

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
**Solid Materials Management Program**  
**Attn: Geraldine Travers, 17 State House Station**  
**Augusta, Maine 04333-0017**  
**Telephone: (207) 287-7688**

<b><u>FOR DEP USE ONLY</u></b>			
ATS ID: _____	Seq: _____	DEP ID: _____	Received by DEP: _____
Bureau: <u>S</u>	Type of Application: _____	Activity: <u>N</u>	Fees Paid: _____
Project Analyst: _____			Check No.: _____

**APPLICATION FOR BENEFICIAL USE OF SECONDARY MATERIAL**

This form shall be used to request approval for the beneficial use of secondary material pursuant to 38 M.R.S. Sections 1301 through 1319-Y, and 06-096 C.M.R. ch. 418, section 9.

PLEASE TYPE OR PRINT

**Company Name:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_  
 Applicant's Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_ Telephone: \_\_\_\_\_

**Address Information**

**Applicant Name:** \_\_\_\_\_ **Agent/Consultant Name:** \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Mailing Address: \_\_\_\_\_  
 Street Address: \_\_\_\_\_ Street Address: \_\_\_\_\_  
 Town: \_\_\_\_\_ State: \_\_\_ Zip: \_\_\_\_\_ Town: \_\_\_\_\_ State: \_\_\_ Zip: \_\_\_\_\_

**Address: Billing**  
 Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 Town: \_\_\_\_\_ State: \_\_\_ Zip: \_\_\_\_\_

**Site/Activity Information**

Project Description: Beneficial use of secondary material:  
 one-time use or  on-going activity (check one)  
 This application includes a risk assessment:  yes, or  no (check one)  
 Location: \_\_\_\_\_ Directions: \_\_\_\_\_

**PLEASE SEE PAGE 2 - SIGNATURE REQUIRED**

## SIGNATURE OF APPLICANT

By signing this application, the applicant certifies that he or she has: (1) published the public notice form once in a newspaper circulated in the area where the project is located, (2) sent a copy of the public notice form to the owners of property abutting the land upon which the project is located, (3) sent a copy of the public notice form to the chief municipal officer and chair of the municipal planning board of the municipality in which the project is located (or if the project is in unorganized territory, to the appropriate Office of the County Commissioners and the Maine LUPC), (4) filed a complete copy of this application in the municipal office of the municipality in which the project is located, (5) reviewed the instructions contained in this application form, and (6) reviewed the appropriate state laws that relate to the proposed project.

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

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

NAME: \_\_\_\_\_  
(Applicant)

TITLE: \_\_\_\_\_  
(If other than applicant, attach letter of agent authorization.)

**PLEASE SEE THE CURRENT FEE SCHEDULE TO DETERMINE THE  
NOTIFICATION FEE FOR THIS REDUCED PROCEDURE PROJECT. THE CURRENT  
FEE SCHEDULE MAY BE FOUND AT <http://maine.gov/dep/permits/>)**

