

RALPH L. HALL	2	SEPTAGE ORDER
CHARLESTON, PENOBSCOT COUNTY, MAINE)	
SEPTAGE UTILIZATION SITE)	
S-022339-S3-B-R (APPROVAL WITH CONDITIONS))	RENEWAL LICENSE

(5) Department Order #S-022339-S3-A-N expired on March 5, 2015. On March 4, 2015, the applicant submitted a timely application to renew Department Order #S-022339-S3-A-N. The application was accepted as complete on March 25, 2015.

C. Summary of Proposal: The applicant proposes to continue operating the existing 27.75-acre Harris Road septage utilization site.

2. TITLE, RIGHT, OR INTEREST

The property to be used for septage utilization is owned by the applicant. The applicant has submitted a copy of the property deed.

The Department finds that the applicant has demonstrated sufficient title, right, or interest to the property on which the site is located.

3. MUNICIPAL APPROVAL

38 M.R.S. § 1305(6) requires that, in addition to making application to the Department for approval of a septage site, the applicant must also obtain written approval for the site location from the municipality in which the facility is to be located. Pursuant to this requirement, the applicant has submitted a Municipal Approval Form signed by the Chairman of the Charleston Planning Board indicating the town has determined that municipal approval must be obtained after issuance of a Department Order.

4. FINANCIAL CAPACITY AND TECHNICAL ABILITY

A. Financial Capacity: The utilization site is already developed and available for use. Ongoing operating and maintenance costs will continue to be financed through septage disposal fees collected by the applicant.

B. Technical Ability: The applicant has successfully operated this septage utilization site since 1996, and has developed an efficient system for screening, lime stabilizing, and spreading septage. The Department has issued no Notices of Violation to the applicant for violations of 06-096 C.M.R. ch. 420 within the last five years. Site inspections have confirmed that the applicant has operated the utilization site in substantial compliance with these rules.

The Department finds that the applicant has the financial capacity and technical ability to continue operating the septage utilization site in accordance with State environmental standards.

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5. SITE SOILS AND LANDSPREADING CAPACITY

- A. Soil Description: Soils at the site have been classified by Maine Certified Soil Scientist Greg Perkins, C.S.S. #178, as 5.22 acres of well-drained Becket/Plaisted soils and 22.53 acres of moderately well-drained Elliottsville/Howland/Skerry soils.
- B. Soil Nutrients: The applicant has submitted analytical results for an annual composite soil sample obtained October 23, 2015 in accordance with 06-096 C.M.R. ch. 420 § 6(C). The results indicate that all tested parameters are within the established limits.
- C. Annual Site Landspreading Capacity: 06-096 C.M.R. ch. 420 requires the applicant to determine the amount, in pounds per acre, of nitrogen required for the crop(s) to be grown at the site. On well-drained and moderately well-drained soils, 06-096 C.M.R. ch. 420 § 6(D) allows septage to be applied at a rate not to exceed 380 gallons of septage per pound of nitrogen required by the crop per acre per year. With a recommended rate of 120 pounds of nitrogen per acre per year for two cuttings of hay, the application rate is 45,600 gallons per acre per year; with a resulting total utilization capacity of the 27.75-acre site of 1,265,400 gallons per year.
- D. Recent Landspreading Activity: The applicant reports that the following volumes of septage were utilized at the site over the last five years.

<u>Year</u>	<u>Volume</u>
2015	none
2014	871,550 gallons
2013	821,500 gallons
2012	814,400 gallons
2011	992,000 gallons

6. SEPTAGE PROCESSING REQUIRED FOR UTILIZATION

- A. Septage Screening: The applicant screens septage utilized at the site to remove foreign objects larger than 0.5 inches in size, in accordance with 06-096 C.M.R. ch. 420 § 6(F).

The Department finds that the applicant must continue to screen septage, consistent with 06-096 C.M.R. ch. 420 § 6(F), prior to its utilization at the site.

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B. Lime Stabilization: The applicant lime-stabilizes septage utilized at the site to pH 12 for one-half hour prior to its utilization at the site, in accordance with 06-096 C.M.R. ch. 420 § 6(B)(1).

