

file original



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

April 22, 2010

Bruce Albert  
Katahdin Paper Company LLC  
50 Main St.  
East Millinocket, ME 04430

**Via Fax at (207) 723-2660**

RE: DEP Order #S-021092-SE-F-C; Woodash Utilization Program License Amendment Sampling and Analytical Workplan, Ash Characterization, and BMP Sheet Special Conditions #2, #4, #5 and #7 of DEP #S-021092-SE-E-A

Dear Mr. Albert:

The Bureau of Remediation and Waste Management has reviewed the information Katahdin Paper Company LLC (KPC) submitted in accordance with Special Conditions #2, #4, #5 and #7 of Department Order #S-021092-SE-E-A, dated January 7, 2005. KPC's license was issued pursuant to the *Maine Hazardous Waste, Septage and Solid Waste Management Act*, 38 M.R.S.A. §§1301 to 1319-Y; the *Solid Waste Management Rules: Agronomic Utilization of Residuals*, 06-096 CMR 419 (last amended December 19, 1999); and the *Solid Waste Management Rules: Water Quality Monitoring, Leachate Monitoring, and Waste Characterization*, 06-096 CMR 405(6)(B)(2) (last amended June 16, 2006). The Department Order approved KPC's proposal to amend the company's program license for agricultural utilization of its woodash.

Special Condition #2 reads as follows:

"The applicant shall submit the results of an additional analysis of one composite sample of its bioash, for baseline nutrients, CCE, total inorganic compounds and available phosphorus, in accordance with Chapter 405 sections 6.D (2)(a), (c) and (d) [06-096 CMR 405(6)(D)(2)(a, c and d)], for review by Department staff, prior to resuming distribution of its bioash for utilization or composting."

Special Condition #4 reads as follows:

"The applicant shall recharacterize Katahdin Paper bioash, if/when the fuel mixture is altered to include sludge from the East Millinocket and/or Millinocket papermills, in accordance with Chapter 405 section 6.D(2) [06-096 CMR 405(6)(D)(2)], and shall

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) 760-3143

receive written approval from the Department, prior to distributing the resulting ash for agronomic utilization or composting.”

Special Condition #5 reads as follows:

“The applicant shall submit the draft BMP [Best Management Practices] notice that will be provided to owners and/or operators of utilization sites, for review and approval by Department staff, prior to resuming distribution of Katahdin Paper ash for utilization without site-specific permitting. The notice will describe the Best Management Practices to be followed by site operators when utilizing ash, the setbacks to be observed when spreading and storing ash, and a bioash loading rate based on crop uptake rates of phosphorus. The BMP notice must stipulate that all spreading sites shall be located a minimum of 300 feet from public water supplies, a minimum of 100 feet from water supply wells, a minimum of 50 feet from surface water bodies, and a minimum of 25 feet from drainage diversions, property lines and public roadways. The BMP notice must also specify that bioash must not be applied to frozen, saturated or snow-covered ground, and it must further outline the additional requirements for field stacking the ash, to ensure that storage sites will meet the general siting and design standards in Chapter 419 sections 10.A and B [06-096 CMR 419(10)(A and B)], and the operational standards in Chapter 419 sections 12.A and B [06-096 CMR 419(12)(A and B)].”

Special Condition #7 reads as follows:

“The applicant shall submit a revised sampling and analytical work plan for its bioash, that includes testing of the ash on a quarterly basis for baseline nutrients, CCE, total inorganic compounds and available phosphorus, in accordance with Chapter 405 sections 6.D(2)(a), (c) and (d), for review and approval by the Department, prior to distributing the ash for agronomic utilization or composting.”

In response to Conditions #2 and #4, KPC submitted the results of bioash analysis for baseline nutrients and inorganic compounds on April 12, 2010, and the results of analysis for target semi-volatile compounds on April 14, 2010. KPC conducted the analyses using bioash generated from KPC's revised fuel mixture, which included recycled waste fiber (recycled sludge) from KPC's East Millinocket facility. The results of these analyses indicated that the regulated inorganics in the ash were within the applicable limits in 06-096 CMR 419 (Table 419.4 columns A through C), and that all tested SVOC's were non-detect in the bioash.