# INSTRUCTIONS

1. Please refer to 06-096 C.M.R. ch. 400 and ch. 418 to understand the standards and requirements for the beneficial use of secondary material. If you have any questions that arise at any point during the application or review process, please contact the DEP Solid Materials Management Program staff.
2. Pre-Application meeting. Applicants proposing to beneficially use a secondary material shall request a pre-application meeting with the DEP staff to discuss the proposed project. At least 14 days prior to the pre-application meeting, the applicant must submit the applicant information (page 1), and the information required in 06-096 C.M.R. ch. 418, sections 4 and 9(A) as delineated in this application packet.
3. Fill out the application completely. INCOMPLETE APPLICATIONS WILL BE RETURNED, CAUSING UNNECESSARY DELAYS IN THE REVIEW PROCESS. All work to support the investigation, design, and construction of a solid waste facility must be undertaken by individuals whose training, experience and professional certification is appropriate to accomplish the specific tasks with accuracy and technical proficiency. Reports, plans or other materials submitted in support of the application must bear the signature and, if appropriate, the seal of the individual who drafted or supervised the drafting of each document.
4. Publish a “Notice of Intent to File” this application once in a newspaper circulated in the area where the project is located. (A form for this notice is attached to this application.) The notice should appear in the newspaper within 30 days prior to filing the application with the DEP.
5. Send by certified mail, a copy of the “Notice of Intent to File” to all the owners of property abutting the project. Their names and addresses can be obtained from town tax maps or local public officials. Abutters must receive notice within 30 days prior to filing the application with the DEP. If your project abuts a road or other public or private right-of-way, the person on the opposite side of the right-of-way must be notified.
6. Send by certified mail, a copy of the “Notice of Intent to File” to the chief municipal officer and to the chairperson of the planning board in the municipality where the project is to be located. If the project is located in an unorganized area, send the notice and application to the appropriate Office of the County Commissioners and the Maine Land Use Planning Commission, 22 State House Station, Augusta, Maine 04333-0022. The notice must be filed in the appropriate office within 30 days prior to filing with the DEP.
7. Submit to the Department the application along with all attachments, a copy of the “Notice of Intent to File”, and a check for the appropriate application fee made payable to “Treasurer, State of Maine”. Please consult with DEP staff to determine how many copies of the completed application form and supporting reports must be submitted to the Department. In general, three copies of site plans, drawings, soil maps, or other data on sheets larger than 8½" x 14" copies must be submitted unless the staff determines that fewer copies are needed. **ALL PLANS SHOULD BE FOLDED TO SIZE 8½" x 11"** unless otherwise indicated by DEP staff. Any part of the application which has been prepared by a P.E., C.G. or C.S.S. must be stamped and signed by that person. If the applicant is a corporation, a certificate of good-standing from the Secretary of State must be included.

(continued on page 4)

8. Send one complete copy of the application and any amendments that are subsequently submitted to the Municipal Office of the town within which the project is located. If the project is located in an unorganized area, send the application to the appropriate Office of the County Commissioners and the Maine Land Use Planning Commission, 22 State House Station, Augusta, Maine 04333-0022. The application must be filed in the municipal office or at the County Commissioners Office and LUPC at the time of filing with the DEP.
9. Keep a copy of the completed application for your files. This copy will be helpful in speeding up communications with the DEP staff if any questions arise during the review of the project.
10. Upon completion of the DEP's review of the application, a permit will be issued and sent to the applicant. The applicant should read the permit carefully in order to become familiar with any conditions. Failure to comply with conditions of approval may lead to enforcement action or the revocation of a permit.

THIS FORM IS FOR USE IN NOTIFYING ABUTTING PROPERTY OWNERS, THE MUNICIPALITY,  
AND PUBLISHING THE NOTICE IN THE NEWSPAPER.

**PUBLIC NOTICE OF INTENT TO FILE**

Please take notice that \_\_\_\_\_

\_\_\_\_\_  
(name, address and telephone number of applicant)

is intending to file an application with the Maine Department of Environmental Protection (DEP) on or about \_\_\_\_\_ (*estimated submittal date*) pursuant to the provisions of 38 M.R.S., Sections 1301 through 1319-Y, and 06-096 C.M.R. Chapters 400 and 418.

The application is for \_\_\_\_\_

\_\_\_\_\_  
(summary of project)

at \_\_\_\_\_  
(project location)

owned by \_\_\_\_\_ and operated by \_\_\_\_\_  
(landowner) (site operator, if different)

According to DEP regulations, interested parties must be publicly notified, written comments invited, and if justified, an opportunity for public hearing given. A request for a public hearing, or that the Board of Environmental Protection assume jurisdiction of the application, must be received by the DEP, in writing, no later than 20 days after the application is accepted by the DEP as complete for processing.

