



DEPARTMENT ORDER

**IN THE MATTER OF:**

**CARROLL MATERIALS, LLC**  
**Acquisition of**  
**F.R. CARROLL, INC. ASSETS**  
**Limerick, Newfield, Limington**  
**and Cornish, York County**  
L-004185-14-B-T  
L-016490-80-D-T  
L-020321-L6-B-T  
GPID #495  
GPID #855  
A-478-71-Q-T  
MER05B631

) **LICENSE TRANSFER**  
) Site Location of Development  
) Natural Resources Protection  
) Mining Registration  
) Air Emission  
) Industrial Stormwater

Pursuant to Maine's *Water Pollution Control* laws, 38 M.R.S. §§ 411–424-B; *Site Location of Development* laws, 38 M.R.S. §§ 481–489-E; *Protection and Improvement of Air* laws, 38 M.R.S. §§ 581–610-D; and the *Performance Standards for Excavations for Borrow, Clay, Topsoil or Silt*, 38 M.R.S. §§ 490-A to 490-N, rules promulgated pursuant to these laws and the Department's *Rule Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. ch. 2 (2018), the Maine Department of Environmental Protection (Maine DEP) has considered the application of CARROLL MATERIALS, LLC with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

**1. APPLICATION SUMMARY**

On February 15, 2019, CARROLL MATERIALS, LLC, (Carroll Materials) submitted an application to the Maine DEP for the transfer of all active Maine DEP licenses, as defined in 06-096 C.M.R. ch. 2 § 2(1)(L), any modifications, condition compliance orders, all other approvals, and all applications pending, held, or submitted by F.R. Carroll, Inc. relating to the gravel and materials assets of Seller located in Limerick, Newfield, Limington, and Cornish (the Assets).

Maine DEP accepted Carroll Materials' license transfer application as complete for processing on February 15, 2019. A schedule of permits and applications that are the subject of the application, and this Department Order, is set forth in Appendix A. The intent of this Order is to transfer any and all Maine DEP licenses, permits, certificates, registrations, applications, and decisions concerning the Assets. Any license, permit, certification, registration, application, or decision not specifically listed in this Order is incorporated herein.

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## 2. TRANSFER REQUIREMENTS

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

- A. Full Name and Address.** The full name and address of the applicant is: Carroll Materials, LLC, 112 Amherst Road, P.O. Box 9, Sunderland, Massachusetts 01375.
- B. Title, Right, or Interest.** Carroll Materials submitted a copy of a Quitclaim Deed with Covenant, from F.R. Carroll, Inc. to Carroll Materials, LLC, dated January 30, 2019. Based on the foregoing, Carroll Materials has provided sufficient evidence of title, right, or interest in the Assets to allow the transfer to Carroll Materials of the licenses, permits, approvals, permits-by-rule, registrations, variances, certifications and amendments thereto, condition compliance orders, and pending applications concerning the Assets, subject to the conditions set forth below.
- C. Financial Capacity and Intent.** Carroll Materials submitted an estimate of the anticipated environmental compliance costs for the Assets. Carroll Materials also submitted a letter from People’s United Bank, dated February 12, 2019, indicating that Carroll Materials has a revolving line of credit sufficient to fund any and all environmental operating costs relating to the Assets. Based on the foregoing, Carroll Materials has demonstrated sufficient financial capacity and intent to assure compliance with all Maine DEP licenses, permits, approvals, permits-by-rule, registrations, variances, certifications and amendments thereto; condition compliance orders, pending applications, as well as any statutory and regulatory criteria applicable to the Assets, subject to the conditions set forth below.
- D. Technical Capacity and Intent.** Carroll Materials has identified key employees who will be responsible for environmental compliance at the Assets. Resumes for these management employees were included in the application. Based on the foregoing, Carroll Materials has demonstrated that it has the technical capacity and intent to comply with all Maine DEP licenses, permits, approvals, permits-by-rule, registrations, variances, certifications and amendments thereto, condition compliance orders, pending applications, and any statutory and regulatory criteria applicable to the Assets, subject to the conditions set forth below.
- E. Air Emissions Certification.** Carroll Materials certifies that there will be no increase in air emissions beyond that provided for in the existing licenses, either in quantity or type.

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

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THEREFORE, the Maine DEP APPROVES the application of CARROLL MATERIALS, LLC, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards:

1. EFFECT ON EXISTING ORDERS. All other Findings of Fact, Conclusions, and Conditions associated with all approvals that are the subject of this Order remain as approved and are incorporated herein.
2. SEVERABILITY. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

DONE AND DATED AT AUGUSTA, MAINE THIS 17th DAY OF JUNE, 2019.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

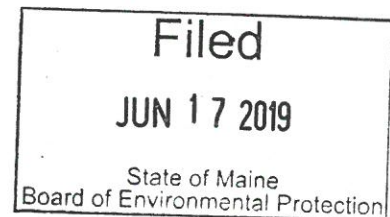
By:   
Gerald D. Reid, Commissioner

**PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES**

Date of initial receipt of application: February 15, 2019

Date application accepted for processing: February 15, 2019

Date filed with the Board of Environmental Protection:



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## APPENDIX A: CURRENT LICENSES AND APPLICATIONS

### LAND DEVELOPMENT ORDERS

NUMBER	DESCRIPTION	EFFECTIVE
L-004185-80-A-X	Expansion of existing Limerick pit to 109.5 acres (originally issued as #04/14-4185-31150)	4/12/1978
L-004185-14-A-A	Expansion of approved excavation by 30.5 acres	4/6/1995
L-013213-14-A-N	50-acre granite quarry on site straddling Cornish, Limington and Limerick borders	2/24/1987
L-013213-14-B-M	Increase length of quarry face to 700 feet and increase truck traffic	7/3/1995
GPID #495	Performance Standards Program registration for the gravel pit operation originally licensed in L-013213-14-A-N.	
GPID #855	Performance Standards Program registration for the quarry operation originally licensed in L-013213-14-A-N	
L-016490-80-A-N	Excavation of 320-acre parcel in Newfield, 30 acres phased with condition for further excavation	2/28/1991
L-016490-80-C-M	Preservation of 140 acres of pine barrens by conservation easement, and buffers, removing conditions from prior permit	1/3/1992
L-020321-L6-A-N	Expansion of pond on Limerick parcel	9/11/2000
L-021185-80-A-N	Variance approval for working pit greater than 10 acres, of quarry originally approved in L-013213-14-A-N and now registered as GPID 495	12/20/2002 Corrected Order 3/2/2004

### MULTI-SECTOR GENERAL PERMIT FOR STORMWATER DISCHARGE

NUMBER	DESCRIPTION	EFFECTIVE
MER05B631	Stormwater Industrial General Permit, originally issued 12/12/2005, most recent renewal 2/15/2017, expires 12/6/2021	2/15/2017

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**MINOR SOURCE AIR EMISSION LICENSE**

<b>NUMBER</b>	<b>DESCRIPTION</b>	<b>EFFECTIVE</b>
A-000478-71-P-R	Generators, Boiler, Rock Crushers, Asphalt Batch Plant, Concrete Batch Plant, originally permitted 5/21/1986, most recent renewal 11/20/2015, expires 11/20/2025	11/20/2015