its supportive data, staff summary, agency review comments, and other related materials on file and finds the following facts:

1. PROJECT DESCRIPTION:

A. SUMMARY: The applicant is requesting approval for all improvement projects that have occurred at the Lincoln Mill since January 1970, and for a multi-fuel boiler, its associated fuel handling facilities, and a new turbine generator to be located on the existing mill site.

A list of the major post-1970 improvements and the ground area affected is as follows:

- 1) Number 2 Recovery Boiler, 15,500 square feet
- 2) Reausticizing Plant Expansion, 8,600 square feet
- 3) Primary Wastewater Treatment Plant, 24,100 square feet
- 4) Vehicle Maintenance Garage, 3,200 square feet
- 5) Softwood Digester System, 49,000 square feet
- 6) Number 4 Power Boiler, 2,339 square feet
- 7) Secondary Wastewater Treatment Plant, 174,000 square feet
- 8) Mattanowcook Stream Diversion, 1,300 linear feet
- 9) Chlorine Dioxide Generating Plant, 2136 square feet
- 10) Contractors Garage, 1488 square feet
- 11) Tissue Mill Building Expansion, 16,413 square feet
- 12) Brown Stock High Density Storage Tower, 1,200 square feet

Details of the improvement projects are described in the Site Location Application and are shown on the plans entitled "Post 1970 Development Plan" and dated 4/15/87 (revised 11/30/88).

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The proposed multi-fuel boiler is designed to burn debarking waste; reclaimed fuel from existing on-site bark/wood waste disposal areas; purchased biomass consisting of whole-tree chips, sawmill waste, and sawdust; wastewater treatment sludge; No. 2 fuel oil; and a mixture of wood and coal residue. New construction for the boiler will consist of an 8,363 square foot boiler building with a height of 225 feet above grade, and 2,325 square feet of new paved area; and will be located on an area formerly occupied by the No. 4 boiler (constructed in 1970 and decommissioned in 1980).

The proposed boiler will be built in accordance with the plans entitled "the Proposed Site Plan for No. 8 Power Boiler" and dated 9/7/88.

Detailed plans of the fuel handling facility and proposed turbine generator have not been provided at this time.

B. HISTORY OF THE PROJECT: Lincoln Pulp and Paper's property in Lincoln has served as a site for paper mill operations for over 100 years. The mill was acquired by the current owners in 1968.

Both post 1970 and proposed improvements continue the historical sequence of technology and environmental improvements at the mill.

2. FINANCIAL CAPACITY

The total project cost for the proposed improvements is estimated to be 29 million dollars. This estimate is broken down for each phase as follows: Boiler Island- 15 million dollars, Fuel Handling- 6 million dollars, and Turbine Generator- 8 million dollars.

The applicant has submitted a letter from Prudential Capital indicating that they have extended financing in the amount of \$24,000,000 to Lincoln Pulp and Paper for the purpose of building the wood burning co-generation facility in Lincoln.

The financing supplied by Prudential covers the cost of constructing the boiler island and the fuel handling facilities. Evidence of financial capacity for the turbine generator has not been submitted.

3. TECHNICAL ABILITY

Lincoln Pulp and Paper Company, Inc. (LP&P) has operated the Lincoln mill since 1968 and has hired a fulltime environmental staff to supervise compliance with air emission, water discharge, solid waste disposal, and hazardous waste disposal requirements.

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E.C. Jordan Company has been retained to serve as an environmental engineering consultant for solid waste management and for preparation of the Site Location Application. The McBurney Corporation, with assistance from Khafra Engineering consultants, has prepared the design engineering and will oversee the installation of the proposed boiler island and fuel handling system.

Although Lincoln Pulp and Paper Company has had a long history of air, land, water, and solid waste violations at its site, the number of violations has decreased and LP&P has spent a significant amount of money in remedial measures.

Construction of the proposed boiler should contribute to resolving certain solid waste and air violations.

4. SOLID WASTE

Solid waste generated by existing mill operations is described in detail in a Solid Waste Management Study prepared by E.C. Jordan, and dated January 1988. This study details solid waste types, quantities, and past and current disposal practices as well as characterizing on-site disposal areas and management plans. Fifteen waste areas have been identified on the mill property and are planned to be closed. Nine of these areas are presently inactive.

In the active onsite disposal areas, LP&P disposes of approximately 307,000 cubic yards of waste per year. This waste stream consists of woodwastes, flume wastes, recausticizing wastes, sludge, and non-hazardous process spill debris. None of the mill's onsite disposal areas are in compliance with the Solid Waste Management Act. In connection with and ongoing enforcement effort and consent decree negotiations presently underway with the applicant, Department of Environmental Protection, and the Attorney General's Office, provisions will be made to assure that onsite solid waste disposal sites are brought into compliance, as necessary with appropriate legal requirements.

An additional 11,000 cubic yards/year of waste generated by the operation of the mill consists of general mill trash, demolition and construction debris, oily solid wastes, oil boiler ash, asbestos, sand blasting grit, non-hazardous chemical spill debris, and hazardous wastes. General mill trash, and some construction and demolition debris are disposed of at the Town of Lincoln landfill. Some nonhazardous chemical spill debris and all hazardous wastes are disposed of at out-of-state hazardous waste disposal facilities. The remaining wastes are disposed of at the Sawyer Environmental Recovery Facility landfill in Hampden or at the Consolidated Waste Services, Inc. landfill in Norridgewock. All of the proposed offsite waste disposal

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facilities are in compliance with State environmental laws. However, no contracts or other evidence were submitted by the applicant to indicate that adequate capacity to handle the mill waste is available at these facilities.

One of the principal purposes for constructing the particular kind of boiler proposed in the Site Location Application is to reduce an existing solid waste problem at the mill. Bark from the mill operation is presently, and has been for years, disposed of in the onsite bark pile. The multifuel boiler will enable LP&P to bring this disposal area into compliance and provide a means of eliminating the need for future bark disposal facilities.

The boiler will generate approximately 75,000 cubic yards of ash per year. The primary disposal facility for boiler ash will be a proposed landfill to be owned and operated by LP&P. Agricultural and/or silvicultural landspreading is being reviewed as a secondary ash disposal method.

The applicant has had preapplication discussions for a new, state-of-the-art solid waste disposal facility. This facility, if licensed, would provide a suitable location for disposal of waste generated by the mill as a whole.

In the event that the proposed landfill is not licensed and operational when the boiler starts up, LP&P has proposed that only clean woodwaste will be burned and the ash will be disposed of in accordance with the standards of the permit-by-rule ash spreading program. In regard to this proposal, no provisions were included in the application for storage of ash in the winter months.

5. WATER SUPPLY

The mill's current total water usage is approximately 13 million gallons per day in the summer and 11 million gallons per day in the winter.

Process water is obtained from Mattanawcook Lake. The 400,000 gallons per day needed for sanitary use and instrumentation is obtained from the Town of Lincoln's water supply.

The multifuel boiler project will use 276,000 gallons per day. Because of limited steaming capacity, concurrent operation of all boilers will not be possible. Therefore, mill water usage will not be increased overall by the expansion.

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6. ROADWAYS

The mill is accessed via Katahdin Avenue, Depot Street, and Park Street in Lincoln.

Katahdin Avenue is a paved 2 lane road with a 22 foot travel surface and no shoulders. Depot Street is a paved 2 lane road with a 22 foot travel surface and 2 shoulder of 3 foot width. Park Street East of the mill is a paved 1 lane road with a 17 foot travel surface and 2 shoulders of 5 foot width; and west of the mill is a paved 2 lane road with a 30 foot travel surface and 2 shoulders of 5 foot width.

Interior roads and parking areas constructed since 1970 are shown on the plan entitled "Post 1970 Development Plan" and dated 4/15/87 (revised 11/30/88). These roads and parking areas consist largely of unpaved surfaces of varying dimensions and design.

No new parking areas are proposed. However, 2,325 square feet of additional pavement will be installed to improve vehicular access to the boiler island and control erosion.

Lincoln Pulp and Paper will continue to maintain all roadways and parking areas on the mill property.

7. TRAFFIC MOVEMENT

During operation of the mill, traffic volumes at the three entrances - expressed in average daily trips (ADT) - are estimated to be 900 ADT for Depot Street, 900 ADT for Katahdin Avenue, and 180 ADT for Park Street.

The proposed boiler project will increase traffic at the wood delivery entrance (Park Street) by 71 percent (62 percent of the increase is attributed to off site solid waste disposal), increase traffic by 1.5 percent and Katahdin Avenue, and decrease traffic to Depot Street by 4 trips per day.

The Maine Department of Transportation has reviewed the existing and proposed expansions of the mill for its ability to comply with the "Traffic Movement Standards" of the Site Location Law, and submitted the following comments:

A. Site distances at all affected intersections are adequate.

B. No adverse traffic operational impacts are anticipated.

8. AIR QUALITY

All point-source air emissions from existing mill operations are identified in and regulated by LP&P's air emission license (No. 2170, issued 03/09/83 and subsequent amendments). Nonpoint-source emissions-fugitive particulate emissions and vehicle emissions are also addressed in that license. The applicant is periodically not in compliance with some of the requirements set forth in that license.

Many of the post-1970 improvements at the mill have served to improve ambient air quality including replacement of an old boiler using a cyclone evaporator and venturi scrubber with a new boiler using an electrostatic precipitator for control of particulate matter and paving many areas for dust control.

Point-source air emissions from the proposed boiler are currently being modeled and will be characterized in the projects air emission license application. Because the area is presently non-attainment for particulate matter, the boiler will include Lowest Achievable Emission Rate technology for particulates. Also, fuel storage areas and ash loading areas will be paved, ash and coal storage areas will be enclosed and conveyors will be shrouded to control fugitive dust emissions.

Because of greater pollution control efficiency, the displacement of emissions from older existing boilers, and the reduction of sulfur dioxide emissions due to the burning of biomass, it is anticipated that the proposed boiler will result in overall improvements of air quality.

9. NATURAL DRAINAGE WAYS

The topography of the mill's property general slopes down to the Penobscot River which flows westerly along the northern boundary of the site.

The Mattanawcook Stream flows northerly to the Penobscot River and bisects the developed portions of the site.

The Mattanawcook Stream was altered in 1976 by the construction of a new 1,300 foot long stream channel rerouting stream flows more directly to the Penobscot River. The primary purpose of the rerouting was to shift the stream away from areas downgradient of solid waste disposal sites to minimize potential leachate contamination, and provide a wider buffer between the treatment plant and the stream.

Details of the stream relocation are shown on the plan entitled "Mattanowcook Stream Relocation" and dated 08/15/75 (revised 10/20/75).

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The stream alteration work was reviewed and approved by the Maine Department of Inland Fisheries and Wildlife under a Stream Alteration Permit.

10. STORMWATER RUNOFF

The applicant's consulting engineers have reviewed the stormwater runoff flows for the Lincoln Pulp and Paper property using the methodology outlined in "Urban Hydrology for Small Watersheds", Technical Release #55, USDA, Soil Conservation Service. The review has shown that the total runoff from the property for a 25-year, 24-hour rainfall equals 564 cfs. Based on the calculations and field observations, the consulting professional engineers have concluded that the present drainage facilities are adequate to handle stormwater runoff, and that adjacent properties are not adversely impacted by the present drainage facilities.

Pre- and post- development stormwater runoff flows were evaluated for the proposed boiler site. According to the calculations performed, runoff will be increased by 1.7 cfs. The applicant is proposing to collect and discharge the runoff to the wastewater treatment plant. The effect of the proposed stormwater management plan is to decrease the natural runoff and cause no adverse impact on the natural runoff characteristics of the site.

Onsite stormwater management is shown on the plans entitled "Existing Stormwater Management Plan" dated 11/1/88 (revised 11/30/88), the "Proposed Site Plan for the No. 8 Power Boiler" dated 9/7/88, and the "Grading and Erosion Control Plan for No. 8 Power Boiler" dated 10/31/88.

11. EROSION AND SEDIMENTATION CONTROL

Existing practices at the mill that are used to control erosion and sedimentation generally include paving of roadways and parking areas, grass cover of untraveled areas, and channeling of runoff through swales, ditches, and underground piping.

The areas south, west, and east of the mill buildings are stable and are not losing appreciable amounts of sediment to Mattanawcook Stream.

North of the causticizing building, roadways are gravel surfaced and there is observable sediment loss to the lime mud pond and the equalizing pond. These two ponds are connected to the wastewater treatment plant. Discharge of the stormwater to the treatment plant will be maintained until the roads are paved and untraveled surfaces are revegetated

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North of the Tissue Mill, construction staging areas and roads will be changed. A vegetated strip and a silt fence will be maintained along Mattanawcook Stream between the power plant and the contractor's garage until the work is finished and the site has been stabilized. The silt fence will be installed in the 1989 construction season.

Specifications for fertilizing seeding and mulching are specified in Exhibit 20 of the Site Location Application.

The installation details for silt fencing are also shown on Exhibit 20.

The stream bank of Mattanawcook Stream in the area of the water treatment plant and the power plant is eroding. A gabion-type retaining wall has been proposed to stabilize this bank. No details have been supplied at this time.

Prior to construction of the multi-fuel boiler, sediment control fences will be installed. These fences will be continuously maintained during construction. The boiler site will be cleared, grubbed and graded in no more than 3 days. All cut and fill banks will be maintained at a slope no steeper than 2 horizontal to 1 vertical.

Runoff from the site during construction and operation will be captured and discharged to the wastewater treatment plant.

The location of erosion control measures and installation details are shown on the plans entitled "Grading and Erosion Control Plan for No. 8 Power Boiler" dated 10/31/88.

12. SURFACE WATER QUALITY

LP&P has an existing wastewater discharge license from the Department - Number 0381. These licensed discharges from the mill are from the wastewater treatment plant which consists of both primary and secondary treatment facilities.

Because of inadequate equipment and operational procedures causing insufficient aeration and removal of solids, LP&P has not at times been operating in compliance with their wastewater discharge license.

The Department is currently negotiating a consent agreement with the company to correct deficiencies in the equipment and operations of the wastewater treatment plant.

The boiler project will not result in addition of any pollutants to surface water.

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13. GROUNDWATER QUALITY/QUANTITY

No post-1970 projects nor the proposed boiler project overlies a mapped sand and gravel aquifer. Also, no groundwater is used to meet the water needs of the mill.

Concerns have been raised about the impact of onsite waste disposal areas, as well as the lime mud and equalizing ponds on the quality of the groundwater.

Within the Solid Waste Management Study, the applicant has provided a proposed mill wide groundwater monitoring program to evaluate existing groundwater quality as a result of current and past facility operations. In regard to assessing the impacts from the Solid Waste sites, this plan has been reviewed by the Bureau of Solid Waste and additional information will be required.

The potential impacts from the equalizing and lime mud ponds will need to be addressed.

Any action which might be required as a result of a department approved groundwater quality study will be dealt with as a condition of this permit, and in the resolution of the enforcement action.

14. BUFFER STRIPS

This paper mill has been in existence since the 1800's. No designated bufferstrips exist for the mill. However, much of the 380 acre mill property remains as undeveloped woodland and serves to buffer adjacent properties on the west, north, and northeast boundaries and the river corridor from the primary mill facilities.

15. HISTORIC SITES AND UNUSUAL NATURAL AREAS

The Maine Historic Preservation Commission has reviewed the project site and has submitted the following comments;
"There are no known structures of historic significance within the project area, and no known archaeological sites. However, the area has never been surveyed by a professional archaeologist and the general topographic setting is likely to have attracted prehistoric settlement. We are asking that the applicant contract for an archaeological survey of only the portion of land below 180 feet elevation including the bank of the Penobscot River and any abandoned river Channels."

The ground elevation of the proposed boiler is 195 feet.

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The Maine Critical Areas Program of the State Planning Office reviewed the mill location for rare vascular plants, critical areas, and other rare natural features by checking with the Critical Areas Data Base. The Critical Areas Program concluded that there appears to be no record of any rare features known to occur on the property itself.

The Orono Sedge, an endangered species in Maine, may occur in wet meadows along the Penobscot River. However, the existing and proposed mill improvements are located within the developed area of the mill property, and are not located in or near any wet meadow habitats.

16. SCENIC CHARACTER

Key views of the site are provided from the South and East, particularly from the main entrance on Katahdin Avenue, from the entrance on Depot Street, from the West Broadway travel corridor, and the Fleming Street corridor.

The view corridor toward the mill from Katahdin Avenue is narrow, constricted by off-site structures and vegetation. The Depot Street entrance is buffered by vegetation. From the travel corridors, view orientation is parallel to the mill and peripheral rather than perpendicular and direct. These views are broken by elements of the existing off-site landscape rather than being a single dominant fixed view. Along Fleming Street, commercial structures are the primary intervening elements.

The heights of post 1970 structures are consistent with the heights of pre 1970 structures.

The proposed boiler will be constructed alongside the existing No. 1 boiler building adjacent to the main power house complex. The associated stack, 43.5 feet higher than existing stacks, will be constructed to minimize textural and color contrast. The boiler facade will be of light blue corrugated structural fiberglass.

17. WILDLIFE AND FISHERIES

The Maine Department of Inland Fisheries and Wildlife reviewed the proposed mill expansion and submitted the following comments:

- A. There is one active eagle nest along the North shore of the Penobscot River in the town of Chester. The nest is over .5 miles from the site and should be fairly well buffered from disturbances emanating from the site.

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B. One species that you may want to investigate with a field check is Orono sedge which is endemic to Maine.

18. SOILS

The soils on the developed portion of the mill property consist of Made Land, Adams Loamy Sand, Colton Loamy Fine Sand, Elmwood Fine Sandy Loam, and Melrose Fine Sandy Loam. Generally, the site Geology consists of alluvial sands and gravels overlying marine clay. Under the clay layer, there are sand and gravel till soils and sandstone bedrock.

The soils supporting the post 1970 structures and the proposed boiler have supported paper mill facilities for over 100 years.

19. WASTEWATER DISPOSAL

All processed wastewater deriving from mill operations is currently and will continue to be treated by LP&P's onsite wastewater treatment plants. These facilities provide both primary and secondary treatment. The treatment plants received Site Location approval under permits numbered 49-1029-19380 and 26-2050-19380. Discharges from the treatment plant are licensed under permit number 0381. Reference is made to finding #12.

Sanitary wastewater is and will be directed to the municipal treatment facility.

20. NOISE

Noise level measurements were taken at various points on and off-site using a GR 1565-C sound meter. All logarithmic decibel measurements are A-weighted, instantaneous peak readings at the receptor, equivalent to the standard Lmax designation.

dba readings obtained range from 45 to 77 dba. The maximum of 77 was obtained at the Park Street Entrance when a tractor trailer was passing.

No background data is available for the pre-1970 noise levels.

Concerning the proposed boiler, all noise generating equipment will be enclosed which will reduce to negligible levels the noise from these processes. The major noise source of new operational noise will be the reinjection fan. Noise levels from the fan are projected to be 90 dba at a distance of 3 feet. With attenuation by the building and distance, noise levels are projected to be equal to existing ambient levels at the property line.

21. ODORS

Odors, largely measured as total reduced sulfur (TRS) controls content, are addressed by the 1983 air license and will be addressed by the forthcoming air emissions license application for the No. 8 boiler.

Any additional TRS controls that are deemed necessary will be included as requirements of the consent decree and/or the new air emission license.

The multifuel boiler will not result in any additional odors.

22. WATER VAPOR

Steam is discharged from a number of point-sources in the mill. Some intermittent water vapor venting will occur during operation of the new boiler island; however no continuous venting will take place.

No significant project impacts on the climate have been identified.

