



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

DEPARTMENT ORDER

IN THE MATTER OF

FRED T. BATES)	SEPTAGE ORDER
NOBLEBORO, LINCOLN CTY., MAINE)	
SEPTAGE OCCASIONAL USE (REGUT SITE))	
S-21345-S6-A-N (APPROVAL WITH CONDITIONS))	NEW LICENSE

Pursuant to the provisions of Title 38 M.R.S.A. Section 1301 et. seq., 38 M.R.S.A. Sections 481-488, 06-096 CMR Chapters 371-377, the Site Location of Development Law (effective November 1, 1979), and 06-096 CMR Chapter 420, the Septage Management Rules, (effective March 30, 1986), the Department of Environmental Protection has considered the application of the FRED T. BATES with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

- A. Application: The applicant requests approval to spread lime stabilized septage on 5 acres of property in Nobleboro, Maine.
- B. History: On February 6, 1992, the applicant received Department Order #S-20719-S5-A-N which approved a Septage Utilization Program under 06-096 CMR Chapter 420, the Septage Management Rules, Section 14 (B).
- C. Summary of Proposal: The applicant proposes to landspread a maximum of 60,000 gallons of septage on 5 acres of land. The area proposed for use consists of a portion of a large field, owned by Robert E. Regut, north of Route 1 in Nobleboro.

Immediately prior to landspreading, the material will be stabilized by adding hydrated lime sufficient to achieve a Process to Significantly Reduce Pathogens (PSRP).

Pursuant to the Occasional-Use Septage Utilization Program, septage may be spread at a maximum rate of 12,000 gallons per acre per year. The site will be used for septage landspreading no more than once every two years during the licensed term. Septage will be spread during a period of fourteen consecutive days between June 15th and September 15th. The applicant will notify the Department when landspreading begins at the site.

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2. FINANCIAL CAPACITY AND TECHNICAL ABILITY

The costs of conducting the program will be covered by disposal fees collected by the applicant. The applicant has received approval to conduct a septage treatment program.

3. TITLE, RIGHT, INTEREST

The property proposed for use is owned by Robert E. Regut of Nobleboro. A copy of the property owner's deed has been submitted. The property owner has signed an agreement allowing the applicant the use of the proposed site for occasional-use septage utilization.

4. EXISTING USE

The proposed site is an open field with grass and clover cover.

5. TRAFFIC MOVEMENT

Approximately ten vehicle trips to and from the site are anticipated during the fourteen-day operating period every two years.

6. SOILS

Soil Conservation Service medium-intensity soils maps indicate the soils proposed for utilization are classified a Buxton silt loam. The soils meet the criteria set forth in the Septage Management Rules.

7. EROSION

The soils at the proposed site will not be disturbed, and therefore will not require stabilization.

8. WATER QUALITY

The proposed site is not over a mapped sand and gravel aquifer, and is greater than 300 feet from the nearest surface water body.

9. AIR QUALITY

Septage will be lime-stabilized prior to utilization. The addition of lime will serve to minimize potential odors.

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10. FLOODING

The proposed site is not within the 100-year flood zone.

11. SETBACKS

The proposed site meets or exceeds all setback requirements set forth in the Septage Management Rules.

12. SCENIC CHARACTER

No physical alterations will be made at the proposed site, therefore no impacts to the scenic character are expected.

13. NOTIFICATION

Once septage landspreading has ceased at the site for the year, signs will be placed at all access points. The signs will read, "No Trespassing - Septage Utilization Site".

14. REPORTING

Within five days after septage spreading has ceased at the site for the year, the applicant will file a written report to the Department on forms provided by the Department.

BASED on the above Findings of Fact, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The applicant has the financial capacity and the technical ability to develop the project in a manner consistent with State Environmental Standards.
2. The applicant has made adequate provisions for traffic movement of all types into, out of and within the site.
3. The facility fits harmoniously into the existing natural environment and will not adversely affect existing uses, scenic character, air quality, water quality, or other natural resources in the municipality or in neighboring municipalities, and will not constitute a hazard to health and welfare or create a nuisance.
4. The proposed facility will be on soil types suitable to the nature of the undertaking and will not cause an unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.

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5. The facility will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
6. The activity will not unreasonably cause or increase the flooding of the area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the above noted application of FRED T. BATES SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

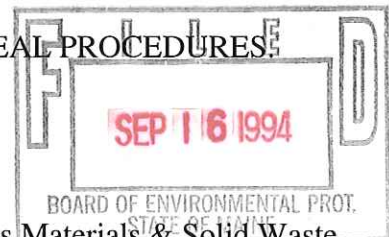
1. The Standard Conditions of Approval, a copy attached as Appendix A.
2. Septage landspreading shall:
 - A. be limited to the 5 acres proposed by the applicant;
 - B. not exceed a loading rate of 12,000 gallons per acre per year every two years;
 - C. not occur when the soil is unvegetated, water-saturated, or otherwise unsuitable for land spreading
3. The term of this license is five (5) years from the date of signature.

DONE AND DATED AT AUGUSTA, MAINE, THIS 15th DAY
OF September 1994.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Deborah N. Garrett
Deborah N. Garrett, Acting Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES:
Date of initial receipt of application: 8/10/94
Date of application acceptance: 8/31/94
Date filed with Board of Environmental Protection



This Order written and prepared by Mark King, Bureau of Hazardous Materials & Solid Waste Control.

OMKDO345/mk/llg

Appendix A

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).