



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

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF HARTFORD)	SEPTAGE ORDER
Hartford, Oxford Cty., ME)	
SEPTAGE STORAGE AND DISPOSAL)	FINDING OF FACT AND ORDER
S-20656-00-A-N)	

Pursuant to the provisions of Title 38, M.R.S.A., Section 1305(6), and the Septage Management Rules, Chapter 420, the Department of Environmental Protection has considered the application of the TOWN OF HARTFORD with its supportive data, staff summary, agency review comments, and other related materials on file and finds the following facts:

1. The applicant requests approval of a 1.45 acre septage landspreading site and a 12,000 gallon storage site located on a 67-acre parcel of land owned by the applicant. Pursuant to Section 7 of the Septage Management Rules, Chapter 420, the Town requests a variance from Section 10(K)8 of the Septage Management Rules. Section 10(K)8 states: "[a] septage handling facility shall not be located on land areas with ground slopes in excess of 8%."
2. The site is located off Swan Pond Road in Hartford. Access to the site is provided by a 14-foot wide gravel roadway.
3. The proposed disposal area has been classified by a certified soil scientist as having Becket soils. Of the 1.45 acres, 1.25 acres has a slope of between 0 and 8 percent. The remaining area has a slope of 8 to 10 percent. The applicant requests a variance to the requirement that septage disposal facilities shall not have a ground slope in excess of 8 percent. The applicant offers the following in support of the variance request.
 1. The 0.20 acres which exceed eight percent slopes have been included in order to link the areas of lesser slopes, thereby providing a more manageable and operable site.
 2. The areas in excess of eight percent slope towards suitable land area of eight percent or less. Therefore, septage which may run off the steeper areas will be contained within the approved area.
4. Analysis of the soils at the proposed site indicates that all parameters tested are within the limits established by the Department.

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5. Becket soils, as identified on-site, may receive a maximum annual volume of 37,000 gallons per acre. Therefore, the 1.45 acre area may receive up to 53,650 gallons annually. The applicant has stated that approximately 55,000 gallons of septage will require disposal annually. This will be septage generated in the Towns of Hartford and Sumner.

6. The storage facility is proposed to be established adjacent to the landspreading site. The applicant proposes to install three steel underground storage tanks. The local plumbing inspector has inspected the tanks and certified them as being suitable for septage storage. The three tanks have a combined capacity of 12,000 gallons.

Department Regulations require that storage capacity equal or exceed 25% of the volume of septage generated annually. Twenty-five percent of the 55,000 gallons expected to be generated by Hartford and Sumner is equal to 13,750 gallons. The applicant will apply for approval of additional storage capacity of the proposed 12,000 is not sufficient.

7. The applicant has not proposed installation of leak-detection wells adjacent to the storage facility.

8. The storage tanks will be used when landspreading is not feasible, such as when the soil is frozen, snow-covered or water-saturated. The tanks will be periodically emptied and the contents disposed at the landspreading site.

9. Each tank will have a locked access cover. Access to the storage and disposal site will be restricted by a locked gate. Signs will be placed along the perimeter of the disposal site and at the storage site warning of the use of the area as a septage storage and disposal facility.

10. The site has been cleared of trees, although some stumps remain. Prior to operation, the applicant will clear and grade the site. Lime will be applied at a rate of three tons per acre to increase the pH to between 6.5 and 7.0, as recommended by the soils testing laboratory, based on analysis of soils collected from the site. Additionally, the site will be seeded and allowed to develop a healthy growth of grass prior to any landspreading activity.

11. The landspreading and storage facility will be 3000 feet from the nearest residence; 3000 feet from the nearest private well; 25 feet from the nearest property line; 1600 feet from the nearest water body; and 1500 feet from the nearest public road. All setbacks exceed those established by the Septage Management Rules.

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12. Four monitoring wells are located adjacent to the site proposed for landspreading. The wells were installed during a site investigation for a previous project. The applicant proposes to maintain a minimum 25-foot setback from these monitoring wells.

