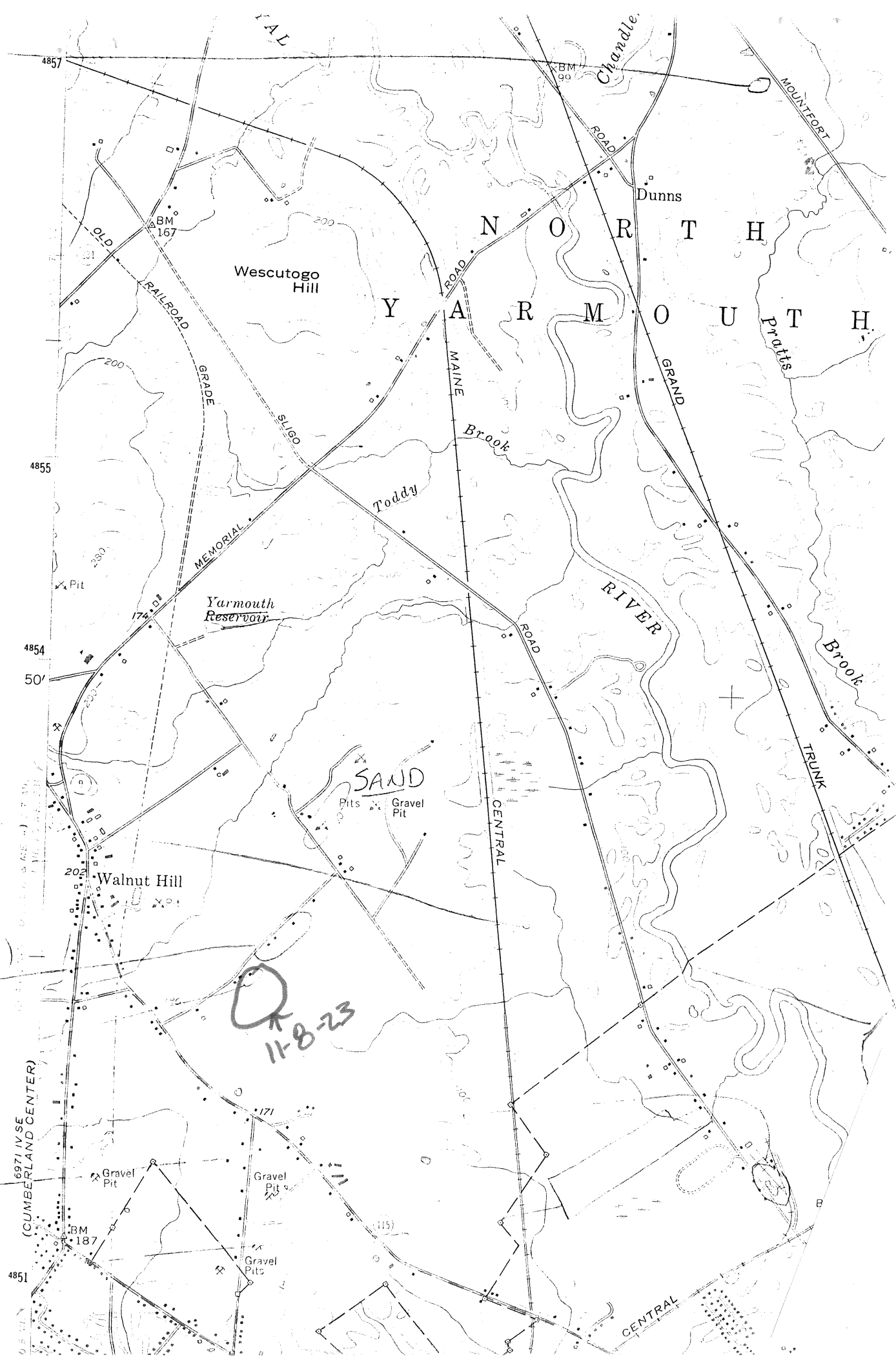


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BM 90

CENTRAL

CENTRAL

RIVER

Brook

Toddy

Yarmouth Reservoir

Wescutogo Hill

Dunns

Pratts

MOUNTFORT

Chandle

MAINE

GRADE

SLUGO

MEMORIAL

OLD RAILROAD

200

174.09

50'

Pit

Walnut Hill

SAND

Pits Gravel Pit

TRUNK

Brook

B

January 8, 1979

Representative Pat Jackson
Legislative Post Office
State House
Augusta, Maine 04333

Dear Representative Jackson:

The Division of Solid Waste Management has investigated the matter of Charles Gillespie dumping septage on the land of Randall Verrill in North Yarmouth. The letter written by the Town was just received by the Department early this week, and there hadn't been time to respond.

Mr. Verrill had had Mr. Gillespie pump out his apartment house septic tanks as well as his own, and had the waste spread on his land. He says that it is his custom to have this done before he goes to Florida in the winter, and has been doing it for about 10 years. Mr. Verrill believed that septic tank waste from his own property could be disposed of on his own land. This is quite a common misconception. The law (38 M.R.S.A. Section 1321) states, however, that only waste from a septic tank serving one's residence may be disposed of on one's land.

Mr. Verrill has now been informed as to the requirements of the law, and intends to submit an application for approval in the spring, or to have Mr. Gillespie submit it.

