

February 18, 2020

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Board of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

Ref. 4518

Re: The Burden of Proof with Respect to Demonstrating Technical Ability of parent company Nordic Aquafarms, Inc. (or the newly formed Nordic Aquafarms LLC) has not been met, and the Permitting Approach to Date Suggests that the Technical Ability is Simply Not There

Dear Cindy:

This letter is submitted as written comment with respect to Nordic Aquafarms' Technical Ability. The Applicant, by their own admission, has spent two years developing their concept, but at various times during the Licensing Hearing, the conversation was more analogous to a pre-permitting meeting. For example, at times the Applicant spoke almost exclusively in the future tense about what they "could", "would" or "will" do in the future to demonstrate compliance. While a future commitment is nice, the fact that the Applicant did not identify these compliance demonstration needs prior to the application, hearing, or City Planning Board meetings, suggests a lack of Technical Ability.

The cross-examination of the Intervenors' experts often focused on whether weak or non-existent background data identified by the Intervenors was explicitly required for permitting, because they could not focus on how the Applicant provided the proper background data and application to demonstrate that it can be in compliance each and every day. Any reasonable compliance demonstration must begin with a proper baseline assessment and a valid and concise application of resources needs and potential impacts over the range of operations. The Applicant's Technical Ability must be questioned when they propose background data collected, once, or twice, over a few days, for very seasonal things like migratory birds or background nitrogen levels in the bay near the Little River, or completely disregard a direct question with respect to future fresh water usage expectations.

The attached table was updated prior to the hearing. In the future, we plan to update the table with new items as a result of the many verbal RFIs presented by DEP and BEP at the hearing. This will be done once we have a transcript of the hearing, and as the process moves past the hearing. After reading this letter, and examining the accompanying table, it should be clear that the Nordic Aquafarms permitting team (the Applicant) simply has not provided the required burden of proof that they have the Technical Ability to design, construct, operate, and maintain a fish farm and their city-sized utilities based on the pending application materials.

If the Applicant cannot understand and provide the proper information to establish existing baseline conditions to permit the facility, and is unwilling or unable to update their application, which is essential for a project of this magnitude and complexity, in a timely and orderly manner, or answer a very basic question that were essentially asked multiple ways at the hearing by both DEP and BEP ***"we understand that Nordic Aquafarms can be somewhat flexible with water supply, but exactly how***

much is necessary and going to be used?”, then it is impossible to know what is necessary to develop permit conditions. If permit conditions cannot be properly determined then the Technical Ability to construct, operate, and maintain a new facility, simply cannot be proved. The Technical Ability requirements could not be simpler than the way it is worded in the introduction of 06-096 Chapter 373(1):

1. **Introduction.** This chapter relates to the financial capacity and technical ability standard of the *Site Location of Development Act* (Site Law). 38 M.R.S. §484(1). To obtain a Site Law permit an applicant must demonstrate the financial capacity and technical ability to design, construct, operate and maintain the development in compliance with state environmental standards and the terms and conditions of the permit.

Please note that although Chapter 373 includes both financial capacity and technical ability topics, and many of the Site Law rules and references talk about them together, any technical ability quote that includes financial capacity in this letter does so only for completeness and context. This letter does not address financial capacity, as that is to be addressed at the hearing, as a hearing topic.

Please also note that the table attached to this letter includes a discussion of all sections of the Site Law Act as they relate to Technical Ability. The table discusses how the information provided in the current application demonstrates or does not demonstrate that this proposed facility can comply with environmental standards and whether it is possible to develop terms and conditions.

While it may be reasonable to discuss any required permitting topic (i.e. hearing topics and non-hearing topics) as it relates to Technical Ability in this letter, but to be overly cautious, detailed examples discussed below in this letter are limited to non-hearing topics. Noise, determined by BEP Order to be a non-hearing topic, is used in this letter as an excellent example of the Applicant's apparent lack of understanding of the permitting process (or lack of inclination), and of what is technically required for a regulatory agency to condition a facility.

The key to this letter, and how it relates to the introduction referenced above is *“demonstrate... technical ability...in compliance with state environmental standards **and** the terms and conditions...”* One cannot simply offer an unsubstantiated noise study with no process equipment assumptions, no equipment data, no equipment locations, no modeling parameters, no Applicant explanation of the subconsultant's work or how it is applicable for conditions, and then expect some generic terms and conditions for operation for a project of this magnitude and complexity. The Applicant's inclination to disregard their burden to prove that Nordic Aquafarms would not have an adverse environmental impact is also in direct conflict with the Site Law.

In the Site Location of Development Permit Application General Instructions, Section 3, “Processing”, it reads:

In review of an application, the burden is on the applicant to prove that the development will not have an adverse environmental impact. It is not up to the department to prove that a development will have an adverse environmental impact.

Repeatedly, DEP has attempted to help the Applicant satisfy their burden of proof by asking for the specific equipment noise data in the RFIs. The requirements are spelled out in plain English in the Site

Law rules, yet the Applicant's responses did not provide actual modeling parameters, equipment specifications, or equipment sound data; all of which fall under "proof". How can DEP possibly condition a project without this information? They cannot, and if the Applicant cannot see that, or is not inclined to comply so that DEP can properly condition the project, then not only has the Applicant not satisfied their burden of proof, but the Applicant's Technical Ability is insufficient as well.

That is not to say that the Applicant did not provide responses to the RFIs for noise, but those responses only created more questions with respect to Technical Ability on a number of levels.

1. The responses were often very longwinded and wordy to avoid the actual data request questions. Some responses were actually longer in text than all of the text provided in the noise section of the original application.
2. The last RFI that requested noise data did so TWICE. The specific references to these RFIs are included in the noise testimony and are not included here since noise compliance is not the topic of concern here. The first noise-related question included the request for the equipment specifications, but also some other questions or comments for context. For the first request, the Applicant chose to provide a generic response about what sound source limit they would meet without any supporting data. Then, possibly because DEP anticipated that the Applicant would provide a roundabout answer to the first question, in a single concise sentence DEP asked for the equipment specifications again. Amazingly, the Applicant provided a response that said essentially "see response above". There was no possible way to pretend to misinterpret the data request this time. It was obvious to DEP and to the public. And if it was not obvious to the Applicant, then they cannot possibly possess the Technical Ability to run a large power plant, treat millions of gallons of water a day, properly balance their water demands and the area's water supply needs, grow millions of pounds of fish, etc. And if it was obvious to the Applicant, and they chose to write-off DEP's request for the equipment specifications, then it is clear that they are putting the burden of proof on DEP (and intervenors).
3. Even the basic, general responses provided by the Applicant also further validated the original requests for information. Everything is so large and so expansive that when the Applicant provides even a little more information, it makes it that much clearer that even more information is absolutely required to demonstrate their burden of proof and to allow for any sort of reasonable conditions. In the last noise RFI response, it mentioned that noise mitigation from 0 to 29 dB would be provided to 180 exterior sound sources. Okay, that was not a direct response to the question, however, it did provide some more information. It also waved a huge red flag for any regulator. With this many sources, and no background sound, no baseline equipment sound, no locations of sound source, no type or degree of mitigation on each source, no location of the source, no octave band distribution of the data before and after mitigation, etc., it is impossible to write an enforceable condition. The only condition that could possibly be written would be that the facility must keep all its sources collectively under a certain level. While this could work for a small facility with a few potential sounds sources, it cannot for this proposed fish factory with city-sized utilities.
4. When these roundabout responses to the RFIs added new or revised noise information, it made it very unclear how, and what, was provided in the responses, affected what they had provided previously. This partial change made their lack of equipment and sound data even more of a

problem for trying to understand whether the facility demonstrated that it can comply with the environmental standards or whether enforceable terms and conditions could be developed.

5. The responses to RFIs, even in their roundabout manner, clearly demonstrated that things had changed so much that the original model assumptions could no longer be considered representative, and since the Applicant provided no explanation of how the study demonstrated compliance in the Application, it must now be assumed that it cannot be used as the basis for any permit conditioning.

The noise example above can be summarized generically for many of the permit items in the attached table as:

- (1) The application materials provided “checked the box” for administrative completeness, but they are insufficient to develop reasonable conditions for construction or operations since the information provided was cursory, or the scenario modeled cannot be fully understood for lack of background or operating data or parameters,
- (2) When questioned via the Applicant’s “open door policy” or in public meetings, the Applicant did not voluntarily provide additional materials to offer any assurances that they examined a reasonable worst-case scenario,
- (3) When necessary design changes were identified as part of the Belfast Planning Board permitting process that clearly impacted or changed items in the original DEP applications, these changes did not result in updates to the application,
- (4) When necessary design changes were identified by the public as part of the DEP permitting process that clearly impacted or changed items in the original DEP applications, these changes did not result in updates to the application,
- (5) DEP provided a number of requests for information. The responses often provided new or additional information. Some topics had multiple rounds of RFIs and multiple responses. None of this information was updated in the application materials.

It is understandable why BEP desires to break up the required permitting topics into hearing topics and non-hearing topics. The thought process is that if there is less concern by either a member of the public or DEP staff about a permitting topic being complete for demonstration purposes and also for developing enforceable terms and conditions, then discussing it through testimony and cross-examination would likely not yield enough new information for conditioning to make it worthwhile.

Unfortunately, the normal hearing versus non-hearing topic thought process cannot be followed for this project, and that is one of the focuses of this letter. As the attached table demonstrates, many more topics than those selected for the hearing are also technically incomplete. Noise is just one of them. And furthermore, when new or revised material has been provided to DEP, it has never been made clear what part of the original application it augments or supersedes. As a result, this Applicant has not met its burden of proof that it can demonstrate compliance or provided sufficient information for enforceable terms and conditions, and therefore the Technical Ability has not been demonstrated, and must be considered inadequate.