23. ACCESS TO DIRECT SUNLIGHT

Calculations of sun altitude, shadow length, and shadow azimuth for the midsummer solstice show that shadows produced by the existing and proposed mill structures will travel off-site at sunset. However, this is for a short duration. At all other times, shadows are contained within the property boundaries.

BASED on the above findings of fact, the Department makes the following conclusions:

A. The applicant has provided adequate evidence of financial capacity and technical ability to meet air and water pollution control standards for construction of the boiler island and the fuel handling facilities. Evidence has not been submitted to cover the cost of the turbine generator.

B. The applicant has made adequate provision for solid waste disposal, the control of offensive odors, and the securing and maintenance of sufficient and healthful water supplies provided that the mill is brought into compliance with all terms, requirements and conditions of the existing licenses as well as the Solid Waste Management Act and the Solid Waste Management Rules; is under court approved schedule of compliance for all requirements of law or permits that have not been met; LP&P obtains an air emission license for the No. 8 Boiler, evidence is submitted to show that CWS

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and/or SERF will accept special wastes from the mill, and wood ash if landspread is disposed of in accordance with all standards set forth in the permit-by-rule program for ash spreading.

C. The applicant has made adequate provision for traffic movement of all types into, out of or within the development area.

D. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character or natural resources in Lincoln and in neighboring municipalities provided a phase one archaeological study is completed prior to any additional disturbance of soil below elevation 180.

E. The proposed development will be built on soil types which are suitable to the nature of the undertaking.

F. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur provided a groundwater monitoring program and any remedial measures that are shown to be necessary as a result of that study are implemented.

THEREFORE, the Department approves the application of Lincoln Pulp & Paper Company, Inc. to construct the post-1970 improvements and a multifuel boiler island in Lincoln, Maine, in accordance with the following conditions:

1. The Standard Conditions of Approval, a copy of which is attached.
2. The applicant shall not dispose of any debris generated from demolition of the No. 4 boiler on the mill property. Demolition debris generated by this proposal shall be disposed of at a solid waste facility that is in compliance with all state environmental laws.
3. Within 30 days of the date of this order, the applicant shall submit documentation that demolition debris generated by this proposal was accepted at a solid waste facility that is in compliance with all state environmental laws.
4. Proposed silt fences shall be installed prior to any disturbance of soil upgradient of the fences.
5. Erosion control barriers shall be inspected weekly and after each storm event, and repaired or replaced as necessary. Accumulated sediments shall be removed from the barriers when the sediments have reached one-half the barrier height. Barriers shall not be removed until a healthy catch of vegetation has occurred.

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6. All areas of exposed soil, except those otherwise stabilized with pavement or the building foundation, shall be seeded and mulched in accordance with the specifications set forth in the application within 15 days of final grading. Temporary stabilization measures shall be implemented within 30 calendar days of exposure of soil.

7. Prior to installation of the proposed gabion wall on Mattanawcook Stream the applicant shall submit for review and receive approval of detailed plans for the wall construction. The stream bank work must meet all standards of the Site Location Law as well as the Natural Resources Protection Act.

8. In addition to any specific erosion control measures described in Finding 11 of this order, the applicant shall take all necessary actions to ensure that their activities or those of their agents do not result in noticeable erosion of soils on the site during the construction and operation of the project covered by this approval.

9. Prior to any additional disturbance of soil on the mill property below elevation 180, the applicant shall submit to the Department for review and receive approval of a Phase One archeological study.

10. The applicant shall not construct the fuel handling facility or the turbine generator without receiving prior approval from the Department.

11. On or before August 1, 1989 the applicant shall submit to the Department for review and approval, with or without conditions, a comprehensive remediation plan and implementation schedule to bring the facility into compliance with the State's environmental laws and regulations. Prior to commencing operation of the boiler there shall be a Court or Department approved remediation plan and implementation schedule. In the event a court order has not been obtained or the Department fails to approve the applicant's proposed remediation plan prior to the boiler start-up, the applicant may commence operation of the boiler unless the Commissioner determines that the applicant has not acted reasonably during the submittal and review of the remediation plan and implementation schedule.

12. Prior to commencing operation of the boiler, the applicant shall apply for and receive approval from the Department of an air emission license for the No. 8 Power Boiler.

13. Prior to commencing operation of the boiler, the applicant shall submit to the Department for review and receive approval of documented evidence that CWS and or SERF will continue to accept special wastes currently being received from the mill until LP&P's landfill is operational.

14. Until the LP&P landfill becomes operational, the applicant shall burn only clean woodwaste in the No. 8 Power Boiler, and ash generated by the boiler shall be disposed of in accordance with all standards set forth in the Department's Permit-by-Rule program for ash landspreading.

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15. Prior to operation of the Boiler, the applicant shall submit to the Department for review and receive approval of a winter storage plan for ash that will be disposed of by landspreading.

16. Prior to operation of the boiler, the applicant shall submit to the Department for review and receive approval of a revised groundwater monitoring plan, including an implementation schedule, to evaluate the existing groundwater quality as a result of current and past mill operations including onsite waste disposal and use of lime mud and equalizing ponds. The monitoring plan shall be implemented by LP&P according to the approved schedule. The applicant may commence operation of the boiler unless the Commissioner determines that the applicant has not acted reasonably during the submittal and review of the groundwater monitoring and implementation schedule.

17. If the groundwater monitoring study shows evidence of groundwater contamination determined by the Department as requiring remediation, the applicant shall submit to the Department for review and approval a plan for remediation of the contamination, and a schedule for implementation of the remedial measures. Once the remediation plan has been approved, the applicant shall implement the remedial measures in accordance with the approved schedule.

DONE AND DATED AT AUGUSTA, MAINE,

THIS 25th DAY OF April, 1989.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Dean C. Marriott
DEAN C. MARRIOTT, COMMISSIONER

ANY PERSON WISHING TO APPEAL AN ORDER MUST DO SO WITHIN 30 DAYS OF THE RECEIPT OF THE ORDER

PLEASE NOTE ATTACHED SHEET FOR APPEALS PROCEDURES...

Date Of Initial Receipt of Application 12-1-88 .
Date Of Application Acceptance 12-19-88.

SB/BLPP



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

DEPARTMENT ORDER
IN THE MATTER OF

LINCOLN PULP AND PAPER COMPANY, INC.	) SITE LOCATION OF DEVELOPMENT
Lincoln, Maine)
FUEL HANDLING FACILITY)
#L-15941-26-B-A (APPROVAL)	) FINDINGS OF FACT AND ORDER

Pursuant to the provision of Title 38 M.R.S.A. Section 481 et seq., the Department of Environmental Protection has considered the application of Lincoln Pulp and Paper Company, Inc. with its supportive data, staff summary, agency review comments, and other related materials on file and finds the following facts:

1. PROJECT DESCRIPTION:

A. History Of Project:

In Department Order #L-15941-26-A-N, dated 4/25/89, the Commissioner approved with conditions Lincoln Pulp and Paper Company's (LP&P) application for post-1970 improvements to the mill and new construction of a multi-fuel boiler island on the mill site in Lincoln. Condition #10 of that order states:

The applicant shall not construct the fuel handling facility or the turbine generator without receiving prior approval from the Department.

B. Summary:

The applicant has submitted an application for construction of the fuel handling facility.

One of the principal purposes for constructing the multi-fuel boiler and its associated fuel handling facilities is to reduce the existing solid waste problem at the mill. The project will enable LP&P to reclaim and burn some of the waste material that has been disposed of onsite, as well as new waste that is generated.

The function of the fuel handling facility is to receive, prepare, store, and convey the various fuels for the approved multi-fuel boiler. The range of fuels will consist of purchased biomass (woodchips and sawdust), reclaimed solid waste (bark debris and wastewater sludge from Waste Areas 1 and 13), woodwaste from onsite debarking operations, dewatered sludge from the onsite wastewater treatment plant, and small amounts of coal and No. 2 fuel oil.

The components of the fuel handling system consist of a processed fuel storage building, a screen and hog building, a purchased biomass fuel receiving system, a reclaim-fuel preparation system, future coal receiving and storage facilities, a woodyard control room building, and conveyors. An approximate total of 15,515 square feet of footprint area will be constructed.

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Lincoln, Maine
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The fuel handling facility will be constructed as shown on the plans entitled "The No. 8 Boiler Fuel Processing Site Grading Plan" dated 3/2/89 (revised 4/25/89).

For over 20 years, LP&P has disposed of some types of solid waste onsite. Fifteen different solid waste disposal areas have been identified on the parcel. Two of the primary disposal sites still in active use are identified as Waste Areas 1 and 13.

Waste Area 1 has been in use since 1958 and largely consists of bark, recausticizing waste, wastewater treatment plant sludge, and hardwood flume dregs. Waste Area 13 has been in use since 1957 and has received hardwood flume dregs, reject wood chips, sawdust, and waste bark. Waste Areas 1 and 13 have a combined area of approximately 33 acres and an approximate waste volume of 3 million cubic yards.

LP&P estimates that over 50% of the existing waste volume in Waste Areas 1 and 13 is usable fuel based on knowledge of the waste streams and boring logs. The company plans to reclaim usable fuel from Waste Areas 1 and 13 for use in the multi-fuel boiler.

The proposed fuel handling and preparation facilities are being constructed west-northwest of the existing pulp mill in an area adjacent to the existing woodyard. A portion of this area is within Waste Area 1.

Approximately 0.5 acres of Waste Area 1 will be excavated down to mineral soil to allow for construction of the fuel process line and conveyor system/biomass receiving structures. To develop the required portion of Waste Area 1, LP&P will remove the waste accumulated in the southeastern portion of Waste Area 1 in gently sloping layers and relocate these wastes to the higher topographic, western portions of the same area. LP&P has estimated that approximately 20,000 cubic yards of waste material will have to be relocated. LP&P will implement the excavation methodology outlined in the "Operating Manual and Fuel Reclamation Plan for Areas 1 and 13, Lincoln Pulp and Paper, Lincoln, Maine" dated December, 1989, as amended (hereinafter referred to as "Operating Manual-Areas 1 and 13").

Fuel from Waste Area 13 will be reclaimed and utilized in the boiler first. Following reclamation of Waste Area 13, the operation will move to the southeastern portion of Waste Area 1. An area approximately 160 by 600 feet will be reclaimed to be used for outside fuel storage. Once the storage area is completed, reclamation activities will focus on the remainder of Waste Area 1.

LP&P may reclaim portions of Area 1 prior to completion of reclamation activities in Area 13 due to either: (1) the need to prepare that portion of Area 1 that will accommodate the fuel storage pad, or (2) currently unanticipated logistical problems which may be encountered while reclaiming Area 13.

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The outside fuel storage area will be of a size sufficient to store purchased biomass and processed waste material for a one-week fuel supply. LP&P has proposed to construct the storage area in 3 phases. Phase 1 will consist of an area approximately 150 feet by 160 feet and will store a two-day fuel supply. LP&P anticipates that this will be constructed in 1993. Phases 2 and 3 will store about 5 days worth of fuel and will encompass an area 160 feet by 600 feet. The entire fuel storage area will be positioned within Area 1 so that the solid waste boundary will not be expanded.

LP&P will submit the following reports to the Department concerning the reclamation operation and outside storage of fuel:

Daily inspection report for reclamation areas if anomalous conditions are observed.

Semi-annual inspection report of the reclamation project.

Yearly inspection report of outside storage areas.

Semi-annual report summarizing the quantity of fuel removed from waste areas, quantity of waste excluded, and waste characterization results and manifest records for excluded waste removal from the site.

The Operating Manual-Areas 1 and 13 provides for specific procedures when non-recognizable material or material posing an environmental or health threat is encountered, but does not provide for notification to the Department beyond the annual and semi-annual reports.

2. FINANCIAL CAPACITY

The estimated project cost for the fuel handling facility is 6 million dollars; the estimated cost for the previously approved boiler island project is 15 million.

LP&P submitted a letter from Prudential Capital as part of its application for the boiler island project indicating that they have extended financing in the amount of \$24,000,000 to Lincoln Pulp and Paper for the purpose of constructing the boiler island and the fuel handling facility.

3. TECHNICAL ABILITY

The applicant's technical ability to undertake the entire multi-fuel boiler project was reviewed and approved in Department Order #L-15941-26-A-N.

4. SOLID WASTE

Solid waste generated by existing mill operations is described in detail in a Solid Waste Management Study prepared by E.C. Jordon, and dated January 1988. This study details solid waste types, quantities, and past and current disposal practices as well as characterizing onsite disposal areas and management plans. Fifteen onsite waste areas have been identified on the mill property and are planned to be closed.

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None of the mill's onsite disposal areas are presently in compliance with Maine's Solid Waste Management Rules. In connection with a Consent Decree dated October 19, 1990, signed by the parties and pending Court approval, onsite solid waste disposal sites are to be brought into compliance, as set forth in Section C of said Decree.

Solid waste resulting specifically from the Area 1 and 13 reclamation operation is limited to screenings and reject material from fuel processing such as sand, gravel, rocks, ferrous metal debris, fines, recausticizing wastes, and drums containing various materials. This material will be handled as follows:

- Rocks, sand, and gravel will be stockpiled for use in onsite construction and maintenance projects.
- Fines that cannot be burned in the boiler will be diverted back to Waste Area #1 to be landfilled.
- Recovered scrap metal will be recycled via a scrap metal dealer.
- Recausticizing wastes and woodyard flume wastes will remain in-situ to be ultimately closed out with the waste area from which they were excavated.
- Waste materials in drums and other unidentifiable waste will be analyzed and disposed of in a manner compatible with their contents. Materials other than No. 6 oil, which can be burned, will be shipped to licensed offsite disposal facilities.
- Any other waste encountered while excavating and preparing waste from existing disposal areas that is different than the waste types anticipated or unidentifiable will be handled in accordance with the Operating Manual-Areas 1 and 13.

Reject materials that are returned to the onsite disposal areas will be disposed of in accordance with the Operating Manual-Areas 1 and 13.

The applicant has not provided information regarding the disposal of construction debris or rejects from purchased fuels.

5. WATER SUPPLY

No additional water will be needed for this portion of the multi-fuel boiler project.

6. TRAFFIC MOVEMENT

Fuel deliveries and vehicular handling of materials will continue to utilize existing unpaved haulageways on the mill property. A new turn-around and unloading accessway will be constructed in the fuel preparation area. Approximately 23,000 square feet and 1,100 linear feet of new impervious surface will be created.

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Traffic attributable to fuel oil and coal deliveries, and solid waste disposal trips were reviewed and found acceptable under Department Order #L-15941-26-A-N.

Additional employees will be necessary to operate the fuel handling facilities that were not included in the original application. The revised traffic generation rates show that only 15 more average daily vehicle trips will be generated, spread over 3 work shifts. The increase is negligible in view of existing mill traffic volumes and the significance level of the data.

Traffic conclusions made under Department Order #L-15941-26-A-N are still applicable.

7. AIR QUALITY

Air emissions deriving from fuel preparation operations will be limited to minor vehicular and fugitive dust non-point emissions. Fuel processing facilities will be substantially enclosed to control fugitive particulates that may result from handling of reclaimed and purchased fuels.

To control fugitive dust, erosion, and improve traffic movement, the new turnaround and vehicle access areas will be paved and existing roads will be upgraded with gravel.

Emissions from mobile sources will be increased. However, the applicant anticipates these sources having minimal impact on ambient air quality because of the size of the site, the distribution of vehicle trips throughout the day, and the limited number of vehicles operating.

8. NATURAL DRAINAGE WAYS

The topography of the mill property generally slopes down to the Penobscot River which flows westerly along the northern boundary of the parcel.

The drainage direction will remain unchanged through the wood log storage area. Drainage enters the fuel handling area through the wood storage area, leaves the fuel handling area via a drainage way adjacent to the power station, and ultimately outlets to the abandoned Mattanawcook stream channel. Through the fuel handling area, drainage will be altered to flow through pipe culverts and open drainage channels which will connect to the existing drainage way next to the power station.

No significant adverse impacts on abutting properties due to changes in natural drainage have been identified.

9. STORMWATER RUNOFF

The applicant has submitted a stormwater management plan for the site based on estimates of the pre-development and post-development runoff flows for the 25 year storm using the methodology outlined in "Urban Hydrology for Small Watersheds," Technical Release #55, U.S.D.A., Soil Conservation Service.

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The stormwater management plan calls for the construction of open channels and installation of culverts. Once the facility is in full operation and the storage pad is covered with fuel material, peak runoff flows during a 25 year storm will be less than existing peak runoff flows. The final plans have been reviewed by the Bureau of Land Quality Control's Technical Services Unit which commented that, based on the information presented, the plan meets the standards set forth by the Department.

10. EROSION AND SEDIMENTATION CONTROL

The applicant has submitted an erosion and sediment control plan as Exhibit 20 of the application. This plan and the plan sheets entitled "No. 8 Power Fuel Processing Stormwater Management Plan Drainage and Erosion Control Improvements" dated 4/13/89 (revised 11/20/89), and "No. 8 Boiler Fuel Processing Stormwater Management Plans Details" dated 6/15/89 have been reviewed by and revised in response to the comments of the Bureau of Land Quality Control's Technical Services Unit which has found the revised plans to be in accordance with Department standards for erosion and sediment control.

11. SURFACE WATER QUALITY

The project site is not in the watershed of a lake.

No additional discharges other than stormwater to surface waters are proposed by the applicant.

Erosion control measures will be implemented to prevent discharges of silt to surface waters.

Comments from the Bureau of Solid Waste Management indicate that there will likely be changes in the quality and quantity of leachate from Areas 1 and 13 as the reclamation operation occurs. The issues of leachate treatment, quality and quantity are being reviewed as part of LP&P's pending wastewater discharge license.

12. GROUNDWATER QUALITY/QUANTITY

The fuel handling area will not overlie a mapped sand and gravel aquifer. No groundwater is used by the mill for their water supply, except that obtained from the municipal water system, and no wastewater is disposed of in onsite subsurface wastewater systems.

An assessment of the site's hydrology is contained within the "Solid Waste Management Study" submitted to the Department in January of 1989. This report concluded that the regional groundwater flow on the ± 380 acre mill property is toward the Penobscot River to the north.

Within the Solid Waste Management Study, the applicant provided a proposed mill-wide groundwater monitoring program to evaluate existing groundwater quality as a result of current and past facility operations. In regard to assessing the impacts from the solid waste sites, this plan has been reviewed by the Bureau of Solid Waste Management and additional information will be required.

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In accordance with the Site Location Permit #L-15941-26-A-N, a revised groundwater monitoring plan must be submitted to the Department prior to operation of the multi-fuel boiler.

Two major areas of concern were raised during review of this application regarding project impacts on ground and surface water --- disturbance and handling of waste in Areas 1 and 13, and long term storage of purchased and processed reclaimed fuel in the outside storage area.

- A. Disturbance and handling of waste will be managed in accordance with the Operating Manual - Areas 1 and 13. To protect the ground and surface water, the applicant has designed the reclamation plan so that seepage of leachate from the waste pile is minimized, disturbance of native soil beneath the waste area is minimized, and slope stability is maximized.

Reclamation is proposed to occur in shallow excavation layers having a thickness of approximately 2 feet with maximum cuts of 10 feet. During the excavation process, reclamation areas will be sloped at inclines no greater than 10 percent. The side slopes have been revised so that they may have an angle no greater than 1.5 horizontal to 1 vertical for up to one year and must be modified to 2.5 to 1 thereafter. Final slopes will be inclined at angles no greater than 3 horizontal to 1 vertical. All reclamation activities, with the exception of areas designated for fuel processing structures and the storage pad, will cease so that a minimum waste thickness of 3 feet above the mineral soil is left intact.

Inspections of the reclaimed areas will be done daily, monthly, and semi-annually, in accordance with the Operating Manual - Areas 1 and 13.