The Department finds the applicant must continue to lime-stabilize septage, consistent with 06-096 C.M.R. ch. 420 § 6(B)(1), prior to its utilization.

7. COMPLIANCE INSPECTION

On August 24, 2015, Department staff conducted an inspection of the applicant's septage utilization site, and found it to be in substantial compliance with 06-096 C.M.R. ch. 420 and Department Order #S-022339-S3-A-N.

8. AIR QUALITY/NUISANCE CONDITIONS

The utilization area is located in a predominantly agricultural area, and is located in compliance with the setbacks required by 06-096 C.M.R. ch. 420. Odors from handling septage generally persist for a short time after utilization, dissipating at different rates according primarily to prevailing climatic conditions. The Department has received no odor complaints regarding this site. The applicant will continue to rely on setback distances and lime stabilization to mitigate potential odor nuisance problems.

9. TRAFFIC MOVEMENT

No new road construction will be required. Septage will be delivered to the site by the applicant following storage, screening, and lime stabilization. Entrance to the site is via Harris Road.

The Department finds that the applicant has made adequate provisions for the safe and uncongested movement of traffic into, out of, and within the site.

10. OPERATING PLAN

The applicant has submitted an updated Operating Plan for the facility consistent with 06-096 C.M.R. ch. 420 § 9(H).

11. RECORD-KEEPING AND REPORTING

The applicant is required to keep records and to submit an annual report regarding its operation of the septage utilization site, in accordance with 06-096 C.M.R. ch. 420 § 7(A)(1) and 7(B). The applicant must provide information to summarize site operations for the previous year, including the volumes and dates of septage landspreading at the site, buffer zone inspection reports, and annual soil analytical results, to the Bureau of

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Remediation and Waste Management, on or before January 31st of each year. Annual reports will be submitted on forms provided by the Department.

12. OTHER FINDINGS

All other Findings of Fact, not modified by this order, remain as set forth in Department Order S-022339-S3-A-N.

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

1. The applicant has demonstrated sufficient right, title, or interest to the property on which the utilization site and storage facility are located.
2. The applicant has the financial capacity and the technical ability to continue to operate the project in a manner consistent with State environmental standards.
3. The facility will not contaminate waters of the State or the ambient air or constitute a hazard to health or welfare, and will not create a nuisance, provided that:
 - A. The applicant obtains, and submits for Department records, written approval for the septage utilization site from the Town of Charleston;
 - B. Utilization of septage is by landspreading;
 - C. The land application of septage is limited to the 27.75 acres licensed herein;
 - D. The applicant continues to screen septage, consistent with 06-096 C.M.R. ch. 420 § 6(F), prior to its utilization at the site;
 - E. The applicant continues to adequately lime-stabilize septage, consistent with the standards in 06-096 C.M.R. ch. 420 § 6(B)(1), prior to its utilization;
 - F. The total annual maximum loading rate on the site does not exceed the total annual site capacity of 1,265,400 gallons;
 - G. Septage is not utilized immediately prior to or during heavy rainfall, when the water table is within 15 inches of the soil surface, or when the soil is unvegetated, frozen, snow covered, water saturated, or otherwise unsuitable for landspreading; nor on the same area more than once in any seven-day period; and
 - H. The applicant provides information in accordance with 06-096 C.M.R. ch. 420 § 7(A)(1) and 7(B) summarize site operations for the previous year, including the

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volumes and dates of septage landspreading at the site, pH monitoring records, buffer zone inspection reports, and annual soil analysis results to the Bureau of Remediation and Waste Management on or before January 31st of each year. Annual reports will be submitted on forms provided by the Department.

4. All other Conclusions, not modified by this order, remain as set forth in Department Order #S-022339-S3-A-N, as amended.