Please note that the Applicant often points to the acceptance of the application as administratively complete to suggest that any technical data requests for compliance demonstration concerns or conditioning are superfluous since the permit application was accepted as complete. Administratively complete, and technically complete such that the application demonstrates that the burden of proof has been met and that the project can be conditioned in an enforceable manner are two completely different thresholds. As defined by Title 38, Section 344, it states:

An application is acceptable as complete for processing if the application is properly filled out and information is provided for each of the items included on the form. Acceptance of an application as complete for review does not constitute a determination by the department on the sufficiency of that information and does not preclude the department from requesting additional information during processing.

To many, it is obvious that the Applicant is acting under the belief that they have provided all that was required of them and that any information that DEP has requested (especially related to stormwater, water, wastewater, impact to the bay, air, odor, noise, solid waste...) is being done at the demand of intervenors or opponents of their project, and that they can choose whether or not to provide that information; when in fact the application was not technically complete for many of the Sections initially, and then became even more incomplete from their responses to RFI. This is the only explanation for the Applicant's willingness to write off the residents and regulators that are involved in this Project.

We had been hopeful that eventually the Applicant would switch from reacting to requests for information as a sign of opposition to their proposal, to an understanding that the requests were clearly just asking for specific equipment data to perform their own third-party assessments, at their own expense, simply as requests. With the Applicant never making a paradigm shift to a cooperative understanding of the desire for others to perform their own due diligence, their Technical Ability must be questioned. If everything was done correctly, what is the concern with providing the back-up?

In a recent open letter to a local paper, the Applicant, claimed that the process has been a long and hard one for our community and it is nearing its end. He is half right. It has been a long and hard one for our community, but he says it as if the Applicant is sitting on the sidelines watching, and being affected by, the process. Their project and their approach to permitting created this community split. They proposed a very large project with city-sized utility demands that are all interrelated, yet they provided less information than a proponent would for only ONE of the following.

1. It is our experience that Applicants that possess the proper Technical Ability to design, construct, operate, and maintain wastewater treatment plants that produce millions of gallons per day, provide much more equipment design data, many more operating and "what-if" scenarios, and significantly more construction sequencing in their application to demonstrate that compliance is possible in all scenarios, and that there is adequate design information provided so that detailed terms and conditions can be applied.
2. It is our experience that Applicants that possess the proper Technical Ability to design, construct, operate, and maintain water treatment plants that produce millions of gallons per day, provide much more equipment design data, many more operating and "what-if" scenarios, and

significantly more construction sequencing in their application to demonstrate that compliance is possible in all scenarios, and that there is adequate design information provided so that detailed terms and conditions can be applied.

3. It is our experience that Applicants that possess the proper Technical Ability to design, construct, operate, and maintain power plants that produce enough electricity for tens of thousands of households, provide much more equipment design data, many more operating and “what-if” scenarios, and significantly more construction sequencing in their application to demonstrate that compliance is possible in all scenarios, and that there is adequate design information provided so that detailed terms and conditions can be applied.
4. It is our experience that Applicants that possess the proper Technical Ability to design, construct, operate, and maintain food manufacturing facilities that produce more than a million pounds of product per week, provide much more equipment design data, many more operating and “what-if” scenarios, and significantly more construction sequencing in their application to demonstrate that compliance is possible in all scenarios, and that there is adequate design information provided so that detailed terms and conditions can be applied.
5. It is our experience that Applicants that possess the proper Technical Ability to design, construct, operate, and maintain food manufacturing facilities that produce more than a million pounds of solid waste per week, provide much more equipment design data, many more operating and “what-if” scenarios, and significantly more construction sequencing in their application to demonstrate that compliance is possible in all scenarios, and that there is adequate design information provided so that detailed terms and conditions can be applied.
6. It is our experience that Applicants that possess the proper Technical Ability to design, construct, operate, and maintain food manufacturing facilities that consume millions upon millions of Watts of power an hour provide an impact analysis on the local electrical supply grid as part of their feasibility plan, with many operating and “what-if” scenarios for construction, operations, and maintenance in their application to demonstrate that electric supply is even possible in all scenarios, and that there is adequate design information provided so that detailed terms and conditions can be applied.
7. It is our experience that Applicants that possess the proper Technical Ability to design, construct, operate, and maintain a power plant, wastewater plant, water plant, stormwater diversion program, a huge excavation project, a temporary cement plant, rerouting of rivers and streams, an education center, a food manufacturing facilities, and a solid waste transfer station provide a very detailed construction sequencing program for Phase 1 construction, and Phase 2 construction with Phase 1 operations with more than just the “good day” construction scenario so that detailed terms and conditions can be applied for both phases of construction.

Detailed terms and conditions benefit everyone. They establish “goal posts” so a proponent can know what is and isn’t required. They put the public at ease that all reasonable worst-case scenarios have been examined and that there are specific conditions in place for each one, that allow local and state regulators to spend less time on enforcement if the conditions are succinct and easily enforced. And lastly, and most importantly, they protect the area’s economic, energy, and environmental assets.

In reality, the Applicant has done little to bridge the gap between:

- Northport and Belfast area residents that suggest basic information and reasonable voluntary conditions are worth the economic, energy and environmental risk for the economic benefit to the area, and
- Belfast and Northport area residents that want to ask questions about whether the Applicant has examined all of the possible operating scenarios, whether the Applicant has provided the proper burden of proof to show that they can comply with the regulations in all those scenarios, and whether sufficient source data and process information has been provided to develop the proper design, construction, operations, and maintenance terms and conditions that that are reasonable and enforceable.

If this Applicant had the Technical Ability to design, construction, operations, and maintenance, it could have prevented this split in the neighborhood. While the Applicant will tell you that there are those that cannot be appeased no matter what, that is no excuse for not trying. Regardless, it is not an excuse for providing incomplete and inadequate responses to DEP RFIs, and it is definitely not an excuse to avoid updating the original application with changes. And if the Applicant truly cares about the community it is entering, it does not decide to shut the “open door policy” to those with legitimate questions to incomplete information.

Without updated applications, all of the risk falls on the DEP to catch inconsistencies from the application(s) and subsequent responses to RFIs. There are thousands upon thousands of pages of new or revised materials and the inconsistencies these changes have created can be directly and indirectly related, and many of the indirect inconsistencies are often not obvious until they are incorporated back into the application as a whole. Many, many more were outlined at the BEP Licensing Hearing. The attached spreadsheet clearly demonstrates how the formal pending SLODA application does not provide the information necessary to “*demonstrate the financial capacity and technical ability to design, construct, operate and maintain the development in compliance with state environmental standards and the terms and conditions of the permit.*” And the therefore, the proposed project simply cannot be approved and conditioned.

On more than one occasion during the hearing, the Applicant suggested that a response to a BEP question or comment was located in one of their update Technical Memorandums, but the person, or panel, testifying were not sure which updated Technical Memorandum contained the specific design information or data. If the Applicant is unsure of the location of their valid application information, then how would anyone else know which information, or analysis, is current and could be the basis of conditions? If the Applicant cannot understand the need to update the application for a project of this size, complexity, and scope, then the Technical Ability simply must not be there.

Thank you for your time.
Sincerely,

TECH ENVIRONMENTAL, INC.