On March 30, 2010, in response to Condition #5, KPC submitted the revised BMP notice that will be provided to owners and/or operators of bioash utilization sites. The revised BMP notice referenced the additional setbacks and stipulations required by Condition #5 for ash utilization and field-stacking sites, and included sufficient information which the Department found was necessary to provide to farmers and/or other end-users of KPC's bioash.

Finally, in response to Condition #7, KPC submitted a revised sampling and analytical workplan (S&A Plan) to the Department on March 29, 2010; and following receipt of the Department's review comments, KPC submitted its final S&A Plan on April 21, 2010. As the result of its

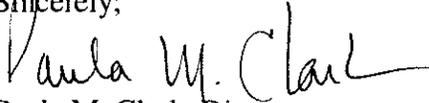
review, the Department has determined that the final S&A Plan includes adequate provisions for sampling and testing of the ash on a quarterly basis for baseline nutrients, CCE, total inorganic compounds and available phosphorus, in accordance with 06-096 CMR 405(6)(D)(2)(a, c and d).

The Department therefore concludes KPC has complied with Special Conditions #2, #4, #5 and #7 of Department Order #S-021092-SE-E-A.

The Department hereby notifies KPC that it may resume distribution of KPC bioash for utilization at agricultural sites, subject to the conditions of Program License #S-021092-SE-E-A, and all applicable standards and regulations.

If you have any questions regarding this matter, please contact the project analyst, Roger Johnstone, at (207) 561-5020.

Sincerely;



Paula M. Clark, Director  
Division of Solid Waste Management  
Bureau of Remediation and Waste Management

pc: Roger Johnstone; DEP, Bangor Office  
Town of East Millinocket

ORJ71819/dlb

Appendix A

STANDARD CONDITIONS TO ALL SOLID WASTE FACILITY LICENSES

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL. VIOLATIONS OF THE CONDITIONS UNDER WHICH A LICENSE IS ISSUED SHALL CONSTITUTE A VIOLATION OF THAT LICENSE, AGAINST WHICH ENFORCEMENT ACTION MAY BE TAKEN, INCLUDING REVOCATION.

1. 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 by the licensee. Any consequential variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
2. Compliance with All Applicable Laws. The licensee 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. Compliance with All Terms and Conditions of Approval. The licensee shall submit all reports and information requested by the Department demonstrating that the licensee has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. Transfer of License. The licensee may not transfer the solid-waste facility license or any portion thereof without approval of the Department.
5. Initiation of Construction or Development Within Two Years. If the construction or operation of the solid waste facility is not begun within two years of issuance or within 2 years after any administrative and judicial appeals have been resolved, the license lapses and the licensee must reapply to the Department for a new license unless otherwise approved by the Department.
6. Approval Included in Contract Bids. A copy of the approval must be included in or attached to all contract bid specifications for the solid waste facility.
7. Approval Shown to Contractors. Contractors must be shown the license by the licensee before commencing work on the solid waste facility.
8. Background of key individuals. A licensee may not knowingly hire as an officer, director or key solid waste facility employee, or knowingly acquire an equity interest or debt interest in, any person convicted of a felony or found to have violated a State or federal environmental law or rule without first obtaining the approval of the Department.
9. Fees. The licensee must comply with annual license and annual reporting fee requirements of the Department's rules.

ADDITIONAL STANDARD CONDITIONS FOR  
SOLID WASTE DISPOSAL FACILITIES

10. **Recycling and Source Reduction Determination for Solid Waste Disposal Facilities.** This condition does not apply to the expansion of a commercial solid waste disposal facility that accepts only special waste for landfilling.

The solid waste disposal facility shall only accept solid waste that is subject to recycling and source reduction programs, voluntary or otherwise, at least as effective as those imposed by 38 MRSA Chapter 13.

11. **Deed Requirements for Solid Waste Disposal Facilities.** Whenever any lot of land on which an active, inactive, or closed solid waste disposal facility is located is being transferred by deed, the following must be expressly stated in the deed:

- A. The type of facility located on the lot and the dates of its establishment and closure.
- B. A description of the location and the composition, extent, and depth of the waste deposited.
- C. The disposal location coordinates of asbestos wastes must be identified.