- B. To minimize ground and surface water impacts from the fuel storage area, an asphalt-cement pavement pad will be constructed over the fuel storage area as shown on the plans entitled "Fuel Storage Pad" dated 4/12/90 prepared by E.C. Jordan Co. and "Sections and Details" dated 4/12/90 prepared by E.C. Jordan Co.. Drainage from the storage area will be collected and transported to LP&P's wastewater treatment plant.

Inspections of the storage area (pavement) will be conducted by a qualified geotechnical/civil engineer and is proposed to consist of observing at least 1/3 of the area every year. Each year a different portion of the area will be inspected such that over any three-year span the entire fuel storage area will have been inspected and maintained. Inspections will be conducted as outlined in the Operating Manual - Areas 1 and 13.

The design of the asphalt storage pad and slope stability on the storage pad were reviewed by the Bureau of Land Quality Control, Technical Services Unit. Their comments indicated that the revised plans were found to be acceptable if a 2.5 horizontal to 1 vertical ratio slope is maintained on the asphalt storage pad. Further,

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although the proposal to inspect 1/3 of the pad asphalt annually should be adequate for the first 3-year cycle, inspections should be increased to annually for the complete pad after the first cycle because the pad will be aging and more likely prone to settlement and cracking forces. Finally, the Technical Services Unit commented that final design "as-built" drawings, including cross-sections, should include actual elevations of the native soil, the original topography of the area, and the final elevations of the pad area.

The Bureau of Solid Waste Management reviewed the fuel reclamation and handling operations and found them to be acceptable provided that a post construction survey and "as-built" drawings are submitted to the Department for review and approval.

13. BUFFER STRIPS

The fuel handling facility is located in an already developed area and no buffer strips have been proposed as part of this application.

14. HISTORIC SITES AND UNUSUAL NATURAL AREAS

The Maine Historic Preservation Commission has reviewed the LP&P Mill Site and has submitted the following comments:

There are no known structures of historic significance within the project area and no known archaeological sites. However, the area has never been surveyed by a professional archaeologist and the general topographic setting is likely to have attracted prehistoric settlement. We are asking that the applicant contract for an archaeological survey of only the portion of land below 180 feet in elevation including the bank of the Penobscot River and any abandoned river channels.

Condition #9 of Department Order #L-15941-26-A-N for the LP&P Mill states "prior to any additional disturbance of soil on the mill property below elevation 180, the applicant shall submit to the Department for review and receive approval of a Phase One archaeological study."

The proposed fuel handling facility is not below 180 feet in elevation.

The Maine Critical Areas Program of the State Planning Office reviewed the mill location for rare vascular plants, critical areas, and other rare natural features by checking the Critical Areas Data Base. The Critical Areas Program concluded that there appears to be no record of any rare features known to occur on the property itself.

The Orono Sedge, an endangered species in Maine, may occur in wet meadows along the Penobscot River. However, the fuel handling facilities are located in the developed area of the mill property are not located in or near any wet meadow habitats.

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15. SCENIC CHARACTER

Effects of the fuel handling facility upon the visual character or scenic views of the area are anticipated to be negligible.

Because of intervening mill structures, existing log and sawdust stockpiles, topography, and vegetation, the fuel storage structure, along with most of the other fuel preparation structures, should not be visible from public streets or abutting residences.

The processed reclaimed-fuel stockpile will have a maximum height of 40 feet and will also be largely screened by mill structures, topography, and log and sawdust stockpiles. Any portion that may be visible from offsite would appear lower than and largely indistinguishable from the existing large solid waste disposal piles planned to be reclaimed.

16. WILDLIFE AND FISHERIES

The Maine Department of Inland Fisheries and Wildlife reviewed the mill site and submitted the following comments:

- A. There is one active eagle nest along the North shore of the Penobscot River in the Town of Chester. The nest is over .5 miles from the site and should be fairly well buffered from disturbances emanating from the site.
- B. One species that you may want to investigate with a field check is Orono Sedge which is endemic to Maine.

Reference is made to Finding #14 concerning the Orono Sedge.

17. SOILS

A geotechnical investigation of the project site was conducted by S.W. Cole Engineering Inc.. S.W. Cole found that existing native soils at the site are generally dense glacial till with some areas of hard to very stiff clay overlying the dense till. In two soil borings very dense sand layers were encountered within the till stratum. Overlying the native soils is thick granular and rubble fill in some areas and bark, chips, and wood in other areas.

According to the S.W. Cole report, native glacial till soils exhibit good bearing characteristics. They are, however, sensitive under the influence of water and construction activities. Groundwater at the site may be at a relatively shallow depth and a near surface groundwater condition may occur during wet seasons.

The native silty clay overlying the till has good bearing capacity and is expected to yield negligible settlements under the proposed loading.

S.W. Cole made numerous recommendations on the site preparation and construction activities based on soil properties and limitations in their report entitled "Geotechnical Investigation Propose No. 8 Boiler & Fuel Service Area Lincoln Pulp & Paper Company Lincoln, Maine" dated 1/20/89.

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The most significant recommendation from the Department's perspective was that general site preparation should include removal of all fill soils from the building sites.

The applicant has agreed to implement all recommendations made by S.W. Cole.

Fill material excavated will be disposed of in accordance with the revised Operating Manual - Areas 1 and 13.

18. WASTEWATER DISPOSAL

No significant amounts of additional wastewater will be generated by the fuel handling facility. Leachate generated from fuel stored on the asphalt pad will be collected and treated at LP&P's existing wastewater treatment facility.

19. OPEN SPACE

The Town of Lincoln has no open space requirements nor guidelines that apply to the LP&P Mill Site. The fuel handling facility is located on previously used and disturbed portions of the parcel.

20. FLOODING

The 100 year flood level of the Penobscot River on LP&P property is at elevation 180, and the mill pond level reaches elevation 200. Neither the existing or proposed grade nor the first floor elevation of mill facilities would be affected by these flood elevations with the exception of the existing secondary treatment outfall structure on the river bank.

21. NOISE

Noise generated by fuel preparation activities will derive primarily from the hog grinder and mobile equipment. The hog will be enclosed in a metal-clad building. Assuming an ambient level of 56 dBA (used to evaluate noise impacts for Department Order #L-15941-26-A-N), ambient noise levels offsite will not be increased by hog operation.

Added noise due to operation-related truck and car traffic will intermittently increase noise levels in proportion to the added trips. No significant noise increase is anticipated to ambient offsite noise levels from these sources based upon the size of the site, distance to abutting property, the amount of currently operating mobile and stationary equipment, and intervening structures.

Noise potential from other proposed equipment is expected to be insignificant. Conveyors will be enclosed as will the coal facilities, a majority of the processed fuel storage, and conveyor transfer system. All stationary equipment will be electrically powered. The fines screen in the reclaimed-fuel processing facility will be low-RPM unit for low-noise operation.

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22. ODORS

No significant malodorous emissions have been identified from the fuel handling operations.

23. ALTERATIONS OF CLIMATE/WATER VAPOR

No significant water vapor emissions from the fuel handling facility are anticipated.

24. ACCESS TO SUNLIGHT

No fuel preparation facilities will cast a shadow beyond the mill property.

25. SAND DUNE

The LP&P property neither contains nor is adjacent to a sand dune system.

BASED on the above findings of fact, the Department makes the following conclusions:

A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.

B. The applicant has made adequate provision for traffic movement of all types into, out of or within the development area and the traffic increase attributable to the proposed development will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.

C. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in Lincoln or in neighboring municipalities.

D. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.

E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur provided the excavation, relocation, and reclamation of materials within the waste areas is done in accordance with the Operating Manual - Areas 1 and 13, all necessary inspection reports are submitted to the Department, and as-built and post-construction survey plans are submitted as proposed.

F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal, roadways and open space required for the development and the development will not have an

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unreasonable adverse effect on the existing or proposed utilities, roadways and open space in Lincoln or the area served by those services or open space; provided all solid waste generated from the reclamation process is disposed of in accordance with the Operating Manual-Areas 1 and 13, and provided that all solid waste from construction of the facility or from purchased fuels is disposed of in accordance with the Maine Solid Waste Management Rules.

G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

H. The activity is not located on or adjacent to a sand dune and will not unreasonably interfere with the natural supply or movement of sand within or to the sand dune system.

THEREFORE, the Department APPROVES WITH THE ATTACHED CONDITIONS the application of Lincoln Pulp and Paper Company for a Fuel Handling Facility in accordance with the following conditions:

1. The Standard Conditions of Approval, a copy of which is attached.
2. The applicant shall ensure that excavation, relocation, and reclamation of materials within the existing Waste Areas 1 and 13 is done in accordance with the "Operating Manual and Fuel Reclamation Plan for Areas 1 and 13, Lincoln Pulp & Paper Company Lincoln, Maine" dated 12/89, as amended.
3. Any excavated materials known or suspected to contain or be contaminated with hazardous waste shall be analyzed and disposed of in accordance with the Maine Hazardous Waste Management Rules.
4. Rejects from the reclamation process will be disposed of according the Operations Manual-Areas 1 and 13.
5. Scrap metal rejected during the reclamation process shall be accumulated in the existing scrap metal storage area prior to sale for salvage.
6. Within 30 days of the date of this Order, submit to the Bureau of Land Quality Control for review and approval, evidence that solid waste consisting of debris generated during construction or rejects from purchased fuels will be disposed of in accordance with the Maine Solid Waste Management Rules.
7. The applicant shall ensure that all reports outlined in the "Operating Manual and Fuel Reclamation Plan for Areas 1 and 13 Lincoln Pulp & Paper Company Lincoln, Maine" dated 12/89, as amended and summarized in Finding #1(B) of this order are submitted to the Bureau of Land Quality Control. In addition to the information required in the semi-annual quantity, characterization, and disposal report, the applicant shall include an accounting of the amount of reject material generated, the type of reject material generated, the disposal location for the reject material, copies of Waste Exclusion Reports (reference Figure 6, Operating Manual Areas 1 and 13), and the disposal location for any

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excluded materials if disposed of onsite. Yearly reports shall be submitted by March 15th of the calendar year. Semi-annual reports shall be submitted by September 15th and March 15th of the calendar year. All required reports shall be available for inspection by the Department at any time.

8. The Bureau of Oil & Hazardous Materials Control shall be notified immediately whenever a non-recognizable material or a material posing an environmental or health threat is encountered during reclamation.

9. Following the first 3 years of inspections of the fuel storage pad as proposed, the applicant shall inspect the entire pad annually and shall submit the results of the inspections to the Bureau of Land Quality Control.

10. Within 60 days after completion of construction, the applicant shall submit to the Bureau of Land Quality Control for review and approval a post-construction survey and as-built drawings of the fuel preparation facilities. Within 60 days after all waste material is removed from the Phase 1 fuel storage area, an interim survey of the fuel storage pad area showing native soil elevations in this area shall be submitted to the Bureau of Land Quality Control for review and approval by the Commissioner.

11. No side slopes within the waste area during reclamation activities shall be graded steeper than 2.5 horizontal to 1 vertical, except that slopes of 1.5 horizontal to 1 vertical shall be permitted in the waste area for a period not to exceed one year.

12. In addition to any specific erosion control measures described in Finding 12 of this order, Lincoln Pulp and Paper Company shall take all necessary actions to ensure that activities or those of its agents do not result in noticeable erosion of soils on the site during the construction and operation of the project covered by this approval.

13. If LP&P wishes to reclaim any part of Area 1 prior to completion of reclamation in Area 13, it must notify and receive approval from the Bureau of Solid Waste Management prior to commencing operations in Area 1. Reclaim activities will be suspended in Area 13 during Area 1 reclamation.

14. All conditions of Site Location Permit #L-15941-26-A-N shall remain in effect and are incorporated herein.

DONE AND DATED AT AUGUSTA, MAINE, THIS 19th DAY OF October, 1990.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:


DEAN C. MARRIOTT, COMMISSIONER

ANY PERSON WISHING TO APPEAL AN ORDER MUST DO SO WITHIN 30 DAYS OF THE APPLICANT'S RECEIPT OF THE ORDER.
PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEALS PROCEDURES...

Date Of Initial Receipt of Application 5/9/89

Date Of Application Acceptance 6/22/89

Date filed with the Board of Environmental Protection n/a



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

DEPARTMENT ORDER

IN THE MATTER OF

LINCOLN PULP & PAPER CO., INC.	)	SITE LOCATION OF DEVELOPMENT
Lincoln, Maine)	
SPECIAL CONDITION #6	)	CONDITION COMPLIANCE
#L-15941-26-C-C	)	FINDINGS OF FACT AND ORDER

Pursuant to the provisions of Title 38 M.R.S.A. Section 481 *et seq.*, the Department of Environmental Protection has considered the application of LINCOLN PULP AND PAPER COMPANY, INC. with its supportive data, staff summary, agency review comments, and other related materials on file and finds the following facts:

1. PROJECT HISTORY:

In Department Order #L-15941-26-B-A, dated 10/19/90, the Department approved with conditions Lincoln Pulp and Paper Company's application for construction of a fuel handling facility at their existing mill in Lincoln, Maine.

2. SPECIAL CONDITIONS:

Special Condition #6 of Department Order #L-19541-26-B-A states:

"Within 30 days of the date of this Order, submit to the Bureau of Land Quality Control for review and approval, evidence that solid waste consisting of debris generated during construction of the fuel handling facilities and the rejects from purchased fuels will be disposed of in accordance with the Maine Solid Waste Management Rules."

3. EVIDENCE SUBMITTED:

In a condition compliance application dated 11/15/90, Lincoln Pulp and Paper stated that debris generated during construction of the fuel handling facilities and the rejects from purchased fuels will be disposed of at the Lincoln Town Landfill with the exception of clean wood which will be reused or burned at the town transfer station, and clean rocks which will be reused on site.

In a follow-up letter from the Town of Lincoln, the town indicated that they have the ability to dispose of the solid waste materials from construction of the fuel handling facilities and the reject materials subject to certain conditions outlined in their letter.

LINCOLN PULP & PAPER CO., INC.
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SPECIAL CONDITION #6
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) CONDITION COMPLIANCE
) FINDINGS OF FACT AND ORDER

4. The above proposal for disposal of the waste materials was reviewed by the Bureau of Hazardous Materials and Solid Waste Control and was found to be acceptable.

BASED on the above findings of fact, the Department concludes that LINCOLN PULP AND PAPER CO., INC. has complied with Special Condition #6 of Department Order #L-15941-26-B-A, dated 10/19/90.

DONE AND DATED AT AUGUSTA, MAINE, THIS 29th DAY OF May, 1991.

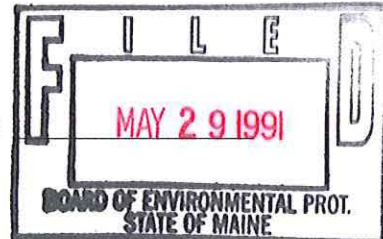
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Dean C. Marriott
DEAN C. MARRIOTT, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEALS PROCEDURES...

Date Of Initial Receipt of Application 11/30/90
Date Of Application Acceptance 3/11/91

Date Filed With Board of Environmental Protection
SB/lppcond





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

DEPARTMENT ORDER

IN THE MATTER OF

LINCOLN PULP AND PAPER COMPANY INC.	) SITE LOCATION OF DEVELOPMENT
Lincoln, Maine	) NATURAL RESOURCE PROTECTION
RUNOFF CONTROL STRUCTURE	) WATER QUALITY CERTIFICATION
#L-15941-26-D-M (APPROVAL))
#L-15941-L4-D-N (APPROVAL)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of Title 38 M.R.S.A. Section 481 et seq., Section 480-A et seq., and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of LINCOLN PULP AND PAPER COMPANY, INC. with its supportive data, agency review comments, and other related materials on file and finds the following facts:

1. PROJECT DESCRIPTION:

A. History of Project: In Department Order #L-15941-26-A-N, dated 4/25/89, the Commissioner approved with conditions Lincoln Pulp and Paper Company's (LP&P) application for post-1970 improvements to the mill and new construction of a multi-fuel boiler island on the mill site in Lincoln. In Department Order #L-15941-26-B-A, dated 10/19/90, the Commissioner approved with conditions LP&P's application for construction of a fuel handling facility to service the multi-fuel boiler.

A Consent Order between the State of Maine, Board of Environmental Protection, and Lincoln Pulp and Paper Company was signed by a superior court justice on 12/4/90 to resolve previous violations of state environmental laws. Section B.12 on page 13 of the order requires that LP&P submit a final plan for improving the treatment and management of the leachate from existing onsite solid waste disposal areas and associated stormwater runoff. The order requires additional capacity for flow equalization and stabilization be provided, and facilities for flow measurement and sampling be installed.

B. Existing Conditions: Fifteen onsite waste areas have been identified on the LP&P mill property. All of these waste areas are scheduled to be closed in accordance with the Consent Order. The Mattanawcook Stream was altered pursuant to a Stream Alteration permit issued by the Department of Inland Fisheries and Wildlife in 1976. LP&P constructed a new 1,300 foot long stream channel rerouting stream flows more directly to the Penobscot River and away from solid waste disposal sites. Flows in the abandoned channel now mainly consist of runoff and groundwater discharge from the mill. Leachate from the waste areas has been found in the abandoned Mattanawcook Stream channel. Water from the abandoned channel discharges into the natural Mattanawcook Stream downstream of the mill site. An existing earthen dike presently impounds water in a portion of the abandoned channel. The area of the abandoned channel is a freshwater wetland regulated by the Natural Resources Protection Act.

LINCOLN PULP AND PAPER COMPANY INC.
Lincoln, Maine
RUNOFF CONTROL STRUCTURE
#L-15941-26-D-M (APPROVAL)
#L-15941-L4-D-N (APPROVAL)

2 SITE LOCATION OF DEVELOPMENT
) NATURAL RESOURCE PROTECTION
) WATER QUALITY CERTIFICATION
)
) FINDINGS OF FACT AND ORDER

C. Project Summary: The applicant is now proposing to construct a runoff control structure to impound water for treatment and to allow evaluation of flow quantity and quality. The structure will consist of an earthen embankment, which will be approximately 590 feet long, a maximum of 30 feet wide, and 5 feet high. A precast concrete outlet section will be incorporated into the embankment. The new dam will be located near the northwest limit of LP&P's onsite bark pile and will replace the existing dike. Work will be done in accordance with the plans entitled "Lincoln Pulp & Paper, Runoff Control Structure, Site Plan", prepared by Sevee & Maher Engineers, Inc., and revised through 6/24/91.

Work associated with this project requires permits under both the Site Location of Development Act for modifications to a permitted site, and the Natural Resources Protection Act for placement of fill in a freshwater wetland.

2. SOLID WASTE:

The proposed project is expected to generate less than 200 cubic yards of stump material and wood debris. Stumps are proposed to be disposed of at an existing onsite solid waste disposal site known as Area 3. Area 3 is planned to be closed in the future as part of Lincoln Pulp & Paper Co's fulfillment of the Consent Order. The BHMSWC has reviewed the application and does not object to the proposal.

3. NATURAL DRAINAGE AND STORMWATER RUNOFF:

The proposed dam structure will replace an existing dike in the abandoned channel. Natural flow patterns will remain the same. Base flow volume through the planned structure is expected to be approximately .25 cubic feet per second. Existing impoundment water levels fluctuate between elevation 166 and 167 feet. The new outlet weir is expected to flow at approximately 168 feet during base flow conditions. Therefore, the new structure will increase water levels 1 to 2 feet which will result in submergence of approximately .9 acres of additional land area. This land area is entirely owned by LP&P. The average runoff detention time will be 7 to 8 days during base flow conditions.

