



Sappi North America

Committee on Environment and Natural Resources  
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**RE: Written Comments on LD 1532**

Senator Brenner, Representative Tucker and members of the Committee on Environment and Natural Resources, my name is Jim Brooks and I am the Environmental Manager for the Sappi Somerset Mill in Skowhegan. Sappi North America owns and operates two paper mills in Maine, one in Westbrook and one in Skowhegan. The Westbrook Mill makes an innovative release paper that imparts texture on fabrics, synthetic leather, auto dashboards, and many other surfaces. The Somerset Mill in Skowhegan, which makes coated paper and specialty packaging, is the largest pulp and paper mill in Maine, and the seventh largest coated free sheet paper mill in the world. I am submitting written comments on behalf of both Sappi Paper mills in opposition to LD 1532.

Overall, we oppose LD 1532 because the proposed air quality statute changes are unnecessary, and we believe the existing Department of Environmental Protection (DEP) rules and programs under the current statutory language are effectively administered and protective of air quality in the state of Maine. Over the past 40 years of air quality control programs, Maine's air quality has seen vast improvements. Sappi believes the proposed changes in LD 1532 will do little to protect and improve air quality over what is being done now, in addition to these proposed changes would be very costly to administer. Below, I've listed below are our specific comments on LD 1532:

- **Civil penalties** – The LD 1532 proposal increases these daily penalties considerably. Why? Sappi believes the existing enforcement penalty mechanisms work and are a strong deterrent to non-compliance – why increase it? The DEP air enforcement program presently has the ability through the current statute and its enforcement policy to tailor an enforcement penalty to the level and seriousness of a violation. Under this proposal in LD 1532, even at the lower penalty level, a 'very heavy hand' is applied no matter the severity.

Sappi is constantly researching ways to implement changes that bolster our environmental performance. Currently, Sappi facilities spend millions to comply with existing air rules, to establish continuous emission monitors and to purchase emissions control equipment and systems – all to be in compliance with state and federal air quality requirements.

- **Elimination of variances** – This would not affect the Westbrook or Somerset mills.
- **Facility plan to protect public health** – These changes are a duplication of the existing Maine DEP air license process. Maine's air emission licenses are a prescriptive plans issued by the DEP to do exactly what this bill is proposing – establish methods for facilities to achieve emission limits to protect public health. These state and federal air emission rules, statutes have established emission limits/standards/requirements to protect the public health; and was done with the consultation of various state and federal agencies, including health agencies such as the Maine CDC – all of these process that included countless public hearings and meetings to develop those rules. Maine and EPA air rules are very comprehensive and can address all air emissions and their impacts.

Additionally, many facilities, including Sappi's Westbrook and Somerset facilities, voluntarily certify themselves against international standards of environmental or safety management such as the ISO 14001 and 45001 standards, which have additional prescriptive methods for managing environmental and safety matters for their employees and in the communities they operate.

- **No Emission Locations Within 1000 Feet of a Residence** – As you will hear from nearly everyone else commenting, this is simply not a tenable proposal as many licensed emissions sources (nearly all colleges, schools, hospitals, and manufacturing workplaces - small and large) are built within or near residential areas.

It is not clear whether this legislation intended for the restriction to be based on the point source of the licensed emission unit, or the property boundary of the licensed facility. Additionally, it is not clear whether any existing facilities would be grandfathered, or if the proposed legislation is intended to shut-down air emission sources at hundreds of facilities across the state. There is no provision to prepare for the event where a residential structure is built next to an already licensed facility – is the facility subsequently shut down - immediately, or at next license renewal?

For Sappi's Westbrook site, this bill would shut down the entire facility if the 1000-foot measurement was intended to begin at the property boundary and would shut down at least two-thirds of the facility if intended to begin at any point source. This two-thirds shutdown would include Sappi's Technology Center, which is a state-of-the-art research facility pushing the boundaries of sustainable paper and packaging technology. This would not affect the Sappi Somerset operation, since the mill is located on a 2500-acre site. When reviewing this impact on the 600-plus Maine air emission licensed sources, the Somerset mill is the exception rather than the rule.

- **Continuous Monitoring at an Air Emission Source Property Boundary** – The bill is unclear what is to be monitored (and how) at the property boundary. Also, it is entirely unclear what the bill intends to measure, or how. For large combustions sources such as those located at the Somerset mill, advanced control equipment, regulated pollutants and other parameters are constantly monitored 24/7 at the smokestack. Daily QA/QC checks on the monitoring equipment, and periodic stack test monitoring and fuel analyses are also administered. All of this is done to protect state and federal ambient air quality standards.

Maine's air quality is affected by local sources, but also by transported air pollution within our state from out of state. How is that going to be accounted for? It is not clear if the this legislation intent was to establish a network of meteorological or air quality monitoring towers, hundreds of feet tall, in place of fences around various source properties. Who will develop the rules for all of this, and is it necessary? How will small air emission sources pay for the added costs?

Air and air quality are always on the move. All states have extensive ambient air quality monitoring programs and systems across the country. Maine and other government sponsored agencies review monitored air quality data and the resulting transport; and devise and develop regional regulatory control programs to curb long range transport of air emissions.

- **Hearings** – Sappi believes this provision is excessive. Currently, every air emission license application is noticed in local newspapers for public opportunities to request a public hearing. Hearing requests are rare, but when hearings are held, they are generally associated with controversial air emission applications. Sappi believes the existing public hearings notice methodology is adequate and allows the state to expend resources to the appropriate air emission license applications of great public interest.
  - **Public Notice to anyone in 5 Mile Radius.** Sappi strongly opposes this proposed requirement. The Westbrook mill would deliver over 100,000 or more notices because of its location.
- **Renewal Frequencies** – Both the Westbrook Mill and Somerset Mill are considered larger sources or Title V sources (referencing federal Clean Air Act requirements) – both have a 5-year air emission license renewal timeframe that is specified in federal regulations. Small sources (schools, colleges, municipalities, small sources) have a 10-year license frames. Sappi believes the existing renewal timeframes for the different size air emission source is appropriate and efficient. The DEP will spend more time on the larger air emission source versus the smaller. If license emission changes must be made in either category, amendment applications can be made. The existing process is efficient and effective.

In summary, Sappi believes the proposed LD 1532 statute changes would not result in improved Maine air quality or in an improved air emission regulatory program. Please feel free to contact me if you have any questions or wish further information. If need be, I can also be available for any work sessions associated with LD 1532. My contact information: 207 238-3477 (Cell 207 650-3439) and at [James.Brooks@sappi.com](mailto:James.Brooks@sappi.com).