DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Solid Waste Program, Attn: Geraldine Travers

### 17 State House Station

### Augusta, Maine 04333-0017

### Telephone: (207) 287-2651

|  |  |
| --- | --- |
| FOR DEP USE ONLY |  |
| ATS ID: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Seq: \_\_\_\_\_\_ DEP ID: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Received by DEP: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Bureau: S Type of Application: S\_\_ Activity: P | Fees Paid: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Project Analyst: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Check No.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

## NOTIFICATION FOR PERMIT BY RULE FOR DIGESTED

## TYPE IA, IB AND IC RESIDUALS−AGRONOMIC UTILIZATION SITE

A generator that proposes to agronomically utilize digested Type IA, IB and IC residuals at a site and meets all of the applicable standards and requirements of the *Maine Solid Waste Management Rules: Agronomic Utilization of Residuals*, 06-096 CMR 419(9) may receive a permit-by-rule. This completed notification form must be received by the Department at least 15 working days prior to the anticipated first date of agronomic utilization of digested Type IA, IB and IC residuals at a site. The PBR becomes effective 15 working days after the DEP receives the notification form, unless the DEP approves or denies the PBR prior to that date. If the DEP does not contact the applicant within this 15 day period regarding the PBR notification, the applicant may proceed to carry out the activity.

PLEASE TYPE OR PRINT

|  |  |
| --- | --- |
| **Applicant (Generator) Name** |       |
| Contact Person's Last Name |       | First Name |       |
| Telephone | (   )   -     | Type I Utilization Program License | # S-     -S -  -   |

##### *Address Information*

|  |  |  |  |
| --- | --- | --- | --- |
| **Applicant Name** |       | **Agent/Consultant Name** |       |
| Telephone | (   )   -     | Telephone | (   )   -     |
| Mailing Address |       | Mailing Address |       |
| Town |       | State |    | Zip |       | Town |       | State |    | Zip |       |
| Street Address |       | Street Address |       |
| Town |       | State |    | Zip |       | Town |       | State |    | Zip |       |

|  |  |
| --- | --- |
| **Address: Billing** |  |
| Name |       |
| Mailing Address |       | Town |       | State |    | Zip |       |
| Street Address |       | Town |       | State |    | Zip |       |

##### *Site/Activity Information*

|  |  |  |
| --- | --- | --- |
| **Project Description** | **Digested Type I Residuals Utilization**  | **Permit-By-Rule** |
| 911 Address |       | GPS Location |       |
| Directions |       |

**SIGNATURE OF APPLICANT**

By signing this notification, the applicant certifies that: (1) public notice has been provided in accordance with the *Maine Solid Waste Management Rules: General Provisions*, 06-096 CMR 400(3)(B)(1)(c) to the chief municipal officer and chair of the municipal planning board of the municipality in which the project is located; (2) a complete copy of this notification has been filed in the municipal office of the municipality in which the project is located; (3) the appropriate state laws have been reviewed that relate to the proposed project; (4) the utilization activity will meet the standards and requirements of *Maine Solid Waste Management Rules: Agronomic Utilization of Residuals*, 06-096 CMR 419.

I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I, the generator with title, right or interest obtained from the property owner or lessee, authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

DATE:      \_\_\_\_ SIGNED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Applicant)

TITLE:      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (If other than applicant, attach letter of agent authorization.)

**PLEASE** [**CLICK HERE TO** **VIE****W TH****E SOLID WASTE FEE SCHEDULE**](http://www.maine.gov/dep/permits.htm#fees) **TO**

TO DETERMINE THE FEE FOR A PERMIT-BY-RULE SITE

INSTRUCTIONS

**For assistance in filling out this notification, please contact the Division of Solid Waste Management, Bureau of Remediation and Waste Management.**

1. Send or deliver this notification along with all attachments to: Maine Department of Environmental Protection, Bureau of Remediation and Waste Management, 17 State House Station, Augusta, Maine 04333-0017, or to the DEP office in the region in which the project is located. The DEP regions and respective office addresses/locations are detailed at <http://www.maine.gov/dep/contact/mdepoffices.html> .

2. Provide Public Notice: Within 30 days prior to filing, you must provide public notice of intent to file a permit-by-rule notification with the Department. The public notice must be mailed by certified mail or Certificate of Mailing to the municipal office of the municipality(ies) where the proposed utilization site is located.

The public notice must include the following information:

a. Name, address and telephone number of the applicant;

b. Citation of the statutes or rules under which the permit-by-rule notification is being processed;

c. Location of the activity;

d. Summary of the activity;

e. Anticipated date for filing the permit-by-rule notification with the Department; and

f. A statement that the utilization will comply with all standards contained in these rules.

Please note that public notice for permit-by-rule notifications does not include the publishing of a notice in a newspaper or the serving of a notice upon abutters to the project unless required by specific permit-by-rule provisions of these rules.

3. Keep a copy of this completed form for your files. This copy will be helpful in communications with the DEP staff if any questions arise during the review of a project.