No adverse effects due to changes in drainage and stormwater management have been identified. The project has been reviewed by Bureau of Land Quality Control's Technical Services Unit which has no concerns regarding natural drainage and stormwater management.

4. EROSION AND SEDIMENTATION CONTROL:

The applicant has proposed an erosion control plan which was included as Section 5.1.4 of the application. The plan calls for installation of silt fencing, managing water flows during construction, installing anti-seep collars, installing stone riprap aprons, and revegetating disturbed areas.

LINCOLN PULP AND PAPER COMPANY INC.
Lincoln, Maine
RUNOFF CONTROL STRUCTURE
#L-15941-26-D-M (APPROVAL)
#L-15941-L4-D-N (APPROVAL)

3 SITE LOCATION OF DEVELOPMENT
) NATURAL RESOURCE PROTECTION
) WATER QUALITY CERTIFICATION
)
) FINDINGS OF FACT AND ORDER

The proposed plan was reviewed by the Bureau of Land Quality Control's Technical Services Unit which raised concerns about the stability of the earthen embankment, stability of the emergency spillway, the need for anchored mulch on disturbed areas, the use of silt fence, and the use of coffer dams. All of these concerns were addressed in later submittals from LP&P. The most significant change to the plans as a result of responding to the Technical Services comments involved changing the upper side slopes of the dike to 2 horizontal to 1 vertical to achieve a 6 foot width on the dike crest.

5. SURFACE WATER QUALITY/GROUNDWATER QUALITY:

One of the main purposes of this proposal is to provide treatment for leachate from the bark piles. The project has been reviewed by the Bureau of Water Quality Control which commented that they have concerns that the proposed system would not be able to treat increases in leachate flow or concentration. The proposed system depends on detention time to achieve treatment. The Water Bureau asked that every effort be made to increase water levels to increase detention time without adversely affecting groundwater conditions in the area. A later report completed by the Water Bureau's technical staff indicated that increasing pond water elevation in the abandoned channel may create a potential threat to ground and surface water by mounding groundwater in the existing bark pile such that additional contaminants will discharge from the pile. The Water Bureau recommended that pond elevation not be increased over the proposed elevation of 168.7 feet.

LP&P has submitted an application for a wastewater discharge permit which is required for the runoff control structure. This application is still pending. If the Department issues a wastewater discharge permit, it will contain effluent limits for the point source discharge from the runoff control structure. The Water Bureau is still concerned about the system's ability to handle increased volumes or concentrations of leachate that may result from modifications made to solid waste areas. LP&P feels that sufficient treatment capacities will be available to handle potential fluctuations in pollutants. If the Department issues a discharge permit for the structure, compliance with effluent limitations in the discharge permit will be monitored by the Department to evaluate the acceptability of the treatment for the short term and long term operation of the facility.

6. HISTORIC SITES AND UNUSUAL NATURAL AREAS:

In their review of the original LP&P permit application the Maine Historic Preservation Commission (MHPC) raised concerns about the impact of any construction activities conducted below elevation 180 on potential archeological sites. Condition 9 of the Department Order #L-15941-26-A-N stated that "Prior to any additional disturbance of soil on the mill property below elevation 180, the applicant shall submit to the Department for review and receive approval of a Phase One archeological study".

LINCOLN PULP AND PAPER COMPANY INC.
Lincoln, Maine
RUNOFF CONTROL STRUCTURE
#L-15941-26-D-M (APPROVAL)
#L-15941-L4-D-N (APPROVAL)

4 SITE LOCATION OF DEVELOPMENT
) NATURAL RESOURCE PROTECTION
) WATER QUALITY CERTIFICATION
)
) FINDINGS OF FACT AND ORDER

Since this proposed project is located below elevation 180, a Phase One archeological study was submitted by LP&P to the Department. This study was reviewed by MHPC which commented that they concur with the results of the study and that no further archeological studies on the project are necessary.

7. WILDLIFE AND FISHERIES:

The applicant is proposing to construct a dam in an abandoned stream channel which will involve .4 acres of fill in a Class 2 wetland. The project is proposed to comply with requirements of the Consent Order. The WET functional assessment conducted by the applicant's consultant generally shows high values for functions of the wetland to be impacted.

The project has been reviewed by the Bureau of Land Quality Control's Division of Natural Resources (DNR). DNR commented that the project does not represent a significant loss of wetland functions. Any impacts will probably be off-set by increased inundation (creating more wetland habitat) and the benefits of runoff control for this site.

The project has also been reviewed by the Department of Inland Fisheries and Wildlife which commented that they have rated the wetland area as low value waterfowl/wading bird habitat due to severe site constraints-a bark pile with leachate discharges. IF&W had no objections to the proposal.

8. ALL OTHER:

All other Findings of Fact, Conclusions and Conditions remain as approved under previous Orders.

BASED on the above findings of fact, the Department makes the following conclusions pursuant to 38 M.R.S.A. Section 480-A et seq., and Section 401 of the Federal Water Pollution Control Act:

A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses.

B. The proposed activity will not cause unreasonable erosion of soil or sediment and will not inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment, provided erosion controls are properly implemented and maintained.

C. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant, habitat, aquatic habitat, travel corridors, freshwater, estuarine or marine fisheries or other aquatic life.

D. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.

LINCOLN PULP AND PAPER COMPANY INC.
Lincoln, Maine
RUNOFF CONTROL STRUCTURE
#L-15941-26-D-M (APPROVAL)
#L-15941-L4-D-N (APPROVAL)

5 SITE LOCATION OF DEVELOPMENT
) NATURAL RESOURCE PROTECTION
) WATER QUALITY CERTIFICATION
)
) FINDINGS OF FACT AND ORDER

E. The proposed activity will not violate any state water quality law, including those governing the classifications of the State's waters.

F. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.

G. The proposed activity is not located on or near a sand dune system.

H. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S.A., Section 480-P.

BASED on the above findings of fact, the Department makes the following conclusions pursuant to 38 M.R.S.A. Section 481 et seq.:

A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.

B. The applicant has made adequate provision for traffic movement of all types into, out of or within the development area. Any traffic increase attributable to the proposed development will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.

C. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in Lincoln or in neighboring municipalities.

D. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil, provided that erosion controls are properly implemented and maintained.

E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.

F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal, roadways and open space required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities, roadways and open space in Lincoln or the area served by those services or open space.

G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of LINCOLN PULP AND PAPER COMPANY INC. to construct a runoff control structure in Lincoln, Maine, IN ACCORDANCE WITH THE FOLLOWING CONDITIONS:

1. The Standard Conditions of Approval, a copy of which is attached.

LINCOLN PULP AND PAPER COMPANY INC.
Lincoln, Maine
RUNOFF CONTROL STRUCTURE
#L-15941-26-D-M (APPROVAL)
#L-15941-L4-D-N (APPROVAL)

6 SITE LOCATION OF DEVELOPMENT
) NATURAL RESOURCE PROTECTION
) WATER QUALITY CERTIFICATION
)
) FINDINGS OF FACT AND ORDER

2. In addition to any specific erosion control measures described in Finding 4 of this order, the applicant shall take all necessary actions to ensure that their activities or those of their agents do not result in noticeable erosion of soils on the site during the construction and operation of the project covered by this approval.

DONE AND DATED AT AUGUSTA, MAINE, THIS 30th DAY OF April, 1992.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:

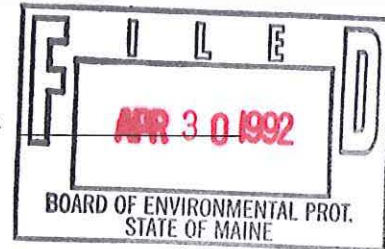
Dean C. Marriott
DEAN C. MARRIOTT, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEALS PROCEDURES...

Date Of Initial Receipt of Application 1/10/91

Date Of Application Acceptance 4/8/91

Date Filed With Board of Environmental Protection
sb/LINCOLNP





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

DEPARTMENT ORDER

IN THE MATTER OF

LINCOLN PULP AND PAPER COMPANY, INC.) SITE LOCATION OF DEVELOPMENT
Lincoln, Penobscot)
FUEL STORAGE AND HANDLING) MINOR MODIFICATION
#L-015941-26-E-M (APPROVAL)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of Title 38 M.R.S.A. Section 481 et seq., the Department of Environmental Protection has considered the application of Lincoln Pulp and Paper Company, Inc. (LP&P) with its supportive data, staff summary, agency review comments, and other related materials on file and finds the following facts:

1. In Department Order #L-15941-26-A-N, dated 04/25/89, the Department approved with conditions the application of LP&P to construct post-1970 improvements and a multifuel boiler island in Lincoln.
2. In Department Order #L-15941-26-B-A, dated 10/19/90, the Department approved with conditions the application of LP&P for a fuel handling facility for the multifuel boiler. Long-term storage of purchased and processed reclaimed fuel in outside storage areas was a major issue of concern in the processing of this application particularly in regard to impacts on ground and surface water quality. The applicant proposed to construct an asphalt-cement pavement pad for fuel storage. The pad was proposed to be constructed within the boundaries of Waste Area 1 after reclamation of a portion of that waste area was complete. The pad was designed with drainage structures to collect runoff and transport it to the onsite wastewater treatment plant. Annual inspections of the pad were proposed to ensure that it was intact and functioning properly.
3. No storage provisions were made for storage of fuel prior to the construction of the paved pad. LP&P indicated that fuel deliveries could be timed on an as-needed basis, eliminating the need for onsite storage. On two occasions since the boiler began burning wood, LP&P has had malfunctions in their off loading conveyor. During these "emergencies" LP&P off loaded purchased biomass from trucks onto an existing bark base within solid waste area 1. LP&P has discovered that they do have immediate outside storage needs for emergencies that occur. Also, LP&P has indicated that the approved paved storage pad may not be feasible given possible site constraints beneath the existing solid waste.
4. LP&P is now requesting approval for a temporary fuel storage area for emergency use, temporary storage of clean wood waste on Solid Waste Area 13 during times when the multifuel boiler (Boiler #8) is not operating, and construction of a paved fuel storage area in the wood yard for outside fuel storage.

5. LP&P proposes to unload from the existing off-loading conveyor purchased biomass onto existing bark material within Solid Waste Area 1 on an emergency basis. An emergency is defined by LP&P as a mechanical malfunction between the truck dumper and fuel storage building which would prevent the conveying of fuel directly to the building. Biomass unloaded in this manner would be moved by front end loader either directly to the fuel storage building or the storage pad described below. Biomass would stay on the prepared bark base less than 48 hours, and use of this area will be limited to 20 days or less per year. LP&P has agreed that this proposal is temporary only. By 08/01/93, they will submit a final decision on how long-term outside storage needs will be met. LP&P will either submit plans for a small, permanent paved pad at the end of the stockout conveyor, which will drain to the treatment plant, or agree to discontinue use of the conveyor by the end of 1993. Alternate fuel handling methods for the latter option have not been proposed.

The temporary storage area is shown on the plans entitled "No. 8 Boiler, Temporary Fuel Storage Site Plan" dated 07/10/91."

6. LP&P proposes to continue to place clean woodroom bark on the existing onsite bark stockpile (Solid Waste Area 13) only when the No. 8 boiler is not operating. This is also a temporary proposal which will be discontinued as soon as a paved outside fuel storage pad is completed.

7. LP&P has agreed to construct a paved pad in the woodyard to store a) daily production of woodroom waste when the No. 8 boiler is not operating, and/or b) purchased biomass primarily in the event of a mechanical malfunction between the truck dumper and the fuel storage building. The pad is proposed to be approximately 45 feet by 130 feet. The pad will slope at .8% toward the center and at .8% toward the woodyard flume. The storage area will drain by gravity to the flume which discharges to the onsite wastewater treatment plant. LP&P has agreed to construct curbing along the sides not draining to the treatment plant. The paved pad will be constructed as shown on the plans entitled "No. 8 Boiler Bark Storage Area" dated 06/03/92 (revised 6/8/92) within 30 days of receiving Department approval. No inspection or maintenance schedule for this storage pad was proposed.

8. The proposed modifications have been reviewed by the Bureau of Hazardous Materials and Solid Waste Control which raised concerns about the timing for construction of the storage pad and for ceasing use of the temporary storage area, the slope of the pads, inspection provisions for the storage area, and potential spillage off the pad. These concerns have been addressed.

9. All other findings of fact, and conclusions relevant to the financial capacity, traffic movement, adverse environmental effects, soils, and road standards remain as approved under Department Orders #L-15941-26-A-N and #L-15941-26-B-A.

BASED on the above findings of fact, the Department makes the following conclusions in relation to the proposed modification pursuant to 38 M.R.S.A. Section 481 et seq.:

A. The applicant has provided adequate evidence of financial capacity

LINCOLN PULP AND PAPER COMPANY, INC. 3 SITE LOCATION OF DEVELOPMENT
Lincoln, Penobscot)
FUEL STORAGE AND HANDLING) MINOR MODIFICATION
#L-015941-26-E-M (APPROVAL)) FINDINGS OF FACT AND ORDER

and technical ability to develop the project in a manner consistent with state environmental standards.

B. The applicant has made adequate provision for traffic movement of all types into, out of or within the development area. Any traffic increase attributable to the proposed development will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.

C. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in Lincoln or in neighboring municipalities, provided that activities are undertaken as proposed, curbing is constructed at the edges of the paved pad, the paved pad is inspected and maintained, and spillage off the pad is minimized and cleaned up immediately.

D. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.

E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur, provided that activities are undertaken and discontinued as proposed and the paved pad is inspected and maintained.

F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal, roadways and open space required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities, roadways and open space in Lincoln or the area served by those services or open space.

G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

H. The activity will not unreasonably interfere with the natural supply or movement of sand within or to the sand dune system.

THEREFORE, the Department APPROVES the application of Lincoln Pulp and Paper Company, Inc. to store and handle fuel as proposed in Lincoln, Maine, IN ACCORDANCE WITH THE FOLLOWING CONDITIONS:

1. The Standard Conditions of Approval, a copy of which is attached.
2. LP&P shall notify the Bureau of Land Quality Control in writing each time an emergency occurs which results in the use of the temporary fuel storage area. The notice shall be submitted the day of or the day after the emergency occurs. The notice shall contain a description of the emergency, the date it occurred, and an estimate of the length of time the temporary storage area will be used.

LINCOLN PULP AND PAPER COMPANY, INC. 4 SITE LOCATION OF DEVELOPMENT
Lincoln, Penobscot)
FUEL STORAGE AND HANDLING) MINOR MODIFICATION
#L-015941-26-E-M (APPROVAL)) FINDINGS OF FACT AND ORDER

3. Prior to 08/01/93, LP&P shall submit to the Bureau of Land Quality Control for review and approval a final decision on how long term outside fuel storage needs will be met. If the decision involves construction of a paved storage pad final design plans for the storage area and a schedule for construction of the pad shall be submitted. If the decision calls for discontinuing use of the conveyor, the date the conveyor will be shutdown shall be included and alternate fuel handling procedures shall be outlined. In no case shall operation of the temporary fuel storage area continue beyond 12/31/93.

4. LP&P shall notify the Bureau of Land Quality Control in writing of the actual date when construction of the paved pad will begin and when construction will be completed.

5. Curbing shall be constructed on all edges of the new paved storage pad except the edge over which runoff flows to the woodyard flume.

6. No material shall be stored on the pad in the woodyard in such a manner that material may fall, be washed, or be tracked off the storage pad.

7. LP&P shall inspect the storage pad in the woodyard daily as it is being used for storage of biomass fuel and waste to check for spillage or tracking of materials off the storage pad and shall clean up any spilled materials immediately upon discovery.

8. The paved fuel storage area in the woodyard shall be inspected and maintained as outlined in Section 5.6.2 "Outside Fuel Storage Area Inspection Operating Manual and Fuel Reclamation Plan for Areas 1 and 13, Lincoln Pulp & Paper Company, Lincoln, Maine" dated December 1989 (Revised April 1990). Records of these inspections shall be kept on file and made available to the staff of the Department of Environmental Protection upon request.

9. The conditions of order #L-15117-26-A-N and all subsequent amendments shall remain in effect, and are incorporated herein.

DONE AND DATED AT AUGUSTA, MAINE, THIS 31ST DAY OF July, 1992

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Mark C. Kuffner
DEAN C. MARRIOTT, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEALS PROCEDURES...

Date Of Initial Receipt of Application 07/18/91

Date Of Application Acceptance 09/03/91

Date Filed With Board of Environmental Protection
L15941EM/sb





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

CONDITION COMPLIANCE

September 29, 1992

Lincoln Pulp & Paper Company, Inc.
c/o Douglas S. Walsh
Katahdin Avenue
Lincoln, Maine 04457

RE: LINCOLN PULP AND PAPER MILL, LINCOLN, MAINE
CONDITION COMPLIANCE #L-15941-26-F-C
SPECIAL CONDITIONS #12, 15, and 16

Dear Mr. Walsh:

The Bureau of Land Quality Control has reviewed the information you have submitted in accordance with Special Conditions 13, 15, and 16 of Department Order #L-15911-26-A-N, dated 4/25/89, and issued pursuant to Title 38 M.R.S.A. Section 481 et seq.

Condition #13 reads as follows:

"Prior to commencing operation of the boiler, the applicant shall submit to the Department for review and receive approval of documented evidence that CWS and/or SERF will continue to accept special wastes currently being received from the mill until LP&P's landfill is operational."

In response to this condition you have submitted a letter from Sawyer Environmental Recovery Facilities, Inc. dated 7/31/90, and letters from Waste Management Co. dated 1/22/91 and 4/15/91 evidencing that Lincoln Pulp and Paper has adequate provisions available for continued disposal of special wastes currently being generated by the mill.

Condition #15 reads as follows:

"Prior to operation of the boiler, the applicant shall submit to the Department for review and receive approval of a winter storage plan for ash that will be disposed of by landspreading."

In response to this condition you have submitted a copy of an application to the Department for a biomass ash storage facility. This facility was approved by the Department under solid waste order #S-20708-55-A-N.

Condition #16 reads as follows:

"Prior to operation of the boiler, the applicant shall submit to the Department for review and receive approval of a revised groundwater monitoring plan, including an implementation schedule, to evaluate the existing groundwater quality as a result of current and past mill operations including onsite waste disposal and use of lime mud and equalizing ponds. The monitoring plan shall be implemented by LP&P according to the approved schedule. The applicant may commence operation of the boiler unless the Commissioner determines that the applicant has not acted reasonably during the submittal and review of the groundwater monitoring and implementation schedule."

In response to this condition you have submitted a copy of the following reports: "Work Plan Geohydrologic Investigation for Existing Waste Disposal Areas" dated 2/90, and "Phase I Hydrogeologic Investigation for Existing Waste Disposal Areas, Volume I Report, Volume II Appendices, and Volume III Proposed Phase II Work Plan" dated 6/91. These reports have been reviewed by the Bureau of Land Quality Control's Technical Services Unit and found to be acceptable. In a letter dated 11/14/90, the Bureau of Solid Waste Management reviewed well locations and accepted the locations as amended in 9/90. The wells have been installed and the Phase I Hydrogeologic Investigation has been completed at this time.

As the result of its review, the Bureau has found that this information does satisfactorily address the informational requirements of Conditions #13, 15, and 16.

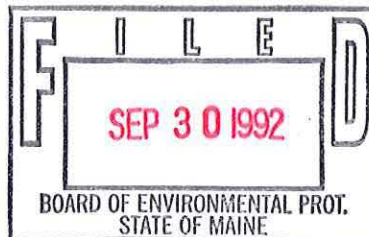
Because the above information was not submitted to the Bureau prior to the operation of the boiler, the Department can not conclude that Lincoln Pulp and Paper has complied with Conditions 13, 15, and 16 of Department Order #L-15941-26-A-N. However, no further information will be required in response to those conditions. If you have further questions regarding this matter please contact Stacie Beyer, the project manager, at 207-941-4570.