Michael T. Lannan, P.E.
President



SLODA Checklist Req's				May 24, 2019 SLODA Application			If the RFI Response Altered the Application or the Potential Economic, Environmental or Energy Risks and Benefits, Was the Application Updated as a Result?										Is This Sub-Section in the Application as Posted on the DEP Website Technically Complete? (Yes/No)	Rationale of Sub-Section Technical Completeness	Is the Section Application as Posted on the DEP Website Technically Complete? (Yes/No)				
Section	Subsection	Line Item	Required materials	Marked in NAF Checklist	Administratively Complete? (Yes/No)	Technically Complete? (Yes/No)	Summation of Technical Completeness	June 25, 2019 DEP RFI	July 3, 2019 DEP RFI	July 18, 2019 DEP Meeting RFI	July 31, 2019 DEP RFI	August 2, 2019 DEP RFI	September 17, 2019 DEP Geology RFI	October 3, 2019 DEP RFI	October 9, 2019 DEP RFI	November 8, 2019 DEP RFI							
Section 1 Development Description	A. Narrative	A.1. Objectives and details	development areas, acreage of disturbance, sq. ft. buildings, parking lots, paved areas, revegetated areas, areas to be stripped	X	Yes	Yes	The initial application has a layout of the design, roadways proposed, and general areas to be disturbed.	-	-	No	-	-	-	No	No	No	No	No	This sub-section was not technically complete in the original application and was never changed to reflect the indirect changes from a response to a RFI or question.	No			
		A.2. Existing facilities	Existing facilities including dates of construction	X	Yes	Yes	The existing facility includes the existing structures on-site, the dams and the existing water utility infrastructure.	-	-	-	-	-	-	No	-	-	-	-	-		This sub-section was technically complete in the original application and was never changed to reflect the indirect changes from a response to a RFI or question.		
	B. Topographic Map	B.1. Location of development boundaries	Displaying development boundaries	X	Yes	Yes	The boundaries of the site were included, and the boundaries of the work across route 1 were discussed.	-	No	No	-	-	-	-	No	-	-	-	-		This sub-section was technically complete in the original application and was never changed to reflect the indirect changes from a response to a RFI or question.		
		B.2. Quadrangle name	Topographic quadrangle names provided	X	Yes	Yes	Quadrangle names included within figure notes.	-	-	-	-	-	-	-	-	-	-	-	-		This sub-section was not technically complete in the original application and was never changed to reflect the indirect changes from a response to a RFI or question.		
	C. Construction Plan	C.1. Construction Plan Outline	a plan to construct major aspects of the facility	X	Yes	No	Although some major aspects were discussed, by no means were all major aspects of the project discussed. The wastewater treatment plant, water treatment plant, bypass roadway, power plant, and aeration system have no construction plan.	No	No	No	-	-	-	No	No	No	No	No	No		This sub-section was not technically complete in the original application and was never changed to reflect the indirect changes from a response to a RFI or question.		
		C.2. Construction Dates	dates for all aspects of construction	X	Yes	No	Initially general dates were provided in an excel timeline by months; this excel spreadsheet included color coding for broad topics but menial details about what site work items needed to be done.	No	-	No	-	-	-	No	No	No	No	No	No		This sub-section was not technically complete in the original application and was never changed to reflect the indirect changes from a response to a RFI or question.		
	D. Drawings	D.1. Development facilities	Drawings of all proposed construction and facilities	X	Yes	No	Elevation, and a site plan was provided but for a facility of this magnitude 3D rendering modeling and rooftop plans, HVAC drawings, and electrical drawings would be needed to insure proper permit conditions. The proponent had an opportunity to permit in Phases which would make these drawings less critical, but chose not to do it.	No	No	No	-	-	-	-	No	No	No	No	No		This sub-section was not technically complete in the original application and was never changed to reflect the indirect changes from a response to a RFI or question.		
		D.1.(a) Location, function and ground area	For each aspect of development	X	Yes	No	General descriptors were provided for areas, but the level of detail is incomplete for a technical review of feasibility. For a smaller project, maybe only site plans and elevation drawing would be sufficient but for a project of this size, it is incomplete.	No	-	No	-	-	-	-	No	No	-	No	-		This sub-section was not technically complete in the original application and was never changed to reflect the indirect changes from a response to a RFI or question.		
		D.1.(b) Length/cross-sections for roads	For each road	X	Yes	No	Incomplete information on road length during each phase and details to overcome silt and clay on dirt roads was not provided. It is not possible to determine whether typical BMPs is sufficient to condition this project without this information.	-	No	-	-	-	-	-	No	-	-	-	-		This sub-section was not technically complete in the original application and was never changed to reflect the indirect changes from a response to a RFI or question.		
		D.2. Site Work	filling, grading, drainage, or dredging design	X	Yes	No	The information that was provided was very cursory, and for a project of this magnitude a more detailed design is necessary to insure proper permit conditions.	No	No	No	-	-	-	-	No	No	No	-	-		-	This sub-section was not technically complete in the original application and was never changed to reflect the indirect changes from a response to a RFI or question.	
		D.3. Existing facilities	existing facility function, ground area and floor area	X	Yes	No	The function for the existing facility was not explained other than the utilization of the gatehouse. What conditions are needed for the existing water treatment plant, other structures, and dams?	-	-	-	-	-	-	-	No	-	-	-	-		-	This sub-section was not technically complete in the original application and was never changed to reflect the indirect changes from a response to a RFI or question.	
		D.4. Topography	pre- and post topography of the site using 2 foot intervals or five foot at 20% slope of more	X	Yes	Yes	Topo of the site was provided for existing and future conditions in the application.	No	No	-	-	-	-	-	-	No	-	-	-		-	This sub-section was not technically complete in the original application and was never changed to reflect the indirect changes from a response to a RFI or question.	
		D.4.(a) contour options	larger contours for 250 acres or more	N/A	N/A	N/A	The site is less than 250 acres.	-	-	-	-	-	-	-	-	-	-	-	-		-	This sub-section was not technically complete in the original application and was never changed to reflect the indirect changes from a response to a RFI or question.	
		D.4.(b) previous construction	previous construction is discussed	X	Yes	No	The site has been developed for years and the Applicant mentioned that there were PAHs found on-site in a coal storage area. The storage area and other structures are not discussed.	-	-	-	-	-	-	-	No	No	-	-	-		-	This sub-section was not technically complete in the original application and was never changed to reflect the indirect changes from a response to a RFI or question.	
Section 2		Title, right or interest	do they clearly present a pathway to the water and across the road and on-site	X	Yes	No	DEP determined that there was sufficient TRB for the project to proceed through permitting. If it is mentioned at a pre-hearing meeting that if the project can receive permits, a legal determination of TRB must be made by DEP and/or the courts before the permits will be issued.	-	-	No	No	-	-	-	-	-	-	-	-	This sub-section was not technically complete in the original application and was never changed to reflect the indirect changes from a response to a RFI or question.	No		
A. Estimated Costs		Itemized costs of land purchase, roads, sewers, structures, water supply, erosion, control, pollution abatement and landscaping	X	Yes	No	A project of this size would provide sufficient equipment specifications and design criteria, and sufficient itemization of major cost, to insure proper permit conditions could be developed, and most importantly that the project could afford to include them.	No	No	No	No	-	-	No	No	No	No	No	No	No	This sub-section was not technically complete in the original application and was never updated.	No		
Section 3 Financial Capacity	B.1. Letter of commitment to fund	letter of commitment from financial institution or other funding agency	X	N/A	N/A	Proponent opted for "3. Other", in which case B.1. is not required.	-	-	-	-	-	-	-	-	-	-	-	-	-	This sub-section was not technically complete in the original application and was never updated.	No		
		B.2. Self-financing	Annual report and bank statement indicating availability of funds	N/A	N/A	N/A	Proponent not proposing self-financing, as indicated from "N/A" in the application checklist for all aspects of Section B.2.	-	-	-	-	-	-	-	-	-	-	-	-	-	This sub-section was not technically complete in the original application and was never updated.	No	
	B.3. Other	Mixture of funding sources contingent on permit approvals	X	Yes	No	Proponent discusses a mixture of equity, debt financing, and cash flow (future) in a very broad sense in Section 3 and Appendix 3-A, while it is understood that often financing can not be finalized until permitting has been completed there is insufficient and direct commitment from specific lenders for a project of this magnitude. The more involved a project maybe requires more specific commitments, so the risk can be properly bonded.	-	No	-	-	-	-	-	-	-	No	-	-	-	This sub-section was not technically complete in the original application and was never updated.	No		
		B.3.(a) Cash equity commitment	commitment equal to 20% of the total development cost	X	Yes	No	Appendix 3-B suggests that the proponent is "well positioned to secure the required funding". While it is understood that often financing can not be finalized until permitting has been completed there is insufficient and direct commitment from specific lenders for a project of this magnitude. The applicant has shown no cash equity committed to this project. Submitted materials show cash equity raised in the entire history of the company, including its 4 existing subsidiaries, is 12.7% of the project cost. This is well short of the 20% norm and is NONE is directly committed to this project's LLC.	-	-	-	-	-	-	-	-	-	No	-	-	-	This sub-section was not technically complete in the original application and was never changed to reflect the indirect changes from a response to a RFI or question.	No	