BASED upon the above Findings of Fact, the Department makes the following conclusions:

1. The septage handling facility, while operating under a variance to the Rules, will not contaminate ground or surface water, and will not contaminate the ambient air;
2. The septage handling facility, while operating under a variance to the Rules, will not constitute a hazard to health, safety, and welfare, and will not create a nuisance; and
3. The applicant has affirmatively demonstrated that the intent of the Rules will be met, provided that leak-detection wells are installed adjacent to the storage facility.

THEREFORE, the Department APPROVES the request of the TOWN OF HARTFORD to establish and operate a septage landspreading and storage site at the location specified above, subject to the following conditions:

1. The Standard Conditions of Approval, a copy attached.
2. Site preparation and operational requirements set forth in the Septage Management Rules, Chapter 420, shall be followed.
3. Disposal of septage shall:
 - a. be by landspreading;
 - b. be limited to the 1.45 acres delineated on the applicant's site plan;
 - c. not exceed a loading rate of 37,000 gallons/acre/year;
 - d. not exceed the maximum yearly volume of 53,650 gallons/year;
 - e. not occur when the ground is frozen, snow-covered, water-saturated or otherwise unsuitable for landspreading; and
 - f. not occur on the same area more than once in a seven-day period.
4. The applicant shall install a minimum of two leak-detection wells adjacent to the storage tanks. Well locations must be approved by the Department. The wells shall be sampled in April and September of each year. Samples shall be analyzed for total coliform, fecal coliform, fecal streptococcus, nitrate-nitrogen and phosphorous. Analysis results shall be forwarded to the Department within 10 days of receipt by the applicant.

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5. On or before January 31st of each year the applicant shall submit an annual volume report and storage tank inspection report for the previous year.
6. Ten days prior to the expected date of beginning operation, the applicant shall notify the Department and schedule an inspection of the facility before operation commences.
7. This site approval shall expire five years from the effective date of this Order. Renewal of this approval may be requested subject to the Septage Management Rules.

DONE AND DATED AT AUGUSTA, MAINE, THIS 22ND DAY OF January, 1992.

BY: Dean C. Marriott
Dean C. Marriott, Commissioner

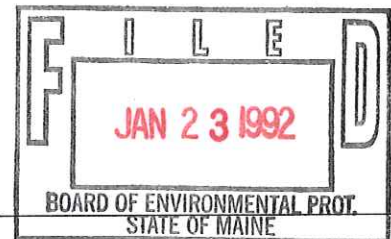
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE APPEAL PROCEDURES...

Date of initial receipt of application 6/10/91

Date of application acceptance 9/4/91

Date filed with Board of Environmental Protection



20656/JCP/jw

SOLID WASTE LICENSE STANDARD CONDITIONS

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. This order is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents is subject to the review and approval of the Board or the Commissioner prior to implementation.
2. The applicant 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. The applicant shall submit all reports and information requested by the Board or Department demonstrating that the applicant has complied or will comply with all conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
5. No person shall transfer a license for a solid waste disposal facility without first obtaining Board approval for the transfer of the ownership of the solid waste disposal facility. For a solid waste disposal facility, the Board, at its discretion, may require that the proposed new owner of the facility apply for a new license or may approve the transfer of the existing license upon a satisfactory showing that the new owner can abide by its terms and conditions and comply with the provisions of 38 M.R.S.A. Section 1310-Q. Public notice shall be provided in accordance with Chapter 400.4.D of the Solid Waste Management Rules.
6. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.

7. If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.
8. A copy of this approval must be included in or attached to all contract bid specifications for the development.
9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.
10. All solid waste disposal facilities are required to accept only solid waste which is subject to recycling and source reduction programs at least as effective as those imposed by State law.
11. No solid waste facility licensee shall knowingly hire as an officer, director or key employee, or knowingly allow to acquire as equity interest or debt liability interest, any person having been found guilty of a felony or of a violation of environmental law or rules without first obtaining the approval of the Board.
12. Whenever any lot of land for solid waste disposal facilities is transferred by deed, the following shall 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.

If asbestos-containing waste or asbestos-contaminated waste has been disposed on a site, the location coordinates must be identified (refer to Chapter 405).