Sincerely,



MARTHA KIRKPATRICK
Bureau Director
Bureau of Land Quality Control

Date of initial receipt of application 9/30/91
Date application accepted for processing 11/1/91
SB/lpp





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

DEPARTMENT ORDER

IN THE MATTER OF

LINCOLN PULP AND PAPER COMPANY, INC.) SITE LOCATION OF DEVELOPMENT
Lincoln, Penobscot County)
BOILER FUEL AND ASH DISPOSAL) MODIFICATION
#L-15941-26-G-M (APPROVAL)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of Title 38 M.R.S.A. Section 481 *et seq.*, the Department of Environmental Protection has considered the application of LINCOLN PULP AND PAPER COMPANY, INC. with its supportive data, agency review comments, and other related materials on file and finds the following facts:

1. On 4/25/89, in Department Order #L-015941-26-A-N, the Department approved with conditions the application of Lincoln Pulp and Paper Company, Inc. (LP&P) to construct the post-1970 improvements and a multi-fuel boiler island in Lincoln, Maine. Condition #14 of Order #L-15941-26-A-N reads as follows:

"Until the LP&P landfill becomes operational, the applicant shall burn only clean woodwaste in the No. 8 Power Boiler, and ash generated by the boiler shall be disposed of in accordance with all standards set forth in the Department's Permit-by-Rule program for ash landspreading."

2. LP&P is now requesting approval to modify Condition #14 of Order #L-15941-26-A-N to allow burning of an expanded list of fuel types in the No. 8 Power Boiler and to allow disposal of ash using several alternative disposal methodologies. LP&P is seeking approval to burn the following types of fuels at this time: woodchips, sawdust, sawmill waste, barkpile reclaim materials, coal, fuel oil, wastewater treatment plant sludge from LP&P and Eastern Fine Paper, waste paper from LP&P and Eastern Fine Paper, and woody construction and demolition debris.
3. LP&P is proposing the following disposal methodologies for ash generated from burning the specified fuel types in the boiler: recycling ash as raw material in cement at Dragon Products in Thomaston or other in-state recycling options, daily cover for out-of-state secure landfills or other out-of-state recycling/disposal options, landspreading, disposal at the Sawyer's Secure II and Secure III commercial landfills, and disposal at other licensed solid waste facilities in state.
4. LP&P also proposed the following temporary disposal alternatives for wastes that were or are being disposed of onsite. They originally proposed that onsite disposal of wastes would be terminated once their proposed landfill was operational. LP&P no longer intends to construct a landfill of their own. Sludge was disposed of in Solid Waste Area 1 until 11/6/92. On that date, a sludge press was in operation to dewater sludge, allowing LP&P to burn the material in the boiler. Lime mud was disposed of onsite in waste exclusion areas until 11/6/92. On that date, LP&P instituted a recycling program for the lime mud to reuse it in the paper making process. Flume debris and equalization mud is proposed to be disposed of onsite in identified waste exclusion areas until 9/30/93. No future disposal plans for these materials were proposed.

LINCOLN PULP AND PAPER COMPANY, INC.
Lincoln, Penobscot County
BOILER FUEL AND ASH DISPOSAL
#L-15941-26-G-M (APPROVAL)

2 SITE LOCATION OF DEVELOPMENT
)
) MODIFICATION
) FINDINGS OF FACT AND ORDER

5. LP&P has submitted documentation to show that proposed ash disposal methodologies are available and are in compliance with state solid waste laws. The Bureau of Hazardous Materials and Solid Waste Control approved trial work with Dragon on 7/15/92. This trial will evaluate the feasibility of using ash in the manufacturing of concrete. LP&P has also submitted a copy of a contract with Sawyers Environmental dated 8/11/92 for disposal of ash in the Secure II Landfill and a letter from Sawyers Environmental dated 5/18/92 indicating Sawyers' willingness and capacity to accept the ash for disposal at their Secure III landfill. A final contract for the Secure III landfill is being negotiated and final Department approvals will be sought. The LP&P application for approval to landspread the ash has been submitted and is currently being reviewed.
6. No evidence of acceptability is required by the Department for use of solid waste disposal options in other states or countries. Other in-state/recycling disposal options will require approval from the Department's Bureau of Hazardous Materials and Solid Waste Control.
7. The Bureau of Hazardous Materials and Solid Waste Control raised concerns about the ability of LP&P to reclaim fuel from and dispose of waste on existing waste piles concurrently. These waste piles have recently experienced slope failures in areas of active disposal of sludge. The Department finds that it must reserve the right to terminate reclaim operations on existing waste piles should it be found that the concurrent disposal and reclaim activities are incompatible. Also, BHMSWC commented that LP&P would need a separate solid waste license to burn sludge and paper from Eastern Fine Paper.
8. All other findings of fact, conclusions and conditions remain as approved under Department Order #L-15941-26-A-N.

BASED on the above findings of fact and subject to the conditions listed below, the Department makes the following conclusions in relation to the proposed modification pursuant to 38 M.R.S.A. Section 481 et seq.:

A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.

B. The applicant has made adequate provision for traffic movement of all types into, out of or within the development area. Any traffic increase attributable to the proposed development will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.

LINCOLN PULP AND PAPER COMPANY, INC.
Lincoln, Penobscot County
BOILER FUEL AND ASH DISPOSAL
#L-15941-26-G-M (APPROVAL)

3 SITE LOCATION OF DEVELOPMENT
)
) MODIFICATION
) FINDINGS OF FACT AND ORDER

C. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in Lincoln or in neighboring municipalities.

D. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.

E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur provided that reclaim operations are terminated if the Department finds that concurrent onsite disposal and reclaim activities are incompatible.

F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal, roadways and open space required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities, roadways and open space provided that waste disposal is conducted as proposed and is terminated in accordance with the proposed schedule, a contract for disposal of ash at the Secure III landfill is submitted, final approval from the BHMSWC is obtained for all proposed in-state ash disposal/recycling methods and for burning waste from Eastern Fine Paper, final disposal plans for flume debris and equalization pond dredgings are submitted, and an annual report on ash disposal is submitted.

G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of LINCOLN PULP AND PAPER COMPANY, INC. to modify Condition #14 of Order #L-15941-26-A-N in Lincoln, Maine, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations.

1. The Standard Conditions of Approval, a copy of which is attached.
2. All solid waste shall be disposed of as proposed and onsite disposal of waste shall be terminated in accordance with the proposed schedule.
3. Prior to disposal of ash generated from the multifuel boiler at Sawyers Environmental Secure Landfill III, LP&P shall submit to the Bureau of Land Quality Control an acceptable final copy of a contract to use that facility for ash disposal, and LP&P shall ensure that the landfill is licensed by the Department to accept the boiler ash.

LINCOLN PULP AND PAPER COMPANY, INC.
Lincoln, Penobscot County
BOILER FUEL AND ASH DISPOSAL
#L-15941-26-G-M (APPROVAL)

4 SITE LOCATION OF DEVELOPMENT
)
) MODIFICATION
) FINDINGS OF FACT AND ORDER

4. Final approval from the BHMSWC shall be obtained for all proposed in-state ash disposal/recycling options prior to their use and for the burning of any waste from Eastern Fine Paper, prior to burning the waste.

5. Prior to 9/30/93, the applicant shall submit to the Bureau of Land Quality Control for review and receive approval of final disposal plans for flume debris and equalization pond dredgings to be implemented on 10/1/93.

6. Prior to 1/15 of each calendar year, LP&P shall submit 2 copies of an annual report to the Bureau of Land Quality Control which includes the following: an estimate of the total amount of ash generated in the multifuel boiler in the previous year and an itemized list of where the ash was disposed of during the year.

7. If the Department finds at any time that the concurrent disposal of solid waste on site and reclaim activities are incompatible and have the potential to cause adverse environmental effects, LP&P shall cease reclaim activities in accordance with the written notice from the Department.

8. All other Findings of Fact, conclusions and conditions remain as approved in Department Order #L-15941-26-A-N and in all subsequent amendments, and are incorporated herein.

DONE AND DATED AT AUGUSTA, MAINE, THIS 4TH DAY OF December, 1992.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Dean C. Marriott*
DEAN C. MARRIOTT, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEALS PROCEDURES...

Date Of Initial Receipt of Application 4/7/92

Date Of Application Acceptance 6/24/92

Date Filed With Board of Environmental Protection

L15941GM/sb





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

DEPARTMENT ORDER
IN THE MATTER OF

LINCOLN PULP AND PAPER COMPANY, INC.) SITE LOCATION OF DEVELOPMENT
Lincoln, Penobscot County)
BOILER FUEL AND ASH DISPOSAL) MODIFICATION
#L-15941-26-G-M (APPROVAL)) FINDINGS OF FACT AND ORDER
*CORRECTED ORDER

Pursuant to the provisions of Title 38 M.R.S.A. Section 481 *et seq.*, the Department of Environmental Protection has considered the application of LINCOLN PULP AND PAPER COMPANY, INC. with its supportive data, agency review comments, and other related materials on file and finds the following facts:

1. On 4/25/89, in Department Order #L-015941-26-A-N, the Department approved with conditions the application of Lincoln Pulp and Paper Company, Inc. (LP&P) to construct the post-1970 improvements and a multi-fuel boiler island in Lincoln, Maine. Condition #14 of Order #L-15941-26-A-N reads as follows:

"Until the LP&P landfill becomes operational, the applicant shall burn only clean woodwaste in the No. 8 Power Boiler, and ash generated by the boiler shall be disposed of in accordance with all standards set forth in the Department's Permit-by-Rule program for ash landspreading."

2. LP&P is now requesting approval to modify Condition #14 of Order #L-15941-26-A-N to allow burning of an expanded list of fuel types in the No. 8 Power Boiler and to allow disposal of ash using several alternative disposal methodologies. *LP&P is seeking approval to burn the following types of fuels at this time: woodchips, sawdust, sawmill waste, barkpile reclaim materials, coal, fuel oil, wastewater treatment plant sludge from LP&P and Eastern Fine Paper, waste paper from LP&P and Eastern Fine Paper, woody construction and demolition debris, and tire chips.
3. LP&P is proposing the following disposal methodologies for ash generated from burning the specified fuel types in the boiler: recycling ash as raw material in cement at Dragon Products in Thomaston or other in-state recycling options, daily cover for out-of-state secure landfills or other out-of-state recycling/disposal options, landspreading, disposal at the Sawyer's Secure II and Secure III commercial landfills, and disposal at other licensed solid waste facilities in state.
4. LP&P also proposed the following temporary disposal alternatives for wastes that were or are being disposed of onsite. They originally proposed that onsite disposal of wastes would be terminated once their proposed landfill was operational. LP&P no longer intends to construct a landfill of their own. Sludge was disposed of in Solid Waste Area 1 until 11/6/92. On that date, a sludge press was in operation to dewater sludge, allowing LP&P to burn the material in the boiler. Lime mud was disposed of onsite in waste exclusion areas until 11/6/92. *On that date, LP&P instituted a recycling program for the lime mud to reuse it in the paper making process. Flume

LINCOLN PULP AND PAPER COMPANY, INC.
Lincoln, Penobscot County
BOILER FUEL AND ASH DISPOSAL
#L-15941-26-G-M (APPROVAL)
*CORRECTED ORDER

2 SITE LOCATION OF DEVELOPMENT
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debris and recausticizing wastes are proposed to be disposed of onsite in identified waste exclusion areas up to a date which will be agreed upon by the Department and Lincoln Pulp and Paper when final revisions to the consent decree are completed and executed. No future disposal plans for these materials were proposed.

5. LP&P has submitted documentation to show that proposed ash disposal methodologies are available and are in compliance with state solid waste laws. The Bureau of Hazardous Materials and Solid Waste Control approved trial work with Dragon on 7/15/92. This trial will evaluate the feasibility of using ash in the manufacturing of concrete. *BHMSWC approved trial burning of tire chips on 12/15/92. LP&P has also submitted a copy of a contract with Sawyers Environmental dated 8/11/92 for disposal of ash in the Secure II Landfill and a letter from Sawyers Environmental dated 5/18/92 indicating Sawyers' willingness and capacity to accept the ash for disposal at their Secure III landfill. A final contract for the Secure III landfill is being negotiated and final Department approvals will be sought. The LP&P application for approval to landspread the ash has been submitted and is currently being reviewed.
6. No evidence of acceptability is required by the Department for use of solid waste disposal options in other states or countries. Other in-state/recycling disposal options will require approval from the Department's Bureau of Hazardous Materials and Solid Waste Control.
7. The Bureau of Hazardous Materials and Solid Waste Control raised concerns about the ability of LP&P to reclaim fuel from and dispose of waste on existing waste piles concurrently. These waste piles have recently experienced slope failures in areas of active disposal of sludge. The Department finds that it must reserve the right to terminate reclaim operations on existing waste piles should it be found that the concurrent disposal and reclaim activities are incompatible. Also, BHMSWC commented that LP&P would need a separate solid waste license to burn sludge and paper from Eastern Fine Paper.
8. All other findings of fact, conclusions and conditions remain as approved under Department Order #L-15941-26-A-N.

BASED on the above findings of fact and subject to the conditions listed below, the Department makes the following conclusions in relation to the proposed modification pursuant to 38 M.R.S.A. Section 481 et seq.:

A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.

B. The applicant has made adequate provision for traffic movement of all types into, out of or within the development area. Any traffic increase attributable to the proposed development will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.

LINCOLN PULP AND PAPER COMPANY, INC.
Lincoln, Penobscot County
BOILER FUEL AND ASH DISPOSAL
#L-15941-26-G-M (APPROVAL)
*CORRECTED ORDER

3 SITE LOCATION OF DEVELOPMENT
)
) MODIFICATION
) FINDINGS OF FACT AND ORDER

C. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in Lincoln or in neighboring municipalities.

D. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.

E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur provided that reclaim operations are terminated if the Department finds that concurrent onsite disposal and reclaim activities are incompatible.

F. *The applicant has made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal, roadways and open space required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities, roadways and open space provided that waste disposal is conducted as proposed and is terminated in accordance with an agreed upon schedule; a contract for disposal of ash at the Secure III landfill is submitted; final approval from the BHMSWC is obtained for all proposed in-state ash disposal/recycling methods, for burning waste from Eastern Fine Paper, and for burning tire chips; final disposal plans for flume debris and recausticizing wastes are submitted, and an annual report on ash disposal is submitted.

G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of LINCOLN PULP AND PAPER COMPANY, INC. to modify Condition #14 of Order #L-15941-26-A-N in Lincoln, Maine, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations.

1. The Standard Conditions of Approval, a copy of which is attached.
2. All solid waste shall be disposed of as proposed and onsite disposal of waste shall be terminated in accordance with the agreed upon schedule.
3. Prior to disposal of ash generated from the multifuel boiler at Sawyers Environmental Secure Landfill III, LP&P shall submit to the Bureau of Land Quality Control an acceptable final copy of a contract to use that facility for ash disposal, and LP&P shall ensure that the landfill is licensed by the Department to accept the boiler ash.

LINCOLN PULP AND PAPER COMPANY, INC.
Lincoln, Penobscot County
BOILER FUEL AND ASH DISPOSAL
#L-15941-26-G-M (APPROVAL)
*CORRECTED ORDER

4 SITE LOCATION OF DEVELOPMENT
)
) MODIFICATION
) FINDINGS OF FACT AND ORDER

4. *Final approval from the BHMSWC shall be obtained for all proposed in-state ash disposal/recycling options prior to their use; and for the burning of any waste from Eastern Fine Paper, and for burning of tire chips prior to burning the waste.

5. *Prior to the agreed upon termination date for onsite disposal of these wastes, the applicant shall submit to the Bureau of Land Quality Control for review and receive approval of final disposal plans for flume debris and recausticizing wastes to be implemented on the date following termination of onsite disposal.

6. Prior to 1/15 of each calendar year, LP&P shall submit 2 copies of an annual report to the Bureau of Land Quality Control which includes the following: an estimate of the total amount of ash generated in the multifuel boiler in the previous year and an itemized list of where the ash was disposed of during the year.

7. If the Department finds at any time that the concurrent disposal of solid waste on site and reclaim activities are incompatible and have the potential to cause adverse environmental effects, LP&P shall cease reclaim activities in accordance with the written notice from the Department.

8. All other Findings of Fact, conclusions and conditions remain as approved in Department Order #L-15941-26-A-N and in all subsequent amendments, and are incorporated herein.

DONE AND DATED AT AUGUSTA, MAINE, THIS 30th DAY OF December, 1992.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Dean C. Marriott
DEAN C. MARRIOTT, COMMISSIONER



PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEALS PROCEDURES...

Date Of Initial Receipt of Application 4/7/92

Date Of Application Acceptance 6/24/92

Date Filed With Board of Environmental Protection _____

L15941GM/sb



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

CONDITION COMPLIANCE

Lincoln Pulp and Paper, Co.
c/o Dennis C. McComb
Katahdin Avenue
Lincoln, ME 04457

RE: DEP LICENSE #L-15941-26-H-C
 SPECIAL CONDITION #3 of Department Order #L-15941-26-E-M

Dear Mr. McComb:

The Bureau of Land Quality Control has reviewed the information you have submitted in accordance with Special Condition #3 of Department Order #L-15941-26-E-M, dated 7/31/92, and issued pursuant to Title 38 M.R.S.A. Section 481 et seq.

Condition #3 reads as follows:

Prior to 8/1/93, LP&P shall submit to the Bureau of Land Quality Control for review and approval a final decision on how long term outside fuel storage needs will be met. If the decision involves construction of a paved storage pad final design plans for the storage area and a schedule for construction of the pad shall be submitted. If the decision calls for discontinuing use of the conveyor, the date the conveyor will be shut down shall be included and alternate fuel handling procedures shall be outlined. In no case shall operation of the temporary fuel storage area continue beyond 12/31/93.

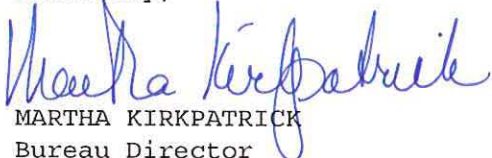
In response to this condition you have submitted a decision on how long term outside fuel storage needs will be met. The plan calls for continued use of existing conveyor #1, dismantling conveyor #2, and construction of a permanent, concrete fuel transfer pad at the end of conveyor #1. The pad will be constructed with walls on 3 sides to prevent spillage of biomass fuel and in accordance with the plans entitled "Fuel Transfer Pad Off #1 Conveyor", prepared by Seldco Inc., and dated 8/11/93. The pad will be used for temporary storage only. Fuel will be completely removed from the pad by the next work shift after the unloading onto the pad occurs. Construction of the pad will commence as soon as possible after approval and will be completed to allow operation of the new pad prior to 12/31/93. The Department will be notified of the project start date and completion date.

As the result of its review, the Bureau has found that this fuel handling plan does satisfactorily address the requirement of Condition #3.

Page 2
Condition Compliance

Based on the above referenced review, the Department concludes that Lincoln Pulp and Paper has complied with Condition #3 of Department Order #L-15941-26-E-M. If you have further questions regarding this matter please contact Stacie Beyer, the project manager, at 207-941-4570.