		B.3.(b) Financial plan	Plan for financing the remaining cost	X	Yes	No	For a project of this magnitude, where for example a major mortality event could result in the death of millions of fish adequate financial reserves must be available to remove the fish, dispose of the fish and replace the fish. The only way to understand the potential financial implications of this type or other unexpected operational considerations such as virus/bacteria) is to develop unexpected scenarios and include them in the permitting process for review and conditioning.	-	No	No	-	-	-	-	-	-	No	-	-	-	This sub-section was not technically complete in the original application and was never updated.	No	
	B.3.(c) Letter	Letter indicating an intention to provide financing	X	Yes	No	There is no letter indicating an intention to provide financing. No potential source of financing has been identified, and it is unclear how the LLC for this company fits in with the assets and obligations of the parent "Inc" company. As of today the LLC has no dedicated money or financing.	-	-	-	-	-	-	-	-	-	No	-	-	-	This sub-section was not technically complete in the original application and was never updated.	No		
	B.4. Affordable housing information	Data substantiating that a person with median income in the county could obtain a mortgage for a unit given the selling price	N/A	N/A	N/A	No housing proposed.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	This sub-section was not technically complete in the original application and was never updated.	No	
A. Prior Experience		Statement of prior experience and appropriate training for development	X	Yes	No	The information provided on other projects is for facilities are much smaller or have not been operated for a sufficient period of time to understand whether they have the proper operations and procedures to deal with both normal and upset conditions. Therefore they may have theoretical experience, but clearly as a corporation, Nordic Aquariums does not have the learned experience to overcome industry specific challenges for a facility of this size and magnitude.	-	-	-	-	-	-	-	-	-	-	-	-	-	This sub-section was not technically complete in the original application and was never updated.	No		
Section 4 Technical Ability	B. Personnel	Resumes or similar documents detailing the experience and qualifications of full-time, permanent or temporary staff contacted with or employed by the applicant who will design, construct, and oversee development including the installation and maintenance of pollution control measures. These parties must be responsible for design and implementation.	X	Yes	Yes	Resumes provided for personnel and project teams/consultants. But unfortunately their approach to permitting which includes providing some information and little actual equipment data or backup analysis have required DEP to issue many Request for Information (RFIs). The responses to these RFIs are either very involved and contain a lot of new and revised information, or sidestepped the request. It is extremely reasonable to question the technical ability of the personnel completing these incomplete applications and their decision to not formally update the applications. Either this proponent feels they are above keeping their proposed facility information up to speed for the public and regulatory authorities, or they do not possess the technical ability to do so, either way, neither the DEP or members of the general public can easily identify and understand the potential economic, environmental, and energy risks and benefits of their project when the materials are spread out.	-	-	No	-	-	-	-	-	-	-	-	-	-	-	This sub-section was never changed to reflect the indirect changes from a response to a RFI or question.	No	
		did the proponent elect to provide a statement or justification as a major sound source?	N/A	N/A	N/A	Proponent self identified as a major sound source by putting "N/A" in the application checklist for all aspects of Section 5 (A)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	This sub-section was not technically complete in the original application and was never updated.	N/A	
Section 5 Noise	B	B.2.(a) - source information	type, locations, and sources	X	Yes	No	Proponent self identified as a major sound source by putting an "X" in the application checklist indicating that it has provided all aspects of Section 5 (B)	-	-	-	-	-	-	-	-	-	-	-	-	-	This sub-section was not technically complete in the original application and was never updated.	No	
		B.1. Baseline	did the proponent measure or identify the existing background conditions	X	Yes	No	Baseline measurements or a discussion of the existing background conditions was not provided. Based on the project location and size, it is crucial in providing information to insure that proper permit conditions could be developed.	-	-	-	-	-	-	-	-	-	-	-	-	-	This sub-section was not technically complete in the original application and was never updated.	No	
		B.1.(a) - Use Zones and Maps	spatial discussion of the area specific to noise	X	Yes	No	For a project of this size would provide images discussing location of baseline conditions and provide figures that depict clearly the project boundary and protected locations property line to insure proper permit conditions.	-	-	-	-	-	-	-	-	-	-	-	-	-	This sub-section was not technically complete in the original application and was never updated.	No	
		B.1.(b) - Protected Locations	Description of protected locations	X	Yes	No	A discussion of the surrounding protected locations would have been provided to insure proper permit conditions, and to verify the applicants understanding of their proximity to the surrounding protected locations.	-	-	-	-	-	-	-	-	-	-	-	-	-	This sub-section was not technically complete in the original application and was never updated.	No	
		B.1.(c) - Quiet area	Evidence concerning whether or not the area surrounding the development is a quiet area.	X	Yes	No	To insure proper permit condition for a project of this size a discussion on whether a "quiet area" should have been included in the application. The proponent has done the exact opposite and has pushed exemptions for noise in the application.	-	-	-	-	-	-	-	-	-	-	-	-	-	This sub-section was not technically complete in the original application and was never updated.	No	
		B.2. - Noise Generated by the development	A description of all types of noise to be generated	X	Yes	No	This information was not provided in the application and therefore their noise report cannot be validated and is not worth the paper it was printed on. A project of this size must provide a detailed discussion of all types of noise in regards to construction, operations, and maintenance. This project includes city sized infrastructures such as a power plant, wastewater treatment plant, water supply facility, etc. EACH of which would provide individual sound sources, if requested.	-	No	-	-	-	-	-	-	-	No	No	-	-	-	This sub-section was not technically complete in the original application and was never updated.	No
		B.2.(a) - source information	type, locations, and sources	X	Yes	No	A project of this size would provide information on the different types, locations, and sources of noise, to insure proper permit conditions.	-	-	No	-	-	-	-	-	-	No	No	-	-	-	This sub-section was not technically complete in the original application and was never updated.	No
		B.2.(b) - Sound levels	a description of daytime and nighttime sound levels expected at property lines and locations for ALL types of sound generated.	X	Yes	No	A project of this size would provide octave band data. Not only is the sound information not provided, but the potential equipment creating it has not been included. band sound levels or sound power data for the equipment used during operation and maintenance, to insure proper permit conditions.	-	No	No	-	-	-	-	No	-	No	No	-	-	-	This sub-section was not technically complete in the original application and was never changed to reflect the indirect changes from a response to a RFI or question.	No
		B.2.(c) - control measures	A description of the proposed sound control measures, location, and expected performance	X	Yes	No	A project of this size would provide information on the locations or expected performance of sound control measures, to insure proper permit conditions. A site with hundreds of sources cannot be properly conditioned with a general "shall not exceed" type of condition. That condition is completely impractical for a project with 100s of sources. The time, money, and effort it would take DEP or local regulators to determine which sources are problematic with 100s of sources makes this project as submitted in its application completely impossible to condition.	-	-	-	-	-	-	-	No	-	No	No	-	-	-	This sub-section was not technically complete in the original application and was never updated.	No
		B.2.(d) - Comparison with Regulatory Limits	A comparison of expected sound levels with limits in regulations.	X	Yes	No	The comparison did not discuss the projects impacts due to total sounds from the sound sources. Again, no equipment information has been provided, and no modeling assumptions are included in their study, even after requests were made during permitting. Without any sound source data, it is impossible to know which sources are problematic. This approach requires that the proponent agree after the fact to determining the sources of concern. If they do not do this in a satisfactory manner to regulatory authorities, the onus of establishing the baseline after the fact falls on the state or local officials and the time, money, and effort it would take DEP or local regulators to determine which sources are problematic with 100s of sources would strain these resources.	No	No	-	-	-	-	-	-	-	-	No	No	-	-	-	This sub-section was not technically complete in the original application and was never updated.
B.2.(e) - comparison with local limits	a comparison of sound levels with any quantifiable noise standards of any affected municipality	X	Yes	No	Due to the magnitude of the project, to insure that there would not be adverse effects on the surrounding protected locations, a comparison of the predict project sound levels to the local limits in Belfast and/or Northport should have been provided. Not only was this not provided, but their discussion of construction noise, traffic noise, and operational noise during normal and upset conditions. There is no justification that this source will not be a nuisance during construction, operations, or maintenance.	No	No	-	-	-	-	-	-	-	-	-	No	No	-	-	-	This sub-section was not technically complete in the original application and was never updated.	No
Section 6		Visual quality and scenic character	Narrative detailing provisions for minimizing visual impact to surrounding area	X	Yes	No	There are some site lines presented, but not sufficient to demonstrate that this project will be sufficient. The stacks were not included in their submittal. A project of this size would provide visual assessments, discussing stacks and other potential protruding rooftop equipment, to insure proper permit conditions.	-	No	No	-	-	-	-	-	No	No	-	-	-	This sub-section was not technically complete in the original application and was never changed to reflect the indirect changes from a response to a RFI or question.	No	