THEREFORE, the Department APPROVES the above noted application of RALPH L. HALL SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy of which is attached as Appendix A.
2. The applicant must obtain, and submit for Department records, written approval for the septage utilization site from the Town of Charleston.
3. Utilization of septage shall:
 - A. Be by landspreading;
 - B. Be limited to the 27.75 acres proposed by the applicant;
 - C. Not exceed a total maximum annual loading rate of 1,265,400 gallons per year;
 - D. Not occur immediately prior to or during heavy rainfall, when the water table is within fifteen inches of the soil surface, when the soil is unvegetated, frozen, snow covered, water saturated, or otherwise unsuitable for landspreading; and
 - E. Not occur on the same area more than once in any seven day period.
4. The applicant shall continue to screen septage, consistent with 06-096 C.M.R. ch. 420 § 6(F), prior to its utilization at the site.
5. The applicant shall continue to adequately lime-stabilize septage, consistent with the standards in 06-096 C.M.R. ch. 420 § 6(B)(1), prior to its utilization.
6. The applicant shall provide information in accordance with 06-096 C.M.R. ch. 420 § 7(A)(1) and 7(B) to summarize site operations for the previous year, including the volumes and dates of septage landspreading at the site, pH monitoring records, buffer zone inspection reports, and annual soil analytical results to the Bureau of Remediation and Waste Management on or before January 31st of each year. Annual reports will be submitted on forms provided by the Department.

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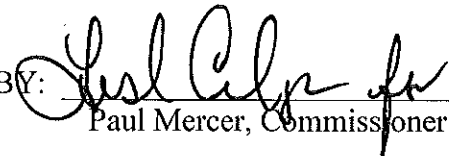
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7. All other Conditions, not modified by this order, remain as set forth in Department Order #S-022339-S3-A-N.
8. This license will expire five (5) years from the date of signature.

DONE AND DATED AT AUGUSTA, MAINE,

THIS 1st DAY OF July, 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

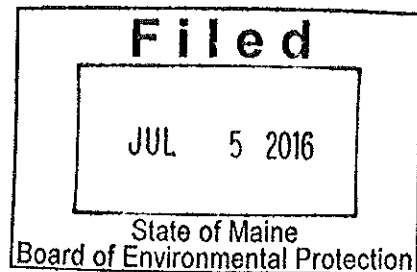
BY: 
Paul Mercer, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE APPEAL PROCEDURES.

Date of initial receipt of application: March 4, 2015.

Date of application acceptance: March 25, 2015.

Date filed with Board of Environmental Protection:



This Order was prepared by Roger Johnstone, Bureau of Remediation and Waste Management.

XRJ78944

STANDARD CONDITIONS TO ALL SOLID WASTE FACILITY LICENSES

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. **Approval of Variations from Plans.** The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed by the license. Any consequential variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
2. **Compliance with All Applicable Laws.** The licensee 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. **Compliance with All Terms and Conditions of Approval.** The licensee shall submit all reports and information requested by the Department demonstrating that the licensee has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. **Transfer of License.** The licensee may not transfer the solid waste facility license or any portion thereof without approval of the Department.
5. **Initiation of Construction or Development Within Two Years.** If the construction or operation of the solid waste facility is not begun within two years of issuance of within 2 years after any administrative and judicial appeals have been resolved, the license lapses and the licensee must reapply to the Department for a new license unless otherwise approved by the Department.
6. **Approval Included in Contract Bids.** A copy of the approval must be included in or attached to all contract bid specifications for the solid waste facility.
7. **Approval Shown to Contractors.** Contractors must be shown the license by the licensee before commencing work on the solid waste facility.
8. **Background of key individuals.** A licensee may not knowingly hire as an officer, director or key solid waste facility employee, or knowingly acquire an equity interest or debt interest in, any person convicted of a felony or found to have violated a State or federal environmental law or rule without first obtaining the approval of the Department.
9. **Fees.** The licensee must comply with annual license and annual reporting fee requirements of the Department's rules.
10. **Recycling and Source Reduction Determination for Solid Waste Disposal Facilities.** This condition does not apply to the expansion of a commercial solid waste disposal facility that accepts only special waste for landfilling.

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The solid waste disposal facility shall only accept solid waste that is subject to recycling and source reduction programs, voluntary or otherwise, at least as effective as those imposed by 38 MRSA Chapter 13.

11. **Deed Requirements for Solid Waste Disposal Facilities.** Whenever any lot of land on which an active, inactive, or closed solid waste disposal facility is located is being transferred by deed, the following must 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.
 - C. The disposal location coordinates of asbestos wastes must be identified.