The application and supporting documentation are available for review at the Bureau of Remediation and Waste Management (BRWM) at the appropriate DEP regional office, during normal working hours. A copy of the application and supporting documentation may also be seen at the municipal office in \_\_\_\_\_, Maine.  
(municipality)

Send all correspondence to: Maine Department of Environmental Protection, Bureau of Remediation and Waste Management, 17 State House Station, Augusta, Maine 04333-0017 (207-287-7688 or 1-800-452-1942), or to the appropriate regional office, if known.

## **PRE-APPLICATION SUBMITTAL REQUIREMENTS**

At least 14 days prior to the pre-application meeting submit the following information to the Department's Division of Materials Management.

- (1) A description of the secondary material and its proposed use. This must include sufficient information to demonstrate that the proposed project is a beneficial use. (Please refer to 06-096 C.M.R. ch. 418, section 4(A) for the standard for demonstration of beneficial use.)
- (2) Information regarding the physical, chemical and, where appropriate, biological characteristics of the secondary material.
- (3) Results of analytical testing of the secondary material conducted in accordance with the requirements of 06-096 C.M.R. ch 405, section 6(A), (B), and (C). The analytical requirements of 06-096 C.M.R. ch. 405, section 6(C) must be modified with Department approval to reflect all constituents that may reasonably be thought to be present and which may pose a risk to human health or the environment.
- (4) The quantities, by weight and/or volume of the secondary material.
- (5) A description of any risk management techniques being considered.
- (6) If it is known that a risk assessment is necessary, a description of the proposed protocol for conducting the risk assessment.

**REQUIRED APPLICATION INFORMATION FOR THE BENEFICIAL USE  
OF SECONDARY MATERIAL**

- **If the DEP agreed during the pre-application process that some information listed below is not required, please note that in your application.**
- **If you are proposing to rely on relevant waste characterization, and/or risk management or risk assessment information that was previously provided and approved in a solid waste license issued to the same facility, please provide the application number and note in this form where this information is referenced.**

**DEP license number: #S-\_\_\_\_\_.**

- 1. Applicant Information.** All information required on page 1 of this application form.
- 2. Description.** Provide a description of the secondary material and its proposed use. Provide sufficient information to demonstrate that the proposed project is a beneficial use, including any additional information the DEP requested during the pre-application meeting. (Please refer to 06-096 C.M.R. ch. 418, section 4(A) for the standard for demonstration of beneficial use.) Also include documentation that use of the secondary material will meet or exceed any relevant and generally accepted product specifications, or manufacturing, industrial or engineering standards; and any other relevant information.
- 3. Physical and Chemical Characteristics.** Include information regarding the physical and chemical characteristics of the secondary material, including complete copies of all laboratory analytical reports, and a comparison of the secondary material to the material or product it is replacing.
- 4. Exceedances of Appendix A Screening Levels.** If analysis demonstrates that the secondary material contains levels of constituents in excess of those listed in Appendix A of 06-096 C.M.R. ch. 418, include a demonstration that the proposed beneficial use of the waste does not pose a significant risk to public health or an unreasonable threat to the natural environment. This demonstration may be made through a risk assessment and/or through risk management techniques such as waste treatment, project design or site selection. Risk assessments and risk management evaluations are to be conducted specific to the type of waste, and its proposed use and location. The evaluation of risk may include a discussion of the risks and drawbacks, an assessment of similar applications of the waste proposed for beneficial use, an analysis demonstrating that the chemical constituents of the secondary material are present at levels equal to or less than those existing on the proposed site of beneficial use, and/or a discussion of the relative risks in comparison with the usual methods of disposal and recycling and/or the usual construction methods and materials used in Maine. (Please refer to the DEP/Center for Disease Control guidance document “Guidance for Human Health Risk Assessments for Hazardous Substance Sites in Maine” when preparing a demonstration that the proposed beneficial use of the waste does not pose a significant threat to public health or an unreasonable threat to