SLODA Checklist Req's				May 24, 2019 SLODA Application			If the RFI Response Altered the Application or the Potential Economic, Environmental or Energy Risks and Benefits, Was the Application Updated as a Result?										Is This Sub-Section in the Application as Posted on the DEP Website Technically Complete? (Yes/No)	Rationale of Sub-Section Technical Completeness	Is the Section Application as Posted on the DEP Website Technically Complete? (Yes/No)
Section	Subsection	Line Item	Required materials	Marked in NAF Checklist	Administratively Complete? (Yes/No)	Technically Complete? (Yes/No)	June 25, 2019 DEP RFI	July 3, 2019 DEP RFI	July 18, 2019 DEP Meeting RFI	July 31, 2019 DEP RFI	August 2, 2019 DEP RFI	September 17, 2019 DEP Geology RFI	October 3, 2019 DEP RFI	October 9, 2019 DEP RFI	November 8, 2019 DEP RFI				
Section 7		Wildlife and fisheries	Impacts that could result from proposed development including plan to minimize affect on habitats on or adjacent to site	X	Yes	No	No	No	No	No	-	No	No	No	No	No	No	This sub-section was not technically complete in the original application and was never updated.	No
Section 8		Historic sites	Demonstrate no effects to historic site, structures or archaeological sites.	X	Yes	Yes	-	-	-	-	-	-	-	-	-	-	-	This sub-section was technically complete and any minor changes would not significantly impact potential economic, environmental or energy risks and benefits.	Yes
Section 9		Unusual natural areas	Description of appropriate buffers or measures to protect areas on site	X	Yes	Yes	-	-	-	-	-	-	-	-	-	-	-	This sub-section was technically complete and any minor changes would not significantly impact potential economic, environmental or energy risks and benefits.	Yes
Section 10		Buffers	Dimensions, clearing limits, planting specs/schedule, and evidence of maintenance and protection.	X	Yes	No	No	No	-	-	-	No	No	No	-	-	-	This sub-section was not technically complete in the original application and was never changed to reflect the direct changes from a response to a RFI or question.	No
Section 11 Soils	A	A. Soil survey and map report	Provide report prepared by certified soil scientist.	X	Yes	Yes	No	-	-	-	-	-	-	-	-	-	-	This sub-section was not technically complete in the original application and was never changed to reflect the direct changes from a response to a RFI or question. It is unclear whether new information discussed at the Belfast Planning Board meetings that directly contradicts the permit quantities was ever formally updated. It is still unclear exactly how much of he soil will be "unstable" and removed, and "unstable" but will remain.	No
		A.1. Soil investigation narrative	Discussion of field investigation techniques, soil conditions, investigated landforms. Describe limitation of the soils with respect to development	X	Yes	No	No	-	-	No	-	-	No	No	-	-	-	-	No
		A.2. Soil survey map	Delineation of soil mapping units, soil legend identifying symbols, identification of intensity of soil survey, note referencing standards followed, light overlay of development design	X	Yes	No	No	-	-	-	-	-	-	-	-	-	-	-	No
	B	B. Soil survey intensity level by development type	Details of the minimum standard for soil surveys related to specific proposed developments	X	Yes	Yes	-	-	-	-	-	-	-	-	-	-	-	-	This sub-section was technically complete and any minor changes would not significantly impact potential economic, environmental or energy risks and benefits.
C	C. Geotechnical investigation	Report endorsed by PE that identifies all major limitations to the development from existing soils and other surface or subsurface features of the site. Describe techniques to be used to overcome limitations	X	Yes	No	No	-	-	No	-	-	No	No	No	-	-	-	This sub-section was not technically complete in the original application and was never changed to reflect the direct changes from a response to a RFI or question. It is unclear whether new information discussed at the Belfast Planning Board meetings that directly contradicts the permit quantities was ever formally updated. It is still unclear exactly how much of he soil will be "unstable" and removed, and "unstable" but will remain.	No
D	D. Hydric soils mapping	Limits of all hydric soils clearly identified on survey map.	X	Yes	Yes	-	-	-	-	-	-	-	-	-	-	-	-	This sub-section was technically complete and any minor changes would not significantly impact potential economic, environmental or energy risks and benefits.	Yes
A	A. Narrative	Describe pre and post-development site conditions and estimated effects of post-development site runoff on peak discharge rates, flooding and water quality. Identify standards and proposed BMPs to meet standard	X	Yes	No	No	-	-	No	-	-	-	-	No	-	-	-	-	-
	A.1. Development location	General location and orientation of development within watershed(s)	X	Yes	Yes	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	A.2. Surface water on or abutting the site	Identify all lakes, rivers, streams, brooks, wetlands on or abutting site	X	Yes	No	No	-	-	No	-	-	-	-	No	-	-	-	-	-
	A.3. Downstream ponds and lakes	All downstream ponds, lakes that may be affected by site runoff. Identify whether each affected pond or lake is in a watershed most at risk from development or a sensitive/threatened region or watershed	X	Yes	No	No	-	-	-	-	-	-	-	No	-	-	-	-	-
	A.4. General topography	Description of terrain as flat, gently rolling, hilly or steep	X	Yes	Yes	-	-	-	-	-	-	-	-	No	-	-	-	-	-
	A.5. Flooding	List of areas, buildings, facilities that historically flood or could be affected by site runoff, including on-site and off-site areas, buildings, or facilities	X	Yes	No	No	-	-	No	-	-	-	-	No	-	-	-	-	-
	A.6. Alterations to natural drainage ways	Descriptions of proposed changes in alignment and/or channel geometry	X	Yes	No	No	-	-	No	-	-	-	-	No	-	-	-	-	-
	A.7. Alterations to land cover	Description of how development will change existing land covers	X	Yes	No	No	-	-	-	-	-	-	-	No	-	-	-	-	No
	A.8. Modeling assumptions	Assumptions used to determine runoff curve numbers, times of concentration and travel times for each pre and post-development subwatershed.	X	Yes	No	No	-	-	No	-	-	-	-	No	-	-	-	-	-
	A.9. Basic standards	Provide Basic Standards	X	Yes	Yes	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	A.10. Flooding standard	Provide Flooding standards	X	Yes	Yes	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	A.11. General standard	Provide general standard	X	Yes	Yes	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	A.12. Parcel size	Provide parcel size	X	Yes	Yes	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	A.13. Developed area	Provide Developed area	X	No	No	No	-	-	No	-	-	-	-	No	-	-	-	-	-
	A.14. Disturbed area	Provide disturbed area	X	No	No	No	-	-	No	-	-	-	-	No	-	-	-	-	-
A.15. Impervious area	Provide impervious area	X	No	No	No	-	-	No	-	-	-	-	No	-	-	-	-	-	
B	B. Maps	Provide maps	X	Yes	Yes	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	B.1. Topographic map	USGS 7.5 min topographic map	X	Yes	Yes	-	-	-	-	-	-	-	-	-	-	-	-	-	Yes
	B.2. Soils map	Soil Conservation Service Medium Intensity Soil Survey Map	X	N/A	N/A	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C	C. Drainage plans (pre and post development)	Scaled site plans for pre and post development site	X	Yes	Yes	No	-	-	No	-	-	-	-	No	-	-	-	-	-
	C.1. Contours	Topography contours as in Section 1.D(4)	X	Yes	No	No	-	-	No	-	-	-	-	No	-	-	-	-	-
	C.2. Plan elements	Legend, north arrow, title block, revision block, etc.	X	Yes	No	No	-	-	-	-	-	-	-	No	-	-	-	-	-
	C.3. Land cover types and boundaries	Cover types as defined by stormwater model	X	Yes	No	No	-	-	No	-	-	-	-	No	-	-	-	-	-
	C.4. Soil group boundaries	Boundaries of hydrologic soil groups on site	X	Yes	No	No	-	-	No	-	-	-	-	No	-	-	-	-	-
	C.5. Stormwater quantity subwatershed boundaries	Drainage boundary of each stormwater quantity subwatershed on site	X	Yes	No	No	-	-	No	-	-	-	-	No	-	-	-	-	-
	C.6. Stormwater quality subwatershed boundaries	Drainage boundary of each stormwater quality subwatershed on site	X	Yes	No	No	-	-	-	-	-	-	-	-	-	-	-	-	-
	C.7. Watershed analysis points	Analysis points used in runoff model for determining peak flow rates	X	Yes	No	No	-	-	-	-	-	-	-	-	No	-	-	-	-
	C.8. Hydrologic flow lines	Flow lines for determining times of concentration and travel times. For each flow line, indicate flow type (sheet, shallow-concentrated or channel flow)	X	Yes	No	No	-	-	-	-	-	-	-	-	No	-	-	-	-
	C.9. Runoff storage areas	Areas (depressions, wetlands, ponds, etc.) functioning to detain, retain or infiltrate runoff	X	Yes	No	No	-	-	No	-	-	-	-	No	-	-	-	-	-
C.10. Roads and drives	State routes, town roads, private drives and unimproved roads on or bordering the site	X	Yes	Yes	-	-	-	No	-	-	-	-	No	-	-	-	-	-	
C																		No	This sub-section was not technically complete in the original application and was never changed to reflect the direct changes from a response to a RFI or question.

