



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF:

BRUNSWICK AD, LLC)	LICENSE TRANSFER
ACQUISITION OF)	
VILLAGE GREEN FACILITY)	Site Location of Development
Brunswick, Cumberland County)	Air Emission
L-20116-26-AW-T)	Solid Waste
A-1086-71-E-T)	
S-022403-WX-D-T)	APPROVAL

Pursuant to Maine’s *Site Location of Development law*, 38 M.R.S. §§ 481–489-E; *Protection and Improvement of Air laws*, 38 M.R.S. §§ 344 and 581–610-D; the Maine Hazardous Waste, Septage, and Solid Waste Management Act, 38 M.R.S. §§ 1301 through 1319-Y; 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 (Department) has considered the application of BRUNSWICK AD, LLC with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

On January 4, 2023, Brunswick AD, LLC, (Applicant), submitted an application to the Department for the transfer of all active licenses, as defined in 06-096 C.M.R. ch. 2, § 1(L), and any applications pending, relating to the Anaerobic Digester/Energy Production Facility (the Facility) located at 27 Bioenergy Way in Brunswick, Maine. The Facility includes an anaerobic digester designed to digest a mixture of organics to generate biogas that is used in a combined heat and power unit to produce electricity and stabilized digestate. The facility is currently licensed by the Department for Site Location of Development, air pollutant emissions, and solid waste residual processing. The Facility was previously licensed for agronomic utilization of solid waste but those licenses have been surrendered. The current license holders are Village Green Maine, LLC; Village Green Brunswick Landing, LLC; and VGBLADS, LLC. The Department approved an expansion of the project in 2019 but construction has not commenced and the approval to construct has expired.

The Department accepted the Applicant’s license transfer application as complete for processing on January 27, 2023. A schedule of licenses and applications that are the subject of the application, and this Department Order, is set forth in Appendix A. The intent of this

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Order is to transfer any active licenses or pending applications that apply to the Facility. Any active Department license or application concerning the Facility not specifically listed in this Order is incorporated herein.

2. TRANSFER REQUIREMENTS

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

- A. Applicant.** The full name and address of the applicant is: Brunswick AD, LLC, Viridi RNG, 3711 Kennett Pike, Suite 212, Greenville, Delaware, 19807. Brunswick AD, LLC is a duly organized Delaware limited liability corporation in good standing and is a duly qualified foreign limited liability company registered with the Maine Secretary of State.
- B. Title, Right, or Interest.** The Applicant has submitted an Option Agreement, dated November 23, 2022, demonstrating the applicant had an option to purchase the Facility. The Applicant subsequently submitted a Lease Assignment dated February 2, 2024, demonstrating the underlying lease to the property has been transferred to the Applicant with the consent of the landlord. The Department finds that the Option Agreement and the Lease Assignment provide sufficient evidence of title to the Facility to allow the transfer of licenses and applications to the Applicant.
- C. Financial Capacity and Intent.** The Applicant has submitted letters of financial support from Viridi Energy, LLC, and Warburg Pincus, LLC, demonstrating an intent by Warburg to make available up to an aggregate of three-hundred-million dollars in equity financing to Viridi, the upstream owner of the Applicant. The Department finds that the Applicant has demonstrated sufficient financial capacity and intent to assure compliance with all Department licenses relating to the Facility.
- D. Technical Capacity and Intent.** The Applicant has submitted resume information for the Viridi manager who will be responsible for the facility. The applicant has also retained qualified consulting services to assist in ensuring compliance with all applicable licenses and applications.

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

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E. Solid Waste Facility Disclosure. The Applicant has provided a criminal and civil disclosure statement for the individual, Dana Husnay, who has managerial and executive authority for the Facility, and for Brunswick AD Holding, LLC, which has an ownership interest in the Applicant. The disclosure indicates there are no criminal convictions or civil violations of environmental laws or rules administered by the State, other states, the United States, or another country in the last 5 years. Additionally, Dana Husnay and the Applicant have not entered into any administrative agreements or consent decrees or had administrative orders directed at them for violations of environmental laws administered by the Department, the State, other states, the United States, or another country in the last 5 years. The Department finds that the Applicant has filed complete disclosure statements in accordance with 06-096 C.M.R. ch. 400, § 12(A). Based on the disclosure statements submitted and the evaluation criteria contained in 06-096 C.M.R. ch. 400, § 12(B), the Department finds no basis for denying this Order.

F. Air Emissions Certification. The Applicant certifies that there will be no increase in air emissions beyond that provided for in the existing licenses, either in quantity or type, without Department approval.

BASED ON THE ABOVE FINDINGS OF FACT, the Department CONCLUDES that BRUNSWICK AD, LLC has demonstrated title, right, or interest to the Facility as well as the technical and financial capacity and intent to comply with the conditions of all Department licenses and pending applications associated with the Facility 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.

THEREFORE, the Department APPROVES the application of BRUNSWICK AD, 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.

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3. The applicant must notify the Department's Division of Materials Management at least 30 days before restarting the processing of waste or receiving any waste for processing.

DONE AND DATED AT AUGUSTA, MAINE THIS __3rd__ DAY OF MAY, 2024.

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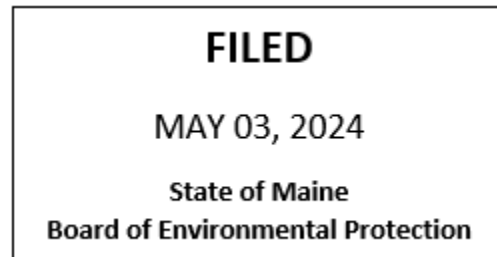
By: 
Melanie Loyzim, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 1/4/2023

Date application accepted for processing: 1/27/2023

Date filed with the Board of Environmental Protection:
Land ATS: 90734



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APPENDIX A: LICENSES AND APPLICATIONS

AIR EMISSIONS LICENSES

License #	Description	Date
A-1086-71-A-N	Approval to construct and operate new anaerobic digester facility	1/13/2014
A-1086-71-C-A	Approval to expand anaerobic digester facility	1/22/2019
A-1086-71-D-M	Extension of approval to construct expansion (expired)	7/2/2020
A-1086-71-F-R	Renewal	pending (Received 1/8/2024)

LAND RESOURCES LICENSES

License #	Description	Date
L-20116-26-Z-A	Approval to construct and operate new anaerobic digester facility	8/5/2013
L-20116-26-AD-M	Minor revision to process and location of equipment	3/20/2015
L-20116-26-AE-C	Condition Compliance, financial	5/27/2015
L-20116-26-AL-B	Approval to expand anaerobic digester facility (expired)	4/29/2019

SOLID WASTE LICENSES

License #	Description	Date
S-022403-WK-A-N	Approval to construct and operate anaerobic digester/energy generating facility	3/03/15
S-022403-WK-B-C	Compliance with condition #11	5/23/2019
S-022403-WK-C-A	Approval to expand anaerobic digester facility (expired)	6/20/2019