Sincerely,


MARTHA KIRKPATRICK
Bureau Director
Bureau of Land Quality Control

Date of initial receipt of application 8/30/93
Date application accepted for processing 9/10/93

Date filed by the Board of Environmental Protection

L15941HC





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

DEPARTMENT ORDER
IN THE MATTER OF

LINCOLN PULP & PAPER, INC.	) SITE LOCATION OF DEVELOPMENT
Lincoln, Penobscot County)
WOODS ROAD AND BARK RECLAMATION	) MODIFICATION
L-15941-26-J-M (approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of Title 38 M.R.S.A. Section 481 et seq., the Department of Environmental Protection has considered the application of LINCOLN PULP & PAPER, INC. with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. In Department Order #L-15941-26-A-N, dated 5/25/89, the Department approved the post-1970 improvements and the multi-fuel boiler island at the Lincoln Pulp & Paper mill facility. The development is located off Katahdin Avenue in the Town of Lincoln. Since the issuance of the 5/25/89 Order, many subsequent amendments and revisions have been approved by the Department.
2. The applicant now requests approval to construct a woods road connecting their existing wood yard and their Woodex facility. The Woodex facility is a licensed wood ash storage facility. The road way will serve truck traffic between the mill and the storage facility. This traffic currently uses local streets. The road will also provide better access to existing hydrogeological monitoring sites. Lincoln has proposed a gravel road, 1600 feet long and 24 feet wide, to be built using general wood road construction practices. Silt fence, hay bales, and seeding will be used to control erosion.
3. Department staff have visited the site of the proposed road. No State jurisdictional wetlands will be altered by the project. However, a stream will be crossed. Lincoln Pulp & Paper will file a Permit-by-rule Notice Form for this crossing. No other significant concerns were identified.
4. The applicant has also requested approval to reclaim bark from Waste Areas 1 and 13 concurrently. The Department's original permit limited them to operating in one area at a time. No significant concerns were raised regarding this proposal.
5. Based on its review of the application, the Department finds the requested modification to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Department Order #L-15941-26-A-N, and subsequent orders.

BASED on the above findings of fact, and subject to the Conditions listed below, the Department makes the following conclusions in relation to the proposed modification pursuant to 38 M.R.S.A. Section 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and

technical ability to develop the project in a manner consistent with state environmental standards.

B. The applicant has made adequate provision for traffic movement of all types into, out of or within the development area and any traffic increase attributable to the proposed development will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.

C. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.

D. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil provided that erosion control measures are properly installed and maintained.

E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.

F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.

G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of Lincoln Pulp & Paper, Inc. to construct a woods road and reclaim bark concurrently from Waste Areas 1 and 13, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that their activities or those of their agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.

3. All other Findings of Fact, Conclusions, and Conditions remain as approved in Department Order #L-15941-26-A-N, and subsequent orders, and are incorporated herein.

DONE AND DATED AT AUGUSTA, MAINE, THIS 19th DAY OF July, 1995.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Edward O. Sullivan*
EDWARD O. SULLIVAN COMMISSIONER

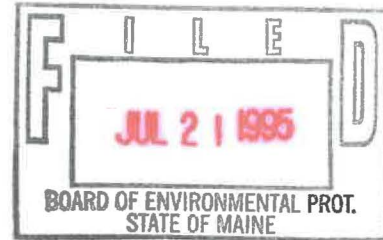
PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application 5/18/95

Date application accepted for processing 5/22/95

Date filed with Board of Environmental Protection

SB:L15941JM





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

DEPARTMENT ORDER

IN THE MATTER OF

LINCOLN PULP & PAPER COMPANY, INC.	)	SITE LOCATION OF DEVELOPMENT
Lincoln, Penobscot County)	
PAPER, MILL, INSPECTION REVISION	)	MODIFICATION
L-15941-26-J-M (approval)	)	FINDINGS OF FACT AND ORDER

Pursuant to the provisions of Title 38 M.R.S.A. Section 481 et seq., the Department of Environmental Protection has considered the application of LINCOLN PULP & PAPER COMPANY, INC. with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. In Department Order #L-15941-26-A-N, dated 5/25/89, the Department approved the post-1970 improvements and a multi-fuel boiler island at the Lincoln Pulp & Paper mill facility. This paper mill is located off Katahdin Avenue in the Town of Lincoln.

In Department Order #L-15941-26-B-A, dated 10/19/90, the Department approved the construction of the fuel handling facility for the multi-fuel boiler (also known as Boiler No. 8). In the application for this project, Lincoln Pulp & Paper proposed to mine and burn solid waste from two on-site solid waste disposal areas, 1 and 13. This project was part of a proposal to bring the disposal areas into compliance with the State's Solid Waste Management Regulations. The "Operating Manual and Fuel Reclamation Plan for Areas 1 and 13," proposed a series of inspections of areas 1 and 13 to ensure that reclamation was conducted according to the plan and no significant impacts to surface and ground water occurred as a result of the reclamation activities. These inspections included:

1. Daily informal inspections of reclamation areas by operations personnel to detect any anomalous conditions.
2. A formal monthly inspection by the operations and environment departments using prepared inspection forms.
3. Semi-annual inspections by an independent registered professional engineer specializing in geotechnical/civil engineering issues.

Many subsequent amendments and revisions to the original Department order have been approved by the Department.

2. The applicant is now requesting approval to modify the requirement for an independent registered professional engineer to conduct semi-annual inspections of the fuel reclamation areas to annual inspections of these areas. All other aspects of the inspection and operation program for areas 1 and 13 will remain as approved.
3. To support the modification request, Lincoln Pulp and Paper cites 6 years of successful reclamation activity. They also have submitted a letter from Sevee & Maher Engineers, the engineering firm that conducted all of

the past semi-annual independent inspections, supporting the requested modification.

4. The Bureau of Remediation and Waste Management has reviewed the proposed modification and has found the proposal to be acceptable.
5. Given Lincoln Pulp and Paper's past management history of waste areas 1 and 13 documented in the semi-annual reports submitted to the Department by the independent engineer, and given the fact that Lincoln Pulp and Paper staff will continue to inspect the areas 1 and 13 monthly filing reports to the Department as approved, the Department finds that the request to reduce the number of inspections by the independent engineer to one per year, as proposed, reasonable.
6. Based on its review of the application, the Department finds the requested modification to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Department Order #L-15941-26-A-N, dated 5/25/89, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions in relation to the proposed modification pursuant to 38 M.R.S.A. Section 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for traffic movement of all types into, out of or within the development area and any traffic increase attributable to the proposed development will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.
- C. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities in that Lincoln Pulp and Paper has established a 6 year history of managing waste areas 1 and 13 with no significant compliance concerns, and in that formal inspections on monthly basis by Lincoln Pulp and Paper employees will continue and yearly inspections by the independent engineer will be conducted.
- D. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur in that Lincoln Pulp and Paper has established a 6 year history of managing waste areas 1 and 13 with no significant compliance concerns, and in that formal inspections on monthly basis by Lincoln Pulp and Paper employees will continue and yearly

inspections by the independent engineer will be conducted.

F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.

G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of LINCOLN PULP & PAPER COMPANY, INC. to modify the number of inspections conducted by an independent engineer on waste areas 1 and 13, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. All other Findings of Fact, Conclusions, and Conditions remain as approved in Department Order #L-15941-26-A-N, dated 5/25/89, and subsequent orders, and are incorporated herein.

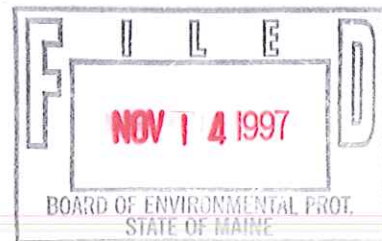
DONE AND DATED AT AUGUSTA, MAINE, THIS 12th DAY OF November, 1997.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Edward O. Sullivan*
EDWARD O. SULLIVAN, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application 9/23/97
Date application accepted for processing 10/14/97
Date filed with Board of Environmental Protection
SB:L15941JM



STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.

- 1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents is subject to the review and approval of the Board prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited, without prior approval by the Board of Environmental Protection, and the applicant shall include deed restrictions to this effect.**
- 2. The applicant 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. The applicant shall submit all reports and information requested by the Board or Department demonstrating that the applicant has complied or will comply with all conditions of this approval. All preconstruction terms and conditions must be met before construction begins.**
- 4. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.**
- 5. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.**
- 6. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.**
- 7. If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.**
- 8. A copy of this approval must be included in or attached to all contract bid specifications for the development.**
- 9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.**



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

ANGUS S. KING, JR.
 GOVERNOR

DEPARTMENT ORDER
 IN THE MATTER OF

LINCOLN PULP & PAPER COMPANY, INC.) SITE LOCATION OF DEVELOPMENT
 Lincoln, Penobscot County)
 PAPER MILL, PARKING LOT EXPANSION) MODIFICATION
 L-15941-26-K-M (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Section 481 et seq., the Department of Environmental Protection has considered the application of LINCOLN PULP & PAPER COMPANY, INC. with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. In Department Order #L-15941-26-A-N, dated May 25, 1989, the Department approved the post-1970 improvements and a multi-fuel boiler island at the Lincoln Pulp and Paper Company mill facility. This paper mill is located off Katahdin Avenue in the Town of Lincoln. Since the issuance of the 1989 Order, many subsequent amendments and revisions have been approved by the Department.
2. The applicant now proposes to expand a paper mill parking area at the mill entrance to support increased security requirements at the mill. The new parking lot will be approximately 120 feet by 195 feet for a total increase of 23,400 square feet of gravel surfaced, impervious area. The expanded parking area will be constructed as shown on a drawing submitted with the application. The site is located between an existing parking lot and railroad track, and is currently vegetated with shrubs and trees.
3. The proposed parking area was mapped originally as having Melrose Fine Sandy Loam soils which are very deep, well drained, sandy soils, and are not classified as hydric soils. Mill Pond is a small impoundment located adjacent to the proposed parking area, and within the paper mill site. No buffers have been previously required by the Department, pursuant to the Site Location of Development Act, on this pond.
4. The proposed earthwork will extend within 100 feet of Mill Pond. The applicant has submitted a notification pursuant to the Natural Resources Protection Act, Permit-by-Rule program (06-096 CMR 305). This notification, PBR # 20824, was accepted by the Department on August 17, 1998.
5. Based on the small size of the project and the extensive development surrounding the site, the Department finds the requested modification to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Department Order #L-15941-26-A-N, and subsequent orders.



BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions in relation to the proposed modification pursuant to 38 M.R.S.A. Section 481 et seq.:

A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.

B. The applicant has made adequate provision for traffic movement of all types into, out of or within the development area and any traffic increase attributable to the proposed development will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.

C. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.

D. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil provided that adequate erosion control measures are implemented and maintained.

E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.

F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.

G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of LINCOLN PULP & PAPER COMPANY, INC. to expand a parking lot, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

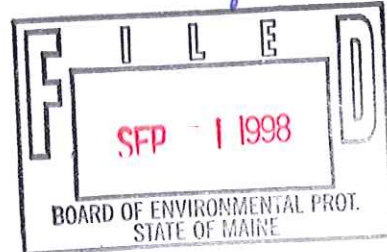
1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.

3. All other Findings of Fact, Conclusions, and Conditions remain as approved in Department Order #L-15941-26-A-N, and subsequent orders, and are incorporated herein.

DONE AND DATED AT AUGUSTA, MAINE, THIS 31st DAY OF August, 1998.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Edward O. Sullivan*
EDWARD O. SULLIVAN, COMMISSIONER



PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application 8/12/98

Date application accepted for processing 8/17/98

Date filed with Board of Environmental Protection
SB/L15941KM

STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.

- 1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents is subject to the review and approval of the Board prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited, without prior approval by the Board of Environmental Protection, and the applicant shall include deed restrictions to this effect.**
- 2. The applicant 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. The applicant shall submit all reports and information requested by the Board or Department demonstrating that the applicant has complied or will comply with all conditions of this approval. All preconstruction terms and conditions must be met before construction begins.**
- 4. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.**
- 5. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.**
- 6. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.**
- 7. If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.**
- 8. A copy of this approval must be included in or attached to all contract bid specifications for the development.**
- 9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.**



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

ANGUS S. KING, JR.
 GOVERNOR

DEPARTMENT ORDER
 IN THE MATTER OF

LINCOLN PULP & PAPER COMPANY, INC.	) SITE LOCATION OF DEVELOPMENT
Lincoln, Penobscot County)
PAPER MILL, 1999 PERMIT UPDATE	) MODIFICATION
L-15941-26-L-M (approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq., the Department of Environmental Protection has considered the application of LINCOLN PULP & PAPER COMPANY, INC. with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. In Department Order #L-15941-26-A-N, dated May 25, 1989, the Department approved the post-1970 improvements and a multi-fuel boiler island at the Lincoln Pulp & Paper mill facility. This paper mill is located on Katahdin Avenue in the Town of Lincoln.

In Department Order #L-15941-26-B-A, dated October 19, 1990, the Department approved the construction of the fuel handling facility for the multi-fuel boiler.

Many subsequent amendments and modifications to the original Department orders have been approved by the Department.

2. The applicant is now requesting approval of all construction projects completed between the years 1992 through 1998 pursuant to the Site Location of Development Exemption for Expansion at Existing Manufacturing Facility (38 M.R.S.A. Sec. 488(7)). Projects include 20 separate activities listed and described in the application table "Eastern Paper, Lincoln Pulp and Paper Company, Inc., SLOD Exempt Construction Application for Construction During the Years 1992-1998." The completed projects range in size from 49 to 14,000 square feet, and total approximately 44,339 square feet. A portion of a site plan submitted with the application shows the locations of all new structures.
3. Lincoln Pulp & Paper has provided containment for all outside storage of hazardous chemicals. Any floor drains that are contained within new buildings drain to the company's existing wastewater treatment plant. Chips spilled at a new chip unloading area are cleaned daily and disposed of at the multi-fuel boiler. A Spill Containment and Countermeasures Plan (SPCC) is on file with the Department. An updated SPCC plan will be filed with the Department by June 1, 2000. Bureau of Land and Water Quality concerns about groundwater quality have been addressed.



4. The project application was reviewed by the Bureau of Remediation and Waste Management (BRWM). This bureau raised concerns about the 1993 construction of a lime mud stall (464 square feet next to the recaust building). Photographs submitted with the application show lime mud on the ground outside the stall. Provided that any lime mud spilled on the ground is cleaned daily, the applicant has made adequate provisions for solid waste handling and disposal pursuant to the standards of the Site Location of Development Act.
5. A majority of new structures included under this application were constructed on previously paved or gravel surfaces within the mill complex. According to the applicant, no changes were made in drainage structures or pathways other than specific diversions of flow to the wastewater treatment plant as described in the application. Therefore, no modifications to the approved stormwater management plan are required.
6. The most significant new sources of noise at the mill are the chip dumper and an emergency generator. The applicant provided noise readings of the chip dumper and the emergency generator. These readings indicate that the sound levels are in compliance with Department noise regulations. The emergency generator has been Licensed by the Bureau of Air Quality Control under license #A-177-A/R via amendment 10, A-177-71-L-A.
7. Based on its review of the application and provided that the applicant complies with conditions of this order, the Department finds the requested modification to be in accordance with all relevant Site Location of Development standards. All other findings of fact, conclusions and conditions remain as approved in Department Order #L-15941-26-A-N, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C.

E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur provided a revised and updated SPCC Plan that includes new facilities included in this order is completed and filed with the Department prior to June 1, 2000.

F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services provided that the applicant cleans any spilled lime mud from the ground daily.

G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of LINCOLN PULP & PAPER COMPANY, INC. to update its permit to include construction activities undertaken between the years of 1992 and 1998, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Prior to June 1, 2000, the applicant shall file with the Department an updated SPCC Plan that includes all structures approved pursuant to this order.
4. Any lime mud spilled onto the ground from storage activities at the lime mud stall shall be cleaned, and stored or disposed of properly by the applicant on a daily basis.

5. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-15941-26-A-N, and subsequent orders, and are incorporated herein.

DONE AND DATED AT AUGUSTA, MAINE, THIS 15 DAY OF December, 1999.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:

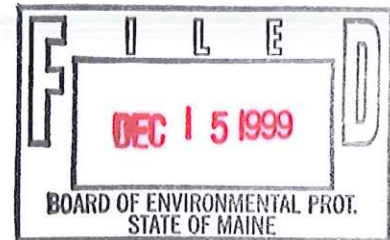
for 
MARTHA G. KIRKPATRICK, COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES..

Date of initial receipt of application 2/26/99

Date of application acceptance 3/18/99

Date filed with Board of Environmental Protection
SB/L15941LM



STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.

1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents is subject to the review and approval of the Board prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited, without prior approval by the Board of Environmental Protection, and the applicant shall include deed restrictions to this effect.
2. The applicant 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. The applicant shall submit all reports and information requested by the Board or Department demonstrating that the applicant has complied or will comply with all conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
5. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
6. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.
7. If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.
8. A copy of this approval must be included in or attached to all contract bid specifications for the development.
9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.



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

ANGUS S. KING, JR.
 GOVERNOR

DEPARTMENT ORDER

IN THE MATTER OF

LINCOLN PULP & PAPER COMPANY, INC.	) SITE LOCATION OF DEVELOPMENT
Lincoln, Penobscot County)
PAPER MILL, TEMPORARY CHIP STORAGE	) MODIFICATION
L-15941-26-M-M (approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq., the Department of Environmental Protection has considered the application of LINCOLN PULP & PAPER COMPANY, INC. with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. In Department Order #L-15941-26-A-N, dated May 25, 1989, the Department approved the post-1970 improvements and a multi-fuel boiler island at the Lincoln Pulp & Paper mill facility. This paper mill is located on Katahdin Avenue in the Town of Lincoln.

In Department Order #L-15941-26-B-A, dated October 19, 1990, the Department approved the construction of the fuel handling facility for the multi-fuel boiler. Potential groundwater impacts from fuel storage, including the storage of biomass fuel, was a concern during the review of this application. The fuel storage pad for wood chip storage was approved with a paved surface to protect groundwater quality.

The Department has approved many subsequent amendments and modifications to the original Department orders.

2. The applicant is now requesting approval to expand their existing fuel storage pad for storage of purchased wood chips on a temporary basis. The project includes the construction of a 5,000 square foot gravel pad adjacent to the existing paved fuel storage pad at the mill. LP&P has proposed that this expanded pad will only be used from now until May 15, 2001. On or before May 15, the gravel pad will be cleaned of all wood chips, which will be burned in the boiler. No additional waste will be generated. LP&P will not use the gravel pad beyond May 15, 2001 without further approval from the Department. Photos designating the existing and proposed fuel storage pad were provided in the application. No site plan showing the location or dimensions of the gravel pad was submitted to the Department.
3. Given the limited and short-term use of this gravel pad, and the time of year proposed for its use, the Department finds that the project will not have an unreasonable adverse impact to groundwater quality. However, an updated site plan showing the location and dimensions of the storage pad must be submitted to confirm the proposal described in the application.



4. Based on review of the application and provided that the applicant complies with conditions of this order, the Department finds the requested modification to be in accordance with all relevant Site Location of Development standards. All other findings of fact, conclusions and conditions remain as approved in Department Order #L-15941-26-A-N, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types, which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur provided the applicant submits an updated site plan adequately showing the temporary fuel storage pad location and dimensions, no storage on the expanded gravel storage pad occurs after May 15, 2001 without further Department approval, and the gravel storage pad is completely cleaned of wood chips on or before May 15, 2001.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities; solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of LINCOLN PULP & PAPER COMPANY, INC. to construct a temporary fuel storage pad and operate that pad until May 15, 2001, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Within 30 days of the date of this order, the applicant shall provide a site plan of the paper mill facility that adequately shows the location and dimensions of the 5,000 square foot temporary fuel storage pad.
4. Storage of wood chips on the temporary storage pad shall cease on May 15, 2001 and the gravel fuel storage pad shall be completely cleaned of all wood chips on or before May 15, 2001. No storage of fuel shall occur on the temporary storage pad after May 15, 2001 without further approval of the Department.
5. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-15941-26-A-N, and subsequent orders, and are incorporated herein.