SLODA Checklist Req's				May 24, 2019 SLODA Application			If the RFI Response Altered the Application or the Potential Economic, Environmental or Energy Risks and Benefits, Was the Application Updated as a Result?										Is This Sub-Section in the Application as Posted on the DEP website Technically Complete? (Yes/No)	Rationale of Sub-Section Technical Completeness	Is the Section Application as Posted on the DEP website Technically Complete? (Yes/No)		
Section	Subsection	Line Item	Required materials	Marked in NAF Checklist	Administratively Complete? (Yes/No)	Technically Complete? (Yes/No)	Summation of Technical Completeness	June 25, 2019 DEP RFI	July 3, 2019 DEP RFI	July 18, 2019 DEP Meeting RFI	July 31, 2019 DEP RFI	August 2, 2019 DEP RFI	September 17, 2019 DEP Geology RFI	October 3, 2019 DEP RFI	October 9, 2019 DEP RFI	November 8, 2019 DEP RFI					
		C.11. Facilities	Buildings, parking lots and facilities	X	Yes	No	DEP provided detailed RFI that required a 750 and 1133 page response(s) that included revised and/or new drawings, new text, revised text, replacement text and updated text.	No	-	-	-	-	-	No	-	-	-	No	to a RFI or question.		
		C.12. Drainage systems	Culverts, catch basins, storm sewers and outfalls	X	Yes	No	DEP provided a detailed RFI that resulted that required 1133 page response that included revised and/or new drawings, new text, revised text, replacement text and updated text.	No	-	No	-	-	-	-	No	-	-				
		C.13. Natural and man-made drainage ways	Streams, brooks, swales, road ditches or other open drainage channels	X	Yes	No	DEP provided a detailed RFI that resulted that required 1133 page response that included revised and/or new drawings, new text, revised text, replacement text and updated text.	No	No	No	-	-	-	-	No	-	-				
		C.14. Wetlands	All on-site wetlands	X	Yes	No	DEP provided a detailed RFI that resulted that required 1133 page response that included revised and/or new drawings, new text, revised text, replacement text and updated text.	No	No	No	-	-	-	-	-	-	-				
		C.15. Flooded areas	All areas currently flooded due to runoff from 2-year, 10-year, and 25-year 24-hour storms	X	Yes	No	DEP provided a detailed RFI that resulted that required 1133 page response that included revised and/or new drawings, new text, revised text, replacement text and updated text.	No	No	No	-	-	-	-	-	-	-				
		C.16. Benchmark	Location of at least one permanent elevation benchmark on site	X	Yes	Yes	Provided on plans	-	-	-	-	-	-	-	-	-	-				-
		C.17. Stormwater detention, retention and infiltration facilities	Location of each facility and the drainage boundary for the area draining to each facility	X	Yes	No	DEP provided a detailed RFI that resulted that required 1133 page response that included revised and/or new drawings, new text, revised text, replacement text and updated text.	No	No	No	-	-	-	-	No	-	-				
		C.18. Stormwater treatment facilities	Location of each treatment measure and the drainage boundary for the area draining to each measure	X	Yes	No	DEP provided a detailed RFI that resulted that required 1133 page response that included revised and/or new drawings, new text, revised text, replacement text and updated text.	No	-	No	-	-	-	-	No	-	-				
		C.19. Drainage easements	Boundaries of any on-site and off-site drainage easements that are designated as part of the stormwater management system	X	Yes	Yes	Provided on plans	-	No	No	-	-	-	-	-	-	-				-
		C.20. Identify reaches, ponds, subwatersheds matching stormwater model	Identify reaches, ponds, subwatersheds as used in model	X	Yes	No	DEP provided a detailed RFI that resulted that required 1133 page response that included revised and/or new drawings, new text, revised text, replacement text and updated text.	No	No	-	-	-	-	-	No	-	-				
C.21. Buffers	Identify buffers	X	Yes	Yes	Buffers identified on drainage plans and likely not changed from RFI	-	No	-	-	-	-	-	-	-	-	-					
D		D. Runoff analysis (pre and post development)	Pre and post development stormwater analyses of the site, in accordance with acceptable engineering practice	X	Yes	No	DEP provided a detailed RFI that resulted that required 1133 page response that included revised and/or new drawings, new text, revised text, replacement text and updated text.	No	No	No	-	-	-	No	-	-	-	No	This sub-section was not technically complete in the original application and was never changed to reflect the direct and in-direct changes from a response to a RFI or question.		
		D.1. Curve number computations	Computations for determining the curve number for each pre and post development subwatershed	X	Yes	No	DEP provided a detailed RFI that resulted that required 1133 page response that included revised and/or new drawings, new text, revised text, replacement text and updated text.	No	-	-	-	-	-	-	-	-	-				
		D.2. Time of concentration calculations	Calculations for determining the time of concentration for each pre and post subwatershed	X	Yes	No	DEP provided a detailed RFI that resulted that required 1133 page response that included revised and/or new drawings, new text, revised text, replacement text and updated text.	No	-	-	-	-	-	-	No	-	-				
		D.3. Travel time calculations	Calculations used to determine the travel time through each pre and post development subwatershed or identified reach	X	Yes	No	DEP provided a detailed RFI that resulted that required 1133 page response that included revised and/or new drawings, new text, revised text, replacement text and updated text.	No	-	-	-	-	-	-	No	-	-				
		D.4. Peak discharge calculations	Calculations used to determine the peak discharge for each pre and post development subwatershed, reach and watershed reservoir for 24-hour storms of 2, 10, and 25 year frequencies	X	Yes	No	DEP provided a detailed RFI that resulted that required 1133 page response that included revised and/or new drawings, new text, revised text, replacement text and updated text.	No	-	-	-	-	-	-	No	-	-				
		D.5. Reservoir routing calculations	Provide calculations used to route stormwater through any ponds, basins or other areas which store and release runoff	X	Yes	No	DEP provided a detailed RFI that resulted that required 1133 page response that included revised and/or new drawings, new text, revised text, replacement text and updated text.	-	-	No	-	-	-	No	-	-					
E		E. Flooding standard	Provide a stormwater quantity management plan for the site, including detention, retention or infiltration of stormwater from 24-hour storms of 2, 10, and 25-year frequencies such that the peak flow of the stormwater from the developed site does not exceed the peak flow of stormwater from the site prior to construction of the project. The project also may not increase the peak flow of any receiving waters as a result of runoff from the site for the same storms.	X	Yes	No	DEP provided a detailed RFI that resulted that required 1133 page response that included revised and/or new drawings, new text, revised text, replacement text and updated text.	No	-	-	-	-	-	No	-	-	-	No	This sub-section was not technically complete in the original application and was never updated.		
F		F. Stormwater quality treatment plan peak discharge calculations	Provide a stormwater quality treatment plan for the site. The stormwater runoff calculations for measures designed to meet general standards must be in accordance with acceptable engineering practice, including water volume, buffer sizing. Include a summary of the calculations in a spreadsheet	X	Yes	No	DEP provided a detailed RFI that resulted that required 1133 page response that included revised and/or new drawings, new text, revised text, replacement text and updated text.	No	-	No	-	-	-	No	-	-	-	No	This sub-section was not technically complete in the original application and was never updated.		
G		G. Maintenance of common facilities of property	Identify person responsible for implementing plan, specify transfer mechanism, describe facilities to be maintained, establish inspection and maintenance tasks, identify any deed covenants, restrictions, or easements on the site, provide maintenance log, and supply a copy of any contracts with third parties.	X	Yes	No	DEP provided a detailed RFI that resulted that required 1133 page response that included revised and/or new drawings, new text, revised text, replacement text and updated text.	No	-	-	-	-	-	-	-	-	-	No	This sub-section was not technically complete in the original application and was never updated.		
Section 13		Section 13 - Urban Impaired Stream Submissions	N/A	N/A	N/A	Agreed that no urban impaired streams affected	-	-	-	-	-	-	-	-	-	-	Yes	This sub-section was technically complete in the original application and was never significantly impact potential economic, environmental or energy risks and benefits.	Yes		
A		A. Narrative	Describe site's erosion potential and control measures during construction and after completion. Describe temporary and permanent erosion control methods to be employed	X	Yes	Yes	Provided in Soil Erosion and Sedimentation Control Appendix 14-A	No	-	No	-	-	-	No	-	-	-	No	This sub-section was not technically complete in the original application and was never changed to reflect the direct changes from a response to a RFI or question.		
		A.1. Soil types	Provide soil types	X	Yes	No	Since submission of the permit application the applicant has identified significantly more unstable soil and the soil was not included in the original application.	No	-	No	-	-	-	-	-	-	-				
		A.2. Existing erosion problems	Identify existing erosion problems	X	Yes	Yes	Appendix 14-A states no significant existing erosion problems have been identified at site	-	-	-	-	-	-	-	No	-	-				
		A.3. Critical areas	Identify critical areas	X	Yes	No	Not provided in narrative.	-	-	-	-	-	-	-	No	No	-				
		A.4. Protected natural resources	Identify protected natural resources	X	Yes	No	Not provided in narrative.	-	-	-	-	-	-	-	No	No	-				
		A.5. Erosion control measures	Identify erosion control measure summary	X	No	No	Not provided in narrative.	-	-	No	-	-	-	-	No	No	-				
		A.6. Site stabilization	Provide site stabilization summary	X	No	No	Not provided in narrative.	-	-	No	-	-	-	-	No	No	-				
B		B. Implementation schedule	Expected date by which final stabilization of site will be complete	X	Yes	Yes	The implementation schedule was provided but was never updated as a result of response to RFI.	-	-	No	-	-	-	No	-	-	-	No	This sub-section was not technically complete in the original application and was never updated.		
C		C. Erosion and sediment control plan	Show locations of all roads, lot boundaries, buildings, parking lots, material stockpiles, existing and proposed culverts, drainage channels, catch basins, subsurface drainage pipe and storm drain outfalls. Locations of all temporary and permanent erosion controls to be installed on site. Limits of areas disturbed by construction.	X	Yes	No	DEP provided a detailed RFI that resulted in response to RFI's dated 6/25/19, 7/18/2019, 10/3/2019, 10/9/2019 which provided multiple changes compared to the information provide in the original equipment.	No	-	No	-	-	-	No	No	-	-	No	This sub-section was not technically complete in the original application and was never changed to reflect the direct and in-direct changes from a response to a RFI or question.		
		C.1. Pre-development and post development contours	Include pre-development and post development contours	X	Yes	Yes	Contours provided	-	-	No	-	-	-	-	No	-	-				
		C.2. Plan scale and elements	Include plan scale and elements	X	Yes	No	For a project of this magnitude the scales that were provided lacked a legend which makes it challenging to interpret the provided plans.	-	-	-	-	-	-	-	-	-	-				
		C.3. Land cover types and boundaries	Identify land cover types and boundaries	X	Yes	Yes	Provided on a macro-level, but not on a micro-level. And not sufficient for a project of this size, magnitude, and complexity	No	-	-	-	-	-	-	No	-	-				
		C.4. Existing erosion problems	Identify existing erosion problems	X	Yes	Yes	N/A - No existing erosion problems identified on site	-	-	-	-	-	-	-	-	-	-				
		C.5. Critical areas	Identify critical areas	X	Yes	Yes	Critical areas identified	-	-	-	-	-	-	-	-	-	-				
		C.6. Protected natural resources	Identify protected natural resources	X	Yes	Yes	Protected natural resources identified	-	-	-	-	-	-	-	-	No	-				
		C.7. Locations (general)	Identify locations of erosion	X	Yes	No	For a project of this magnitude the location of the stockpiles would have also been provided to insure proper permit conditions.	-	-	No	-	-	-	No	-	-					