## The following information must be included with your Permit by Rule Notification for Site Specific Utilization of Digested Type IA, IB and IC residuals

1. **Public Notice.** Include a copy of the Public Notice given in accordance with the requirements listed in the instructions above.

1. **Title, Right or Interest.** Information demonstrating that the generator has sufficient title, right, or interest in a property proposed for utilization by providing:
	1. The submissions enumerated in the *Maine Oil, Hazardous Matter and Solid Waste Laws Act*, 38 M.R.S.A. §§ 341-D and 343-B; and the *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(11)(D)(effective April 1, 2003); or
	2. A copy of an agreement between a landowner(s) and a residual generator certifying that the owners own the land and agree to allow the utilization of the residual on the property. The agreement must also include the signature, printed name, and address of the generator and all property owners, site location, description of the area authorized for use including acreage, and if available, the map and lot number from municipal tax maps.
2. **Site Maps.**
	1. Topographical Map. A clear, legible copy of the most recent 7.5 minute US Geological Survey topographic or equivalent map marked with the proposed utilization boundaries and site owner's property boundaries.
	2. Site Sketch. Clear legible site sketch(es) of the proposed utilization area(s) of sufficient quality and scale, and with sufficient features to ensure that the person spreading the residual can determine appropriate utilization boundaries. At a minimum the map must depict the area suitable for utilization, buffers and setbacks, features requiring buffers and setbacks, drainage features, and the map scale, orientation, and title.
	3. Soils Map. A clear, legible copy of the appropriate United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) County medium intensity soil survey map with the site clearly outlined and a copy of the key to the soil mapping units.
	4. Sand and Gravel Aquifer Map. If the proposed site is within 500 feet of a sand and gravel aquifer, a clear, legible copy of the most recent Hydrogeologic Data for Significant Sand and Gravel Aquifer map with the proposed utilization site clearly delineated.
3. **Soil Nutrients.** Representative soil nutrient analysis for the site.
4. **Travel Directions.** From the site of generation to the utilization site, anticipated spreading schedule, estimated volume or tonnage, and acreage involved.
5. **A Statement.** By the applicant that the utilization of the digested Type IA, IB and IC residuals will conform to the requirements of this section.
6. **Fee.** The appropriate application fee.

**Standards for Permit-by-Rule for Utilization of Digested Food Waste**

To qualify for a permit-by-rule, all of the following siting, design, and operational standards must be met.

1) Only digested Type IA, IB and IC residuals approved in the applicant’s agronomic utilization program license shall be utilized at the site. The applicant must continue to adhere to all requirements in its agronomic utilization program license.

2) Residuals proposed for utilization must meet the Class A vector attraction reduction standards of 06-096 CMR 419, Appendix B(4)(A).

3) Only digested Type IA, IB and IC residuals meeting the screening concentration standards in 06-096 CMR 419, Table 419.5, or residual-specific ceiling concentrations established in the applicant’s program license, may be utilized at the site.

4) The loading rate of the digested Type IA, IB and IC residuals shall be commensurate with the nutritional needs of the crop to be grown.

Note: Department of Agriculture Regulations, *Nutrient Management Rules*, 01-001 CMR 565, requires farms utilizing residuals to have a licensed nutrient management specialist develop a whole farm nutrient management plan. While the plan itself need not be submitted to the Department (DEP), the information in any existing plan should form the basis for the above determination that additional nutrients are needed on a farm.

5) The spreading area must meet the applicable minimum setbacks in 06-096 CMR 419(3)(A) and (3)(B).

6) Digested Type IA, IB and IC residuals must be applied a minimum of 10 inches above the bedrock surface on established perennial crops such as hay and 20 inches above the bedrock surface for other/row crops, including the limits of incorporation.

7) Digested Type IA, IB and IC residuals must be applied a minimum of 15 inches above the groundwater surface at the time of application.

8) Digested Type IA, IB and IC residuals shall not be spread on areas with slope gradients greater than 15%.

9) Digested Type IA, IB and IC residuals may not be applied when the site is frozen, snow covered or water saturated; such that the digested Type IA, IB and IC residuals will be washed into surface water; or placed directly into surface waters or below the groundwater table.

10) Digested Type IA, IB and IC residuals may not be stockpiled at the utilization site.

11) The generator must inform the Department each time the digested Type IA, IB and IC residuals will be applied at the site at least one working day before the anticipated date of spreading. This notification requirement can be satisfied in person, with a telephone call, voice mail message, e-mail, letter, or fax to the Residuals Utilization Unit of the Division of Solid Waste Management at the Department's central office or appropriate regional office.

12) Record Keeping and Reporting. The generator shall keep records and file an annual report of the volume of digested Type IA, IB and IC residuals utilized in Maine each year in accordance with 06-096 CMR 419(6).

13) Certification. A statement signed by the applicant that the utilization of the digested Type IA, IB and IC residuals will conform to the requirements of this section.

## END