DONE AND DATED AT AUGUSTA, MAINE, THIS 17 DAY OF November, 2000.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: *[Signature]*
MARTHA G. KIRKPATRICK, COMMISSIONER

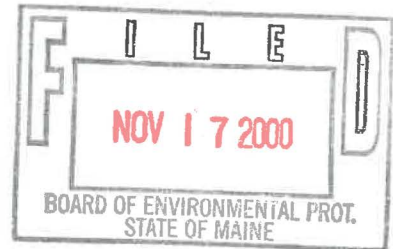
PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

Date of initial receipt of application 11/15/00

Date of application acceptance 11/16/00

Date filed with Board of Environmental Protection

SB/L15941MM



STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.

1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents is subject to the review and approval of the Board prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited, without prior approval by the Board of Environmental Protection, and the applicant shall include deed restrictions to this effect.
2. The applicant 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. The applicant shall submit all reports and information requested by the Board or Department demonstrating that the applicant has complied or will comply with all conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted **WITH CONDITIONS**, and indicates where copies of those conditions may be obtained.
5. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
6. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.
7. If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.
8. A copy of this approval must be included in or attached to all contract bid specifications for the development.
9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.

(2/81)/Revised November 1, 1979



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

ANGUS S. KING, JR.
 GOVERNOR

DEPARTMENT ORDER

IN THE MATTER OF

LINCOLN PULP & PAPER COMPANY, INC.	) SITE LOCATION OF DEVELOPMENT
Lincoln, Penobscot County)
PAPER MILL, TEMPORARY CHIP STORAGE	) MODIFICATION
L-15941-26-N-M (approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq., the Department of Environmental Protection has considered the application of LINCOLN PULP & PAPER COMPANY, INC. with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. In Department Order #L-15941-26-A-N, dated May 25, 1989, the Department approved the post-1970 improvements and a multi-fuel boiler island at the Lincoln Pulp & Paper mill facility. This paper mill is located on Katahdin Avenue in the Town of Lincoln.

In Department Order #L-15941-26-B-A, dated October 19, 1990, the Department approved the construction of the fuel handling facility for the multi-fuel boiler. Potential groundwater impacts from fuel storage, including the storage of biomass fuel, was a concern during the review of this application. The fuel storage pad for wood chip storage was approved with a paved surface to protect groundwater quality.

In Department Order #L-15941-26-M-M, dated November 17, 2000, the Department approved the construction of a temporary, gravel-lined fuel storage pad and the operation of that pad until May 15, 2001. The Department stipulated that the temporary fuel storage pad would be cleaned of all wood chips on or before May 15, 2001.

The Department has approved many subsequent amendments and modifications to the original Department orders.

2. The applicant is now requesting approval to extend the use of the temporary fuel storage pad until October 15, 2001. On or before October 15, the gravel pad will be cleaned of all wood chips, which will be burned in the boiler. LP&P will not use the gravel storage pad beyond October 15, 2001 unless it is paved in accordance with the requirements of Department Order L-15941-26-B-A. No additional waste will be generated. The fuel stored on the pad will consist of purchased wood chips/fuel. The fuel inventory will be continually rotated so that no fuel will remain on the pad for more than a week. LP&P argues that Chapter 402 of Department Solid Waste Regulations exempts the storage of a 12-month or less supply of wood waste and/or wood from construction or demolition debris when the waste will be used as fuel. Therefore, LP&P



contends that a less than 12-month storage of wood fuel will not pose a significant risk to groundwater quality.

3. The Department finds that extending the use of the temporary fuel storage area to October 15, 2001 will not pose a significant risk to groundwater quality. However, the Department does not grant a further extension to the use of a gravel pad for fuel storage onsite. LP&P must make adequate provisions prior to October 15, 2001 to pave the temporary fuel storage area if LP&P expects that use of the temporary fuel storage area could be needed through the winter of 2001-2002.
4. Based on review of the application and provided that the applicant complies with conditions of this order, the Department finds the requested modification to be in accordance with all relevant Site Location of Development standards. All other findings of fact, conclusions and conditions remain as approved in Department Order #L-15941-26-A-N, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types, which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur provided that no storage on the expanded gravel storage pad occurs after October 15, 2001 and the pad is completely cleaned of wood chips on or before that date unless the storage pad has been paved in accordance with Department Order L-15941-26-B-A.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.

G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of LINCOLN PULP & PAPER COMPANY, INC. to extend use of the temporary fuel storage pad until October 15, 2001, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Storage of wood chips on the temporary fuel storage pad shall cease on October 15, 2001 and the storage pad shall be completely cleaned of all wood chips on or before that date. No storage of fuel shall occur on the temporary storage pad after October 15, 2001 unless the storage pad has been paved in accordance with Department Order L-15941-26-B-A.
4. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-15941-26-A-N, and subsequent orders, and are incorporated herein.

DONE AND DATED AT AUGUSTA, MAINE, THIS 17 DAY OF May, 2001.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: 

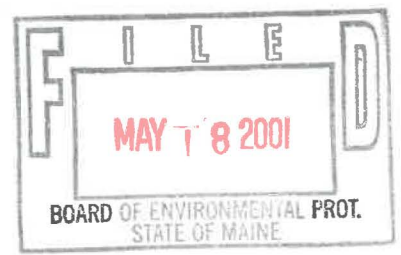
 MARTHA G. KIRKPATRICK COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

Date of initial receipt of application 05/04/2001
 Date of application acceptance 05/14/2001

Date filed with Board of Environmental Protection

SB/L15941NM



SITE LOCATION OF DEVELOPMENT (SITE)
STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.

- 1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents is subject to the review and approval of the Board prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited, without prior approval by the Board of Environmental Protection, and the applicant shall include deed restrictions to this effect.**
- 2. The applicant 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. The applicant shall submit all reports and information requested by the Board or Department demonstrating that the applicant has complied or will comply with all conditions of this approval. All preconstruction terms and conditions must be met before construction begins.**
- 4. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.**
- 5. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.**
- 6. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.**
- 7. If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.**
- 8. A copy of this approval must be included in or attached to all contract bid specifications for the development.**
- 9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.**

(2/81)/Revised November 1, 1979



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

DEPARTMENT ORDER

IN THE MATTER OF

LINCOLN PULP & PAPER COMPANY, INC.) SITE LOCATION OF DEVELOPMENT
Lincoln, Penobscot County)
PAPER MILL ACCESS ROAD) MODIFICATION
L-15941-26-P-M (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 *et seq.*, the Department of Environmental Protection has considered the application of LINCOLN PULP & PAPER COMPANY, INC. with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History: In Department Order #L-15941-26-A-N, dated May 25, 1989, the Department approved the post-1970 improvements and a multi-fuel boiler island at the Lincoln Pulp & Paper mill facility. The mill is located on Katahdin Avenue in the Town of Lincoln. The Department has approved many subsequent amendments and modifications to the original Department order.

B. Summary: The applicant now proposes to construct a roadway around the footprint of the onsite Waste Area #7 to allow vehicular traffic to route around the congestion of the mill production areas. The road will extend from the northwesterly end of the lime kiln area around the perimeter that remains of Waste Area #7, following consolidation and reclamation of that area, and connect with an existing road that is adjacent to Mattanawcook Stream. The 900-foot long road will have a 16-foot wide travel surface, and will be constructed of gravel and bottom ash. Culverts will be installed to maintain existing drainage pathways and pass surface water runoff from the waste area. The project will also include re-routing a power line that is currently located over Waste Areas #7 and #9 along the new access road. The road will be constructed as shown on a plan sheet entitled "Figure 4-1, Wetland Location Map, Existing Solid Waste Areas, Closure Project, Lincoln Pulp & Paper Company, Inc. as modified by Neil A. Brackley on September 30, 2003.

Road construction will alter freshwater wetland where the new road connects to the existing road, but the wetland impact will not exceed 4300 square feet of area. Based on this and the proposed location of the new road in relation to Mattanawcook Stream, the project does not require a permit pursuant to the Natural Resources Protection Act.

2. SOLID WASTE

According to the Bureau of Remediation and Waste Management, Lincoln Pulp & Paper does have approval to reclaim Waste Area #7 and to use its bottom ash to construct roads onsite. The Bureau did not raise solid waste concerns regarding the construction of the roadway around the sides of the waste area.

3. FINDING:

Based on its review of the application, the Department finds the requested modification to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Department Order #L-15941-26-A-N, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of LINCOLN PULP & PAPER COMPANY, INC. to construct an access road around Waste Area #7, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-15941-26-A-N, and subsequent orders, and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED AT AUGUSTA, MAINE, THIS 17TH DAY OF November, 2003.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

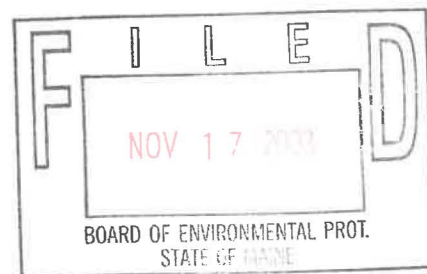
By: 

 DAWN R. GALLAGHER, COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

Date of initial receipt of application 10/20/2003
 Date of application acceptance 10/21/2003

Date filed with Board of Environmental Protection
SB/L15941PM



SITE LOCATION OF DEVELOPMENT (SITE)
STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.

- 1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents is subject to the review and approval of the Board prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited, without prior approval by the Board of Environmental Protection, and the applicant shall include deed restrictions to this effect.**
- 2. The applicant 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. The applicant shall submit all reports and information requested by the Board or Department demonstrating that the applicant has complied or will comply with all conditions of this approval. All preconstruction terms and conditions must be met before construction begins.**
- 4. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.**
- 5. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.**
- 6. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.**
- 7. If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.**
- 8. A copy of this approval must be included in or attached to all contract bid specifications for the development.**
- 9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.**

(2/81)/Revised November 1, 1979

DEPLW 148



DEPARTMENT ORDER
IN THE MATTER OF:

LINCOLN PAPER AND TISSUE, LLC,)
purchase of the pulp and paper mill)
and associated facilities in Lincoln,)
Maine, from Lincoln Pulp and Paper Co, Inc.)
[see Appendix A for licenses affected])

LICENSE
TRANSFERS
(Wastewater; Site Location
Solid Waste; Air)

L-15941-26 OT

Pursuant to the State of Maine's Taxation and Environmental Laws, 36 M.R.S.A. §§ 656 and 1730, and 38 M.R.S.A. §§ 413 et seq., 480 et seq., 581 et seq., and 1301 et seq.; rules promulgated pursuant to these laws; and the Department of Environmental Protection's (Maine DEP) *Rules Concerning the Processing of Applications* (April 1, 2003), 06-096 CMR 2.21, the application for license transfer of Lincoln Paper and Tissue, LLC (LPT) has been considered with its supportive data, agency review comments, and other related materials on file.

1. **FACTUAL FINDINGS.** The following paragraphs describe certain information on record regarding LPT's license transfer application.

A. Procedural History. An application was submitted to Maine DEP on April 16, 2004, seeking the transfer to LPT of all active licenses, permits, approvals, permits-by-rule, registrations, variances, certifications and amendments thereto, and condition compliance orders issued in the name of, or transferred to, Lincoln Pulp and Paper Co., Inc. (LPP), and applications pending, regarding the Lincoln facility described in Section 1(C) of this Order. A listing of permits and applications that are the subject of this Maine DEP Order is set forth in Appendix A.

B. LPT's Asset Purchase. LPP was in reorganization bankruptcy under Chapter 11 of the Bankruptcy Code between September 2000 and February 2004, at which time the case was involuntarily converted to a Chapter 7 liquidation case. On April 30, 2004, the United States Bankruptcy Court for the District of Maine approved a sale of certain LPP assets to First Paper Holding (FPH), parent company to, and sole stockholder in, LPT, or its designee. Excluded from the assets purchased is a parcel of land approximately 112 acres in size known to have LPP licensing orders associated with it; to the extent a license regulating activities at this parcel or any other location not associated with the purchased assets is mistakenly transferred, this Order is null and void regarding such a license, with it remaining the property of LPP. Issuance of this Order is a precondition to closure of that sale, which is expected to occur on or about May 24, 2004.

C. Operations. The Lincoln facility is an integrated pulp and paper mill located adjacent to the Penobscot River. The pulp mill produces approximately 450 tons per day of Kraft pulp using hardwood chips and waste sawdust as raw materials. Most recent operations found the mill producing approximately 320 tons of paper per day from pulp produced on-site.

Licensed air pollutant emissions originating at the Mills primarily result from two (2) oil-fired boilers, one (1) multi-fuel boiler burning biomass and solid waste fuels, including

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION ORDER

IN THE MATTER OF:

LPT's acquisition of the former LPP pulp)
and paper making facilities in Lincoln, Maine)

License Transfers

wood, bark, paper cores and other paper related waste products, primary and secondary clarifier sludge from the Mill, solid oily waste, liquor sludge, tall oil, tire chips, and coal, and one (1) recovery boiler operated for the recovery of chemicals. These boilers are used to generate steam and electricity for the mills.

Licensed wastewater discharges originating at the Mills result primarily from pulp and papermaking processes. The facilities use an on-site activated sludge wastewater treatment plant, with primary clarifiers, aeration basins, and secondary clarifiers, to minimize direct pollutant discharges to the river.

Solid wastes generated by the Mills are beneficially reused and recycled, or disposed of at licensed facilities.

D. Transfer Requirements. The following four (4) paragraphs describe in detail the facts specifically considered in making a transfer decision.

(1) Title, Right, or Interest. With its application, LPT submitted a copy of an Asset Purchase Agreement (April 19, 2004) between FPH and LPP Trustee Gary M. Growe. This agreement was approved, with amendments, by the Bankruptcy Court on April 30, 2004. Upon closing, all the assets subject to that agreement and Court approval will be transferred to LPT.

(2) Financial Capacity and Intent. LPT submitted its Bankruptcy Court approved financing arrangement in support of its financial capacity and intent to operate the facilities. This information shows that LPT will have \$20 million in cash and lines of credit available to start-up and maintain the mill until product sales begin. Receivables estimated at \$8 million per month are projected to begin June 1, 2004, and continue at increasing rates for the foreseeable future.

(3) Technical Capacity and Intent. LPT's purchase of the Lincoln facility is not expected to result in significant changes to the environmental management team formerly operating pollution control facilities and programs. LPP's regulatory history with Maine DEP demonstrates that those environmental personnel are competent in air pollution control, wastewater control, solid waste handling and disposal, and hazardous waste management.

2. CONCLUSIONS. The Findings of Fact in Section 1 of this Order lead Maine DEP to establish the following conclusions.

A. Title, Right or Interest. The purchase described in Paragraph 1(B) of this Order, including any subsequent alterations of the APA by the Bankruptcy Court, provides LPT with sufficient title, right, or interest in the subject property to allow the transfer of LPP's licenses, permits, approvals, permits-by-rule, registrations, variances, certifications and amendments thereto, condition compliance orders, and applications pending. Satisfaction of the title, right, or interest requirements post-closing is contingent upon satisfaction of Condition 2 in this Order.

B. Financial Capacity and Intent. Projected revenue and the significant assets of its parent company and operating contractor allow Maine DEP to conclude that the newly

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION ORDER

IN THE MATTER OF:

LPT's acquisition of the former LPP pulp)
and paper making facilities in Lincoln, Maine)

License Transfers

formed LPT 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, and applications pending as well as any statutory and regulatory criteria applicable to the Lincoln facility operations.

C. Technical Capacity and Intent. Information submitted in the application provides sufficient evidence that LPT will have 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, and applications pending as well as any statutory and regulatory criteria applicable to the Lincoln Mill operations.

THEREFORE the Maine DEP APPROVES the above-noted application of LPT subject to the following CONDITIONS and all applicable standards and regulations:

1. It shall abide by the terms and conditions of all licenses associated with the facilities described in the Findings of Fact above, specifically including those listed in Appendix A.
2. The force, effect, and validity of this Order is contingent upon closing of the purchase described in Paragraph 1(D) of this Order. Within 30 days of the effective date of this Order, LPT shall submit to Maine DEP written certification confirming that the closing occurred consistent with the purchase described in Paragraph 1(D) of this Order, including any subsequent alterations of the APA by the Bankruptcy Court.

DONE AND DATED AT AUGUSTA, MAINE THIS 20TH DAY OF MAY 2004.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

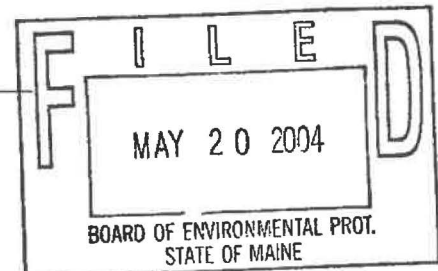
By *Dawn R. Gallagher*
Dawn R. Gallagher, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application 4/16/04

Date application accepted for processing 4/16/04

Date filed with the Board of Environmental Protection _____



MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION ORDER

IN THE MATTER OF:

LPT's acquisition of the former LPP pulp
and paper making facilities in Lincoln, Maine)

License Transfers

APPENDIX A:

**LICENSES AND APPLICATIONS TRANSFERRED TO
LINCOLN PAPER AND TISSUE, LLC**

AIR EMISSION ORDERS

NUMBER	DESCRIPTION	EFFECTIVE
A-177-70-A-I	NEW: Initial Part 70 license	10/22/02
A-177-70-C-A	AMENDMENT: Allows temporary firing of 2.0% sulfur fuel oil	1/16/04
A-177-70-D-A	AMENDMENT: Allows firing scenario so #2 recovery boiler can be off for cleaning	3/5/04
A-177-70-B-C	CC: Variance from brownstock control & extension of pulp washing control deadlines	(pending)

LAND DEVELOPMENT ORDERS

NUMBER	DESCRIPTION	EFFECTIVE
L-15941-26-A-N	NEW: Industrial expansion	4/25/1989
L-15941-26-B-A	AMENDMENT: Fuel handling facilities	10/19/1990
L-15941-26-C-C	CC: Modification	5/29/1991
L-15941-26-D-M	MINOR REVISION: Dike reconstruction	4/30/1992
L-15941-26-E-M	MINOR REVISION:	7/31/1992
L-15941-26-F-C	CC: #'s 12, 13, 15, & 16	9/29/1992
L-15941-26-G-M	MINOR REVISION: boiler ash disposal location	12/4/1992
L-15941-26-H-C	CC: #3 fuel handling	9/17/1993
L-15941-26-I-M	MINOR REVISION: roadway	7/19/1995
L-15941-26-J-M	MINOR REVISION: No.8 multifuel boiler reclamation plan	11/12/1997
L-15941-26-K-M	MINOR REVISION: Expansion of parking lot	8/31/1998
L-15941-26-L-M	MINOR REVISION: License misc exempt activity during 1991-1998	12/15/1999
L-15941-26-M-M	MINOR REVISION: Expand existing biomass fuel pad	11/17/2000
L-15941-26-N-M	MINOR REVISION: Wood fuel storage	5/17/2001
L-15941-26-P-M	MINOR REVISION: Waste area 7 road extension	11/17/2003