SLODA Checklist Req's				May 24, 2019 SLODA Application			If the RFI Response Altered the Application or the Potential Economic, Environmental or Energy Risks and Benefits, Was the Application Updated as a Result?										Is This Sub-Section in the Application as Posted on the DEP Website Technically Complete? (Yes/No)	Rationale of Sub-Section Technical Completeness	Is the Section Application as Posted on the DEP Website Technically Complete? (Yes/No)
Section	Subsection	Line Item	Required materials	Marked in NAF Checklist	Administratively Complete? (Yes/No)	Technically Complete? (Yes/No)	Summary of Technical Completeness	June 25, 2019 DEP RFI	July 3, 2019 DEP RFI	July 18, 2019 DEP Meeting RFI	July 31, 2019 DEP RFI	August 2, 2019 DEP RFI	September 17, 2019 DEP Geology RFI	October 3, 2019 DEP RFI	October 9, 2019 DEP RFI	November 8, 2019 DEP RFI			
Section 14 Basic Standards	C	C.8. Locations of controls	Identify locations of controls	X	Yes	Yes	Locations of control identified	No	-	No	-	-	-	No	No	-	No		
		C.9. Disturbed areas	Identify areas to be disturbed	X	Yes	Yes	Disturbed areas identified.	-	-	No	-	-	-	No	No	-			
		C.10. Stabilized construction entrance	Identify stabilized areas for construction vehicles/staging	X	Yes	Yes	Discussed and indicated on plans.	-	-	No	-	-	-	-	No	-			
	D	D. Details and specifications (temporary and permanent)	Provide design drawings and specifications for erosion and sedimentation control measures. Details and drawings must be sufficiently detailed to allow a contractor unfamiliar with the control to install and maintain them.	X	Yes	Yes	Drawings and specs arguably detailed enough for contractor to interpret and install/maintain.	-	No	No	-	-	-	No	No	-	No	This sub-section was never changed to reflect the direct changes from a response to a RFI or question.	
	E	E. Design calculations	Calculations for sizing, spacing or stabilizing each erosion and sedimentation control measure. Must include analysis for determining peak runoff flow to a control, its storage volume and its outlet design.	X	Yes	Yes	A design calculations was provided in Control Plan Attachment B.	No	No	No	-	-	-	No	-	-	Yes	This sub-section was technically complete and any minor changes would not significantly impact potential economic, environmental or energy risks and benefits.	
	F	F. Stabilization plan	Provide final stabilization plan including dates, measures, and maintenance	X	Yes	Yes	Provided stabilization plan	No	No	No	-	-	-	No	-	-	No	This sub-section was technically complete and never was updated.	
		F.1. Temporary seeding	Identify areas of temporary seeding	X	Yes	Yes	Provided temporary seeding details	-	-	-	-	-	-	-	-	-			
		F.2. Permanent seeding	Identify areas of permanent seeding	X	Yes	Yes	Provided permanent seeding details	-	-	-	-	-	-	-	-	-			
		F.3. Sodding	Identify areas of sodding	X	Yes	Yes	Provided sodding details	-	-	-	-	-	-	-	-	-			
		F.4. Temporary mulching	Identify areas of temporary mulching	X	Yes	Yes	Provided temporary mulching details	-	-	-	-	-	-	-	-	-			
F.5. Permanent mulching		Identify areas of permanent mulching	X	Yes	Yes	Provided permanent mulching details	-	-	-	-	-	-	-	-	-				
G	G. Winter construction plan	Provide plan for limiting erosion impacts during winter	X	Yes	Yes	Provided plan for limiting erosion impacts during winter	-	-	-	-	-	-	No	No	-	Yes	This sub-section was technically complete and any minor changes would not significantly impact potential economic, environmental or energy risks and benefits.		
	G.1. Dormant seeding	Identify areas of dormant seeding	X	Yes	Yes	Provided dormant seeding details	-	-	-	-	-	-	-	-	-				
	G.2. Winter mulching	Identify areas winter mulching	X	Yes	Yes	Provided winter mulching details	-	-	-	-	-	-	-	-	-				
H	H. Third-party inspections	Program must comply with "Special Condition for Third Party Inspection Program" that will be incorporated as part of the department order issued for the permit.	X	No	No	For the project to insure proper permit conditions a discussion of third party inspection program would have been provided in this sub-section.	-	-	No	-	-	-	-	-	-	No	This sub-section was not technically complete in the original application and was never updated.		
	H.1. Inspector's name, address, and telephone number	Provide inspector's name, address, telephone number	X	No	No	An inspector was not identified in this sub-section.	-	-	-	-	-	-	-	-	-				
	H.2. Inspector's qualifications	Provide inspector's resume, experience.	X	No	No	An inspector was not identified in subsection H.1. Because of this, this sub-section was not addressed properly either.	-	-	No	-	-	-	-	-	-				
	H.3. Inspection schedule	Provide proposed inspection schedule	X	Yes	Yes	An example schedule was not provided.	-	-	No	-	-	-	-	-	-				
	H.4. Contractor contact	Provide contractor contact	X	No	No	A contractor contact was not provided.	-	-	-	-	-	-	-	-	-				
	H.5. Reporting protocol	Provide proposed reporting protocol	X	Yes	Yes	Example forms provided in Attachment C	-	-	-	-	-	-	-	-	-				
A	A. Narrative	Provide narrative including items below	X	Yes	No	No measures to prevent degradation provided, narrative not complete.	No	No	No	-	-	-	No	-	-	No	This sub-section was not technically complete in the original application and was never changed to reflect the direct changes from a response to a RFI or question.		
	A.1. Location and maps	Project boundaries with MGS Sand and Gravel Aquifer Map, Surficial Geology map, and Bedrock Geological Map	X	Yes	Yes	Three figures provided, 15-1.15-2, 15-3	-	-	-	-	-	-	No	-	-				
	A.2. Quantity	Estimate quantity of groundwater to be used, discharged, or extracted. Discuss possibility of adverse impacts including salt water intrusion, reduction of groundwater availability to existing or proposed water supplies, or protected natural resources	X	Yes	Yes	The quantity of groundwater to be used, discharge or extracted was provided in the narrative.	No	-	-	-	-	-	No	-	-				
	A.3. Sources	Identify all potential sources of contamination, including wastewater, solid waste, hazardous materials, fuel, solvents, other chemicals handled, stored or disposed of on site.	X	Yes	Yes	Potential sources of contamination briefly identified	-	-	-	-	-	-	No	-	-				
	A.4. Measures to prevent degradation	Summarize design, construction, operation and monitoring specifications and procedures.	X	Yes	No	The applicant did not provide specifications, only a synopsis that an SPCC plan will be developed and submitted for DEP, and that chemicals stored at the site will adhere to safe storage guidelines and applicable spill protocols, but no further information provided.	-	-	No	-	-	-	No	No	-				
B	B. Groundwater protection plan	If using or storing petroleum products, pesticides, herbicides, fertilizers, road salt, solvents, acids or other materials with the potential to contaminate groundwater, provide a groundwater protection plan. The plan should include equipment design, operational procedures, preventative maintenance, construction techniques and materials, personnel training, spill response capabilities, and spill prevention, control and countermeasures plans; alternative materials or processes; implementation of new technology; modification of facilities or equipment; BMP, hazardous waste contingency plans, runoff or infiltration control systems, and siting considerations	X	No	No	15.4 suggests that procedures to ensure protection of groundwater will be included in SPCC Plan, but goes on to state that such information will include training of on-site personnel to prevent, respond to, and report spills, and routine equipment inspection and maintenance. This statement does not mention the other required materials including equipment design, construction techniques and materials, consideration of alternative materials or processes, modification of facilities or equipment, BMP, hazardous waste contingency plans, and most importantly, siting considerations. Especially for a project of this magnitude a groundwater protection plan would have been provided to insure proper permit conditions.	-	-	No	-	-	-	No	No	No	-	No	This sub-section was not technically complete in the original application and was never changed to reflect the direct changes from a response to a RFI or question.	
	C. Monitoring plan	Provide water quality monitoring plan as a separate manual, if required. Plan should be prepared, signed and dated by a professional qualified in water chemistry interpretation and/or certified geologist	X	Yes	Yes	Water monitoring plan prepared and signed by certified geologist provided	-	-	No	-	-	-	No	-	-	No	This sub-section was not technically complete in the original application and was never changed to reflect the indirect changes from a response to a RFI or question.		
	C.1. Monitoring points	Identify and summarize all monitoring points of water level or quality with assigned identification symbols and elevation. Include a map.	X	Yes	No	Monitoring points identified, summarized, and included on map, but no elevation data provided for each well	-	-	No	-	-	-	No	-	-				
	C.2. Monitoring frequency	Number of sampling/analysis events per year and per month	X	Yes	Yes	Frequency provided	-	-	-	-	-	-	No	-	-				
C.3. Background conditions	Provision for obtaining adequate data on background water quality and/or levels for using a statistically valid method for determining a significant increase in parameter concentrations. At minimum, determination of background water quality or levels must consist of quarterly monitoring for one year	X	Yes	Yes	Discussion of baseline/background monitoring included	-	-	-	-	-	-	No	-	-					
Section 15 Groundwater	C.4. Monitoring parameters	List of parameters including references to lab analysis methods to be utilized; detection limits. All monitoring must include field parameters (conductivity, temperature, pH, and TDS) in addition to program specific parameters	X	Yes	Yes	Monitoring parameters listed	-	-	-	-	-	-	No	-	-	No	This sub-section was not technically complete in the original application and was never changed to reflect the indirect changes from a response to a RFI or question.		
	C.5. Personnel qualifications	Identification of qualified personnel responsible for taking water level and quality measurements and analysis samples. If proposing applicant employee do these tasks, provide proof of training as required by C.6 below.	X	No	No	There was no mentioning whether applicant employee or other personnel will be performing sampling and measurements. For a project of this size a discussion of who would be performing the groundwater sampling and measurements would have been provided.	-	-	-	-	-	-	No	-	-				
	C.6. Proof of training	Written certification for qualified expert that the personnel conducting monitoring are or will be adequately trained to properly collect measurements and/or samples by approved methods and protocols	X	No	No	The applicant did not provide information in regards to personnel qualifications as requested in sub-section C.5. Because of this the sub-section was not addressed properly either.	-	-	-	-	-	-	-	-	-				
	C.7. Equipment and methods	Describe equipment and methods to be employed for water level measurements and/or water quality analysis sample taking	X	Yes	Yes	Standard Operating Procedure Guidelines referenced in Appendix A.	-	-	No	-	-	-	No	-	-				
	C.8. Quality assurance/quality control	Describe the QA/QC control and chain-of-custody protocols to be followed for water quality sampling, preservation, storage, transport, and lab analysis	X	Yes	No	Referenced chain-of-custody SOP, QA/QC only discussed in reference to laboratory analysis, not for sampling, preservation, storage or transport.	-	-	No	-	-	-	No	No	-				
	C.9. Reporting requirements	Provision to submit all data and analyses to the department annually or at another schedule required by the department. Annual reports should present data in tabular format including data from previous monitoring. In the event contamination is detected or operational problems that could lead to contamination occur, the department must be notified immediately.	X	Yes	No	The applicant does not mention contacting DEP or a discussion of contamination response, they only discuss adverse impacts and remedial action plan. It is important that the monitoring plan is provide that due to the size of this facility.	-	-	No	-	-	-	No	-	-				
	C.10. Remedial action plan	Provision that if results of water levels or quality monitoring indicate adverse effects are occurring as a result of project activity, an evaluation will be made by a qualified professional and an appropriate remedial action and/or mitigation plan will be developed and submitted to the department for review and approval	X	Yes	Yes	Remedial action plan is discussed	-	-	-	-	-	-	No	No	-				
	D. Monitoring well installation report	Locations, depths, construction details must be provided in a report endorsed by a certified geologist, containing narrative of date of install, method of install, purpose and objectives of monitoring network and a discussion on the basis for selection of monitoring well locations and depths.	X	Yes	Yes	Monitoring well installation report provided	-	-	-	-	-	-	No	-	-				