I do not believe that any further action by the Department on this matter is warranted at the present time. However, we will keep in touch with Mr. Verrill and Mr. Gillespie to make sure no further dumping on unapproved sites occurs.

Sincerely yours,

Hollis A. McGlaflin, Director
Bureau of Land Quality Control

HAM/FH/ln

TOWN OF NORTH YARMOUTH
P.O. CUMBERLAND CENTER, MAINE 04021

"A town building on its history"
Established 1680 - Chartered in 1733

June 26, 1979

Mr. Henry E. Warren, Commissioner
Dept. of Environmental Protection
State House
Augusta, Maine 04333

Mr. Ronald Howes, Director
Division of Solid Waste Management
Dept. of Environmental Protection
State House
Augusta, Maine 04333

Re: Septage Disposal Site.

Dear Gentlemen:

We are writing to you out of frustration and disgust for the manner in which our town has been treated by your department. We take serious exception to the method which D.E.P. handles its inspections and chooses to hand out ultimatums and threats with total disregard for common courtesies. We are currently under enormous pressure from D.E.P., and demands are being made of us that are unfair, unreasonable, and prohibitively expensive.

Since 1975, the Town of North Yarmouth has operated a septage disposal site on Milliken Road in North Yarmouth. The site was constructed under the direction and guidelines of D.E.P. The site has seen only limited use since that time with a maximum for two licensed dumpers using the site. For the past two years, only one dumper has used the site with any regularity. The location is a wooded area with an all weather road constructed for easy access. Dumpers are required to spray the septic waste in the woods and as stated by Florence Hoar of D.E.P., "The spraying of septage into the trees provides good distribution, and prevents overloading of the soil." When the site was constructed, it was described as ideal by D.E.P. Everything relative to D.E.P. and our operation of the site was uneventful until June of last summer.

In June, 1978, we wrote to your department requesting

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Page 2

that a private septic disposal site, located in North Yarmouth, owned by William Verrill and operated by Charles Gillespie, be inspected for possible violations. Following our letter, the Verrill site was inspected by Florence Hoar, along with Mr. Gillespie. Mr. Gillespie's operation along with noted violations was given a warm O.K., and the two proceeded to the Town's site. Ms. Hoar's inspection coupled with Mr. Gillespie's contempt for the town resulted in a notice of violation to the town. Following our notice, a letter was written to D.E.P. expressing our dismay in the method of inspection and notification. A meeting was scheduled between Ms. Hoar and William Priest, Chairman of Board of Selectmen. Mr. Priest took a day of vacation time from his job to accommodate D.E.P. Ms. Hoar failed to appear and called 1½ hours after the scheduled meeting to state that she would be unable to attend. Subsequent efforts to schedule another meeting has been unsuccessful.

In December, 1978, we again contacted D.E.P., this time relative to violations by Mr. Gillespie for dumping septic waste on frozen ground on an unapproved site. Documentation was made by Town Officials, local residents, and the Maine State Police. D.E.P. chose to ignore this activity and our request for action.

On March 22, 1979, our septic site was again inspected by Susan Ouellette, D.E.P. A few minor violations were found. Following our change in local administration, efforts were made to correct the problems. On May 22, 1979, another inspection was made by Ms. Ouellette. At that inspection, 4 violations were found, all of which seemed relatively minor in severity. In an effort to satisfy D.E.P. and to return our site to A-1 shape, a substantial project was undertaken by the Town to expand and improve the site. First, an additional 200 feet of road was constructed at the site to allow greater access for burying waste into the woods. Second, permanent signs were erected at the entrance (prior to this we used cardboard signs). Third, a reas noted as "caked" were connected and fourth, we revised our recording keeping methods to insure more accurate and timely reporting. This was done at substantial expense to the town, but we felt that we had no choice according to D.E.P. mandates.

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The site is now, to the best of our knowledge, in sufficient condition to handle several dumpers, which should be ample for our one dumper. These improvements were communicated to Ms. Ouellette on June 5, 1979, by letter from our chairman, Scott Seaver. That letter also requested a meeting with D.E.P. to review the improvements, so that future confrontations could be avoided. Ms. Ouellette responded that such a meeting would not be possible. After receipt of Mr. Seaver's letter, D.E.P. chose to continue legal action against the town. A consent agreement has been prepared by D.E.P. requiring us to agree to some very unreasonable terms.

We feel that we have met the D.E.P. more than half way on this issue. It appears to us that our status as a small rural town with a Board of Selectmen has been a definite disadvantage in working with your department. Your inspectors refuse to deal with our type of Government and take advantage of our part-time management officials. If we were large enough to employ a Town Manager, Engineers, supervisors and other personnel, perhaps things would be easier on us. Improvements on the site have been hampered, due to the fact that our highway department is also a part-time operation.

In summary, we have been forced to construct a disposal site far in excess of our needs and face legal action by your department if we do not undertake additional expansion and enormous expense. You have forced us into a corner where we must now expend our time and resources in a legal battle to preserve our rights, and to fight for what is fair and reasonable. We have been victims of continual and unreasonable harrassment by your department and have been pushed to our limit. We request that you investigate our situation and arrange a meeting to review your findings. As always we remain willing and anxious to do what is fair and reasonable.

For the Board of Selectmen,

M. Sandra Groves

587. Joseph Brennan
Senator David Huber
Representative Pat Jackson
Terry Snow, Attorney