SOLID WASTE MANAGEMENT ORDERS

NUMBER	DESCRIPTION	EFFECTIVE
S-20707-SD-A-N	NEW: Woodash landspread program approval	12/5/1991
S-20707-SD-B-M	MINOR REVISION: Biomass ash replacing woodash	12/28/1992
S-20707-SD-C-M	MINOR REVISION: Additional biomass fuel	7/9/1993
S-20707-SD-D-C	CC: #3 to #20707-SD-B-M sampling/analytical plan	2/25/1994
S-20707-SD-F-M	MINOR REVISION: Analytic change	6/13/1994
S-20707-SD-H-R	RENEWAL: Bio/Woodash utilization	11/19/2002
S-20707-WL-I-N	NEW: Multi-fuel boiler ash beneficial use	10/16/2000
S-20707-SZ-N-N	NEW: Pilot for topsoil from papermill sludge	11/19/1999
S-20707-SZ-O-C	CC: Topsoil pilot analysis results & site map	4/14/2000
S-20707-WL-P-M	MINOR REVISION: Adds black liquor sludge under S-020707-WL-I-N	(pending)

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION ORDER

IN THE MATTER OF:

**LPT's acquisition of the former LPP pulp
and paper making facilities in Lincoln, Maine)**

License Transfers

NUMBER	DESCRIPTION	EFFECTIVE
S-20707-WL-Q-M	MINOR REVISION: Bottom ash beneficial use	11/7/2001
S-20707-SD-R-A	AMENDMENT: Transition to chapter 419	11/19/2002
S-20708-SU-A-N	NEW: Permanent biomass ash storage facility	9/26/1991
S-20708-WM-B-M	MINOR REVISION: Lime mud storage at Woodex facility	7/22/1998
S-20709-SJ-A-P	PBR: Woodash landspreading in Burlington	12/9/1991
S-20805-SJ-A-P	PBR: Woodash landspreading in Burlington	6/3/1992
S-21068-WV-A-N	NEW: Approves fuel substitution affecting multi-use boiler ash	7/15/1993
S-21068-WV-C-M	MINOR REVISION: Adds fuels	11/6/2001
S-21958-SG-A-N	NEW: Lime mud utilization	6/9/1998
S-21958-SG-B-M	MINOR REVISION: Adds lime grit	11/19/1999
S-21958-SG-C-M	MINOR REVISION: Transition to c. 419	8/2/2000
S-21958-SG-D-M	MINOR REVISION: Changes manager to Environmental Exchange Inc	4/6/2001
S-22040-SB-A-N	NEW: Topsoil from papermill sludge	6/1/2001
S-22040-SB-B-M	MINOR REVISION: Adds dredged sediments	10/26/2001

SOLID WASTE STORAGE FACILITY ORDERS

NUMBER	DESCRIPTION	EFFECTIVE
AWSF-002	NEW: Asbestos waste storage facility	9/26/96

WASTEWATER DISCHARGE ORDERS

NUMBER	DESCRIPTION	EFFECTIVE
W-7979-68-A-N	NEW: Section 401 water quality certification	1/22/1997
W-381-44-B-R	RENEWAL: 16 MGD Industrial Process Discharge	1/23/1997
W-381-44-C-M	MINOR REVISION: Specifies 13.5 MGD process 2.3 MGD cooling	4/18/1997
W-381-5N-D-M	MINOR REVISION: mill modification	11/6/1998
W-381-5N-E-M	MINOR REVISION: wastewater modification	8/23/2002
W-381-5N-F-R	RENEWAL: Includes change to 19.3 MGD	(pending)

TAX EXEMPTION CERTIFICATION ORDERS

NUMBER	DESCRIPTION	EFFECTIVE
W-7825-64-A-N	Wastewater treatment sludge screw press	3/22/1994
A-177-75-D-N	Recovery Boiler air port	12/10/93



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

DEPARTMENT ORDER

IN THE MATTER OF

LINCOLN PAPER AND TISSUE, LLC	) SITE LOCATION OF DEVELOPMENT ACT
Lincoln, Penobscot County)
TRUCK TURNAROUND	) MINOR REVISION/MODIFICATION
L-15941-26-R-M (approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq., the Department of Environmental Protection has considered the application of LINCOLN PAPER AND TISSUE, LLC with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History: In Department Order #L-15941-26-A-N, dated May 25, 1989, the Department approved the post-1970 improvements and a multi-fuel boiler island at the Lincoln Pulp & Paper mill facility. The mill is located on Katahdin Avenue in the Town of Lincoln. The Department has approved many subsequent amendments and modifications to the original Department Order.

B. Summary: The applicant proposes to construct an approximately 6,000 square foot truck turnaround area. The proposed turnaround would be constructed in an area that currently contains a railroad track and a concrete retaining wall.

2. FINDING:

The proposed project is a minor change and will not significantly affect any issues identified during previous Department reviews of the project site.

Based on its review of the application, the Department finds the requested modification to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Department Order #L-15941-26-A-N, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of LINCOLN PAPER AND TISSUE, LLC to CONSTRUCT A TRUCK TURNAROUND, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. 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.

4. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-15941-26-R-M, and subsequent orders, and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED AT AUGUSTA, MAINE, THIS 21st DAY OF November, 2005.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:

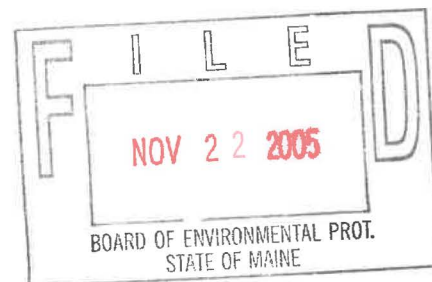

DAWN R. GALLAGHER, COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

Date of initial receipt of application: October 18, 2005

Date of application acceptance: November 3, 2005

Date filed with Board of Environmental Protection
ME/L15941rm/56406



SITE LOCATION OF DEVELOPMENT (SITE)
STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.

- 1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents is subject to the review and approval of the Board prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited, without prior approval by the Board of Environmental Protection, and the applicant shall include deed restrictions to this effect.**
- 2. The applicant 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. The applicant shall submit all reports and information requested by the Board or Department demonstrating that the applicant has complied or will comply with all conditions of this approval. All preconstruction terms and conditions must be met before construction begins.**
- 4. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.**
- 5. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.**
- 6. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.**
- 7. If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.**
- 8. A copy of this approval must be included in or attached to all contract bid specifications for the development.**
- 9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.**

(2/81)/Revised November 1, 1979

DEPLW 148



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

DEPARTMENT ORDER

IN THE MATTER OF

LINCOLN PAPER AND TISSUE	)	SITE LOCATION OF DEVELOPMENT ACT
Lincoln, Penobscot County)	
MILL SITE MODIFICATIONS)	
L-15941-26-S-M (approval)	)	MINOR REVISION
L-15941-26-T-M (approval)	)	FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq., the Department of Environmental Protection has considered the application of LINCOLN PAPER AND TISSUE with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History: In Department Order #L-15941-26-A-N, dated April 28, 1989, the Department approved the site developments of the Lincoln Pulp and Paper Mill complex since 1970. Subsequent to the original Order, the Department approved multiple modifications and amendments. The development is located on Katahdin Avenue in the Town of Lincoln.

B. Summary: The applicant proposes to license the turbine generator and new tissue making machine (40,363 square feet over a 2 year period, L-15941-26-S-M) which has been completed and was allowed under the exemption for existing manufacturing facilities (38 M.R.S.A. §488(7)). The applicant is also proposing an expansion of the existing biomass storage pad (21,000 square feet, L-15941-26-T-M). The combination of the projects will push the mill complex over 60,000 square feet of new construction (not new impervious area).

The area of the turbine and tissue making facility is over existing impervious area; the changes will not alter the currently existing stormwater treatment plan for the Mill. The fuel storage expansion area runoff is treated as process water and is licensed under an existing Department License, #W-000381 (outfall 1). The fuel pad itself is constructed as allowed in the Department's Beneficial Use permit #S-20707-WL-I-N.

C. Current Use of Site: The site is currently utilized as a paper and tissue manufacturing facility.

2. FINDING:

The proposed project is a minor change and will not significantly affect any issues identified during previous Department reviews of the project site.

Based on its review of the application, the Department finds the requested minor revision to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Department Order #L15941-26-A-N, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of LINCOLN PAPER AND TISSUE to expand the fuel storage pad and tissue making facility, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:


- 1. The Standard Conditions of Approval, a copy attached.

- 2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that (its, his, her, their) activities or those of (its, his, her, their) agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
- 3. 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.
- 4. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-15941-26-A-N, and subsequent orders, and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED AT AUGUSTA, MAINE, THIS 2ND DAY OF October, 2006.

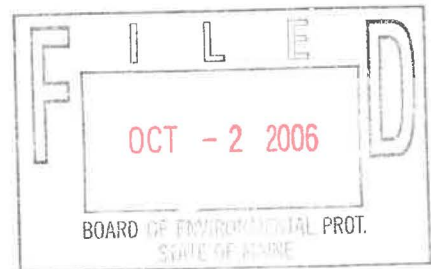
DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: 
 DAVID P. LITTELL, COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

Date of initial receipt of application September 5, 2006
 Date of application acceptance September 6, 2006

Date filed with Board of Environmental Protection
 RC/60486,60487/L15941SM_TM



SITE LOCATION OF DEVELOPMENT (SITE)
STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.

1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents is subject to the review and approval of the Board prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited, without prior approval by the Board of Environmental Protection, and the applicant shall include deed restrictions to this effect.
2. The applicant 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. The applicant shall submit all reports and information requested by the Board or Department demonstrating that the applicant has complied or will comply with all conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted **WITH CONDITIONS**, and indicates where copies of those conditions may be obtained.
5. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
6. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.
7. If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.
8. A copy of this approval must be included in or attached to all contract bid specifications for the development.
9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.

(2/81)/Revised November 1, 1979

DEPLW 0429



STATE OF MAINE
Department of Environmental Protection

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

November 2012

Lincoln Paper and Tissue, LLC
P.O. Box 490
Lincoln, ME 04457
ATTN: Dennis McComb

RE: Site Location of Development Minor Revision Application, Lincoln, #L-15941-26-U-M
Dear Mr. McComb:

Please find enclosed a signed copy of your Department of Environmental Protection land use permit. You will note that the permit includes a description of your project, findings of fact that relate to the approval criteria the Department used in evaluating your project, and conditions that are based on those findings and the particulars of your project. Please take several moments to read your permit carefully, paying particular attention to the conditions of the approval. The Department reviews every application thoroughly and strives to formulate reasonable conditions of approval within the context of the Department's environmental laws. You will also find attached some materials that describe the Department's appeal procedures for your information.

If you have any questions about the permit, please get in touch with me directly. I can be reached at (207) 446-7120 or at maria.lentine-eggett@maine.gov.

Sincerely,

A handwritten signature in cursive script that reads "Maria Eggett".

Maria Eggett, Project Manager
Division of Land Resource Regulation
Bureau of Land & Water Quality

pc: File

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 764-3143

WEB SITE: WWW.MAINE.GOV/DEP



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

DEPARTMENT ORDER
IN THE MATTER OF

LINCOLN PAPER AND TISSUE, LLC) SITE LOCATION OF DEVELOPMENT ACT
Lincoln, Penobscot County)
TRUCK TURNAROUND) MINOR REVISION
L-15941-26-U-M (Approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 *et seq.*, the Department of Environmental Protection has considered the application of LINCOLN PAPER AND TISSUE, LLC with the supporting data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History: In Department Order #L-15941-26-A-N, dated April 28, 1989, the Department approved all the site development at the Lincoln Pulp and Paper Mill complex since 1970. Subsequent to the original Order, the Department approved multiple modifications and amendments. The development is located on Katahdin Avenue in the Town of Lincoln.

B. Summary: The applicant seeks Department approval for the construction of a truck turnaround and a liquefied natural gas facility with a total new impervious area of 17,822 square feet. All stormwater from the new construction will be treated at an on-site wastewater treatment facility.

2. FINDING:

The project has been reviewed by the Division of Watershed Management (DWM) of the Bureau of Land and Water Quality (BLWQ). After reviewing the project, DWM stated the proposed project is acceptable as proposed. The proposed project is a minor change and will not significantly affect any other issues identified during previous Department reviews of the project site.

Based on its review of the application, the Department finds the requested minor revision to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Department Order #L-15941-26-A-N, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities in the municipality or area served by those services.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of LINCOLN PAPER AND TISSUE, LLC for the construction of a truck turnaround and a liquefied natural gas facility, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. 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.

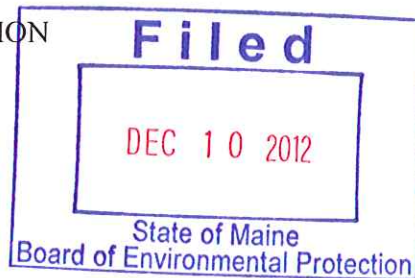
4. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-15941-26-A-N, and subsequent orders, and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 10th DAY OF December, 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhn for
Patricia W. Aho, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

ME/L15941UM/ATS#75018

**DEP SITE LOCATION OF DEVELOPMENT (SITE) STANDARD CONDITIONS
STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS
APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR
APPROVAL.**

- A. 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 to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited without prior approval of the Board, and the applicant shall include deed restrictions to that effect.
- B. Compliance with All Applicable Laws.** The applicant 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.
- C. Compliance with All Terms and Conditions of Approval.** The applicant shall submit all reports and information requested by the Board or the Department demonstrating that the applicant has complied or will comply with all preconstruction terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- D. Advertising.** Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- E. Transfer of Development.** Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
- F. Time frame for approvals.** If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- G. Approval Included in Contract Bids.** A copy of this approval must be included in or attached to all contract bid specifications for the development.
- H. Approval Shown to Contractors.** Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested

persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.



DEPARTMENT ORDER

IN THE MATTER OF

LINCOLN PULP AND TISSUE, LLC) SITE LOCATION OF DEVELOPMENT ACT
Lincoln, Penobscot County)
PARCEL SIZE REDUCTION) MINOR REVISION
L-15941-26-V-M (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. §§ 481–489-E, the Department of Environmental Protection has considered the application of LINCOLN PULP AND TISSUE, LLC with the supporting data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History: In Department Order #L-15941-26-A-N, dated April 25, 1989, the Department approved the development of all post-1970 construction and an expansion at the Lincoln Pulp and Paper Mill. Since the original Order, the Department has approved numerous amendments and modifications. The development is located on Park Street in the Town of Lincoln.

B. Summary: The applicant proposes to reduce the parcel size surrounding the mill to allow the Town of Lincoln to acquire “Carve-out parcel” and the Mattanawcook Dam parcel. The carve-out parcel is an undeveloped portion of the property and is approximately 75.6 acres in size. The Mattanawcook Dam parcel is located approximately 0.5 miles from the former paper mill and contains the dam that creates Mattanawcook Pond.

C. Current Use of Site: The site currently contains the former Lincoln Pulp and Tissue mill.

2. FINDING:

The proposed project is a minor change and will not significantly affect any issues identified during previous Department reviews of the project site.

Based on its review of the application, the Department finds the requested minor revision to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Department Order #L-15941-26-A-N, and subsequent Orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 481–489-E:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in 38 M.R.S. § 420-D and the standard for erosion and sedimentation control in 38 M.R.S. § 420-C.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities in the municipality or area served by those services.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of LINCOLN PULP AND TISSUE, LLC to reduce the size of the parcel around the former paper mill as described in Finding 1, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. 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.

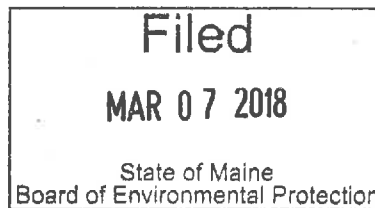
4. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-15941-26-A-N, and subsequent Orders, and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 7TH DAY OF MARCH, 2018.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
For: Paul Mercer, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

JB/L15941VM/ATS#82780

**DEP SITE LOCATION OF DEVELOPMENT (SITE) STANDARD CONDITIONS
STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL
IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.**

- A. 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 to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited without prior approval of the Board, and the applicant shall include deed restrictions to that effect.
- B. Compliance with All Applicable Laws.** The applicant 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.
- C. Compliance with All Terms and Conditions of Approval.** The applicant shall submit all reports and information requested by the Board or the Department demonstrating that the applicant has complied or will comply with all preconstruction terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- D. Advertising.** Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- E. Transfer of Development.** Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
- F. Time frame for approvals.** If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- G. Approval Included in Contract Bids.** A copy of this approval must be included in or attached to all contract bid specifications for the development.
- H. Approval Shown to Contractors.** Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AUGUSTA, MAINE 04330

BOARD ORDER

IN THE MATTER OF

LINCOLN PULP & PAPER CO., INC.	)	Site Location Order
Lincoln, Maine)	
SECONDARY WASTE TREATMENT PLANT	)	FINDINGS OF FACT AND ORDER
#26-2050-19380)	

L-2050-26-A-X

After reviewing of the project file and related materials submitted with regard to the above noted application, under provisions of Title 38, Section 483, the Board finds the following facts:

1. The applicant has financial capacity and technical ability to meet air and water pollution control standards.
2. The applicant has made adequate provision for solid waste disposal, the control of offensive odors, and the securing and maintenance of sufficient and healthful water supplies.
3. The applicant has made adequate provision for traffic movement of all types out of or into the development area.
4. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character or natural resources in the municipality or in neighboring municipalities.
5. The proposed development will not be built on soil types which are suitable to the nature of the undertaking in that soils in the project area are susceptible to soil erosion. Adequate plans for their control have not been received.

HOWEVER, The Board approves the application of Lincoln Pulp & Paper Co., Inc. to develop a Secondary Waste Treatment Plant in the Town of Lincoln. Subject to the following terms and conditions:

1. The Standard Conditions of Approval, a copy attached.
2. Additional soils information to include the following excavation quantities disposal area for spoils and stabilization of spoils. Dike design and erosion control, and additional soils data for evaluating of the necessity of a rubber sheet in the lagoons. This additional information will be submitted for review and be approved by the Commissioner before any construction begins.

DONE AND DATED AT AUGUSTA, MAINE, THIS 21st DAY OF MAY, 1975.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
 William R. Adams, Jr., Commissioner

PLEASE NOTE THAT ANY APPEAL TO THE BOARD REQUESTING ALTERATION OF THIS ORDER MUST BE FILED WITHIN 30 DAYS OF RECEIPT OF THIS ORDER.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AUGUSTA, MAINE 04330

BOARD ORDER

IN THE MATTER OF

LINCOLN PULP AND PAPER CO. INC.) Site Location
Lincoln, Maine)
SECONDARY WASTE TREATMENT PLANT AERATION BASINS) FINDINGS OF FACT AND ORDER
#26-2050-19380)

L-2050-26-B-X

After reviewing the project file and related materials submitted with regard to the above noted application, under provisions of Title 38, Section 483, the Board finds the following facts:

1. The project involves the relocation of the aeration basins of the secondary treatment plant about 1000 feet.
2. The applicant has financial capacity and technical ability to meet air and water pollution control standards.
3. The applicant has made adequate provision for solid waste disposal, the control of offensive odors, and the securing and maintenance of sufficient and healthful water supplies.
4. The applicant has made adequate provision for traffic movement of all types out of or into the development area.
5. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character or natural resources in the municipality or in neighboring municipalities.
6. The proposed development will be built on soil types which are suitable to the nature of the undertaking.

THEREFORE, the Board approves the application of Lincoln Pulp and Paper Co. Inc. to relocate the aeration basin for the secondary treatment facility in Lincoln, Maine subject to the following conditions:

1. The Standard Conditions of Approval, a copy attached.

DONE AND DATED AT AUGUSTA, MAINE, THIS 23rd DAY OF JUNE, 1976.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:

William R. Adams, Jr.
William R. Adams, Jr., Commissioner

PLEASE NOTE THAT ANY APPEAL TO THE BOARD REQUESTING ALTERATION OF THIS ORDER MUST BE FILED WITHIN 10 DAYS OF RECEIPT OF THIS ORDER.