SLODA Checklist Req's				May 24, 2019 SLODA Application			If the RFI Response Altered the Application or the Potential Economic, Environmental or Energy Risks and Benefits, Was the Application Updated as a Result?										Is This Sub-Section in the Application as Posted on the DEP website Technically Complete? (Yes/No)	Rationale of Sub-Section Technical Completeness	Is the Section Application as Posted on the DEP website Technically Complete? (Yes/No)
Section	Subsection	Line Item	Required materials	Marked in NAF Checklist	Administratively Complete? (Yes/No)	Technically Complete? (Yes/No)	June 25, 2019 DEP RFI	July 3, 2019 DEP RFI	July 18, 2019 DEP Meeting RFI	July 31, 2019 DEP RFI	August 2, 2019 DEP RFI	September 17, 2019 DEP Geology RFI	October 3, 2019 DEP RFI	October 9, 2019 DEP RFI	November 8, 2019 DEP RFI				
	D	D. Special or hazardous waste	Details for handling of hazardous waste	X	Yes	No	No	-	No	No	-	No	-	-	No	No	This sub-section was not technically complete in the original application and was never updated.		
Section 19 Flooding	A	A. Explanation of flooding impact	Explanation as to whether this development will or will not cause or increase flooding or cause an unreasonable flood hazard to any structure. Show 100-year flood elevation on site plan. Provide hydrological analysis showing that development will not adversely affect 100-year flood elevation. Include copy of FEMA flood zone map with site boundaries	X	Yes	Yes		-	-	-	-	-	-	No	-	No	This sub-section was never changed to reflect the in-direct changes from a response to a RFI or question.	Yes	
	B	B. Site plan showing 100-year flood elevation	Explanation as to whether this development will or will not cause or increase flooding or cause an unreasonable flood hazard to any structure. Show 100-year flood elevation on site plan. Provide hydrological analysis showing that development will not adversely affect 100-year flood elevation. Include copy of FEMA flood zone map with site boundaries	X	Yes	Yes	100-year flood site plan was provided.	-	-	-	-	-	-	-	-	Yes	This sub-section was technically complete and any minor changes would not significantly impact potential economic, environmental or energy risks and benefits.		
	C	C. Hydrology analysis	Explanation as to whether this development will or will not cause or increase flooding or cause an unreasonable flood hazard to any structure. Show 100-year flood elevation on site plan. Provide hydrological analysis showing that development will not adversely affect 100-year flood elevation. Include copy of FEMA flood zone map with site boundaries	X	Yes	Yes	Explanation was provided, but the significant stormwater modifications and changes to diverting streams drastically changed the application	No	No	No	-	-	No	-	-	No	This sub-section was never changed to reflect the in-direct changes from multiple responses to a RFI.		
	D	D. FEMA flood zone map with site boundaries	Explanation as to whether this development will or will not cause or increase flooding or cause an unreasonable flood hazard to any structure. Show 100-year flood elevation on site plan. Provide hydrological analysis showing that development will not adversely affect 100-year flood elevation. Include copy of FEMA flood zone map with site boundaries	X	Yes	Yes	FEMA map was provided	-	-	-	-	-	-	-	-	Yes	This sub-section was technically complete and any minor changes would not significantly impact potential economic, environmental or energy risks and benefits.		
Section 20 Blasting	A	A. Site plan or map	Indicate proposed blast areas on and off-site and wells within 2000 feet of any blast site.	X	Yes	Yes	Blast areas indicated and wells within 2000 feet identified	-	-	No	-	-	-	-	-	Yes	This sub-section was technically complete and any minor changes would not significantly impact potential economic, environmental or energy risks and benefits.	No	
	B	B. Report	Report prepared by a qualified professional that includes the following:	X	Yes	No	Note: Section text "negligible at best" is example of understating impacts in exaggerated manner for normal conditions. If negligible means "so unimportant it is not worth considering", then what about how is it something unusual is discovered?	-	-	-	-	-	No	-	-	No	This sub-section was never changed to reflect the direct changes from a response to a RFI or question.		
	B.1	B.1. Assessment	Potential for adverse effects of blasting on protected natural resources and structures and wells, at a minimum vibration, peak particle velocities, noise and airblast effects and on and off-site ground and surface water quality and quantity	X	Yes	No	For a smaller project it may not be necessary to identification of protected natural resources or nearby structures that may be affected due to blasting, but for a project of this magnitude it is necessary to ensure that the surrounding protected locations do not experience adverse effects.	-	-	No	-	-	-	-	-	No	This sub-section was not technically complete in the original application and was never updated.		
	B.2	B.2. Blasting plan	Methods to control adverse effects from vibration, airblast and flyrock, details on blast design, monitoring of blasts, blast schedule, provisions for pre-blast surveys, signage, warnings, and access control during blast events.	X	Yes	No	The applicant does not provide methods for controlling noise, or how they will be monitored or how they will respond to exceedances. For a facility of this magnitude which will take years to construct, a blasting plan is necessary to insure proper permit conditions.	-	-	No	-	-	No	-	-	No	This sub-section was not technically complete in the original application and was never changed to reflect the direct changes from a response to a RFI or question.		
Section 21 Air Emissions	A	A. Point and non-point sources identified	Identify all point source and non-point air emissions deriving from development, including but not limited to stacks, unpaved roads or areas and vehicular traffic. For point sources, include a summary of emission components showing types and amounts of particulate matter and all gaseous components.	X	Yes	No	In this sub-section the applicant did not identify non-point sources, other point sources which were listed elsewhere and there was no discussion of source locations. Fugitive emissions from vehicular traffic in particular was also not identified. Non-combustion sources were never discussed. That is simply unacceptable for project of this size, magnitude, and complexity. Conditions cannot be developed if the processes are not included in the application that create these non-combustion sources.	No	-	No	No	-	No	-	No	No	This sub-section was not technically complete in the original application and was never changed to reflect the direct changes from a response to a RFI or question.	No	
	B	B. Emission components (point sources)	Identify all point source and non-point air emissions deriving from development, including but not limited to stacks, unpaved roads or areas and vehicular traffic. For point sources, include a summary of emission components showing types and amounts of particulate matter and all gaseous components.	X	Yes	No	In this sub-section the applicant did not identify non-point sources, other point sources which were listed elsewhere and there was no discussion of source locations. Fugitive emissions from vehicular traffic in particular was also not identified. Non-combustion sources were never discussed. That is simply unacceptable for project of this size, magnitude, and complexity. Conditions cannot be developed if the processes are not included in the application that create these non-combustion sources.	-	-	-	-	-	-	No	No	No	This sub-section was not technically complete in the original application and was never changed to reflect the direct changes from a response to a RFI or question.		
Section 22 Odors	A	A. Identification of nature/source	Identify the nature and potential sources of odors from the development. Provide an estimate of areas affected and methods of control	X	Yes	No	For a facility of this magnitude, and proximity to various protected locations, the applicant should have provided specific locations of which sources will have odor potential needs to be identified. Without this information, this subsection is insufficient, and it can not be determined if the surrounding protected locations will be affected by the potential odors from the facility.	-	-	No	No	-	No	-	No	No	No	This sub-section was not technically complete in the original application and was never changed to reflect the direct changes from a response to a RFI or question.	No
	B	B. Estimate of areas affected	Provide an estimate of the areas on-site and off-site that may be affected by odor.	X	No	No	The proponent only discusses that no areas will be affected with all control measures and waste haulers in place and working perfectly. The phrasing of this section suggests it is a "good evaluation" 1) what and where is the odor coming from, 2) who is affected by this odor, 3) how will you minimize the effects of the odor? The proponent should discuss if the protected locations would be affected to insure the proper permit conditions.	-	-	No	-	-	-	-	No	No	This sub-section was not technically complete in the original application and was never updated.		
	C	C. Methods of control	Provide details for the proposed methods of control, including technologies, odor reduction, specifications.	X	Yes	No	For a facility of this size, magnitude, and complexity it is simply not sufficient to suggest that they will hire people that will help. They need a proven plan that will work. It is not possible to condition the project with this application information. The vague description of "air filtration that may include carbon, biofilters, wet scrubbers, and media" is insufficient to determine that the facility has the proper protocols. The applicant states that organic material removed from water filtration will be stored in tanks with vents, but they did not provide a discussion on how vent air will be treated or where this source(s) will be located. A more detailed discussion is necessary to insure proper permit conditions.	-	-	No	-	-	-	-	No	No	This sub-section was not technically complete in the original application and was never updated.		
Section 23		Section 23 - Water vapor (narrative)	Provide narrative identifying any potentially large scale water vapor emissions from the development, such as that resulting from a processing plant or power generating facility, which may cause a change in local climate. Identify all sources and amounts of such emissions associated with the development and all abutting areas impacted by the water vapor emissions.	X	Yes	No	The applicant provided a statement claiming that the construction and operation of the project will not cause an unreasonable alteration of climate including alterations to existing cloud cover, fog, or rainfall characteristics, but no analysis of water vapor on the area or on the approach to the local airport was provided. For a project of this magnitude a more detailed narrative would have been provided to insure proper permit conditions.	-	-	-	-	-	-	-	-	No	This sub-section was not technically complete in the original application and was never updated.	No	
Section 24		Section 24 - Sunlight (statement and drawing)	Provide statement concerning whether or not any structures will block access to direct sunlight for structures utilizing solar energy through active or passive systems	X	Yes	Yes	The facility did not consider shadows from the stacks, but it should not impact solar options	-	-	-	-	-	-	-	-	Yes	This sub-section was technically complete and any minor changes would not significantly impact potential economic, environmental or energy risks and benefits.	Yes	
Section 25 Notices	A	A. Evidence that notice sent	Complete/provide Forms B&C in part III of the application	X	Yes	Yes	Postage receipts for NOI sent to abutters, and clipping of local newspaper containing NOI provided. Unfortunately NAF did not notify abutters of their sewer work and they did not update their abutter list accordingly	-	-	No	-	-	-	-	-	Yes	This sub-section was technically complete and any minor changes would not significantly impact potential economic, environmental or energy risks and benefits.	Yes	
	B	B. List of abutters for purposes of notice	Provide list of names and addresses of the owners of abutting property	X	Yes	Yes	List of abutters was provided in Appendix 25-B.	-	-	-	-	-	-	-	-	No	This sub-section was not technically complete in the original application and was never changed to reflect the direct changes from a response to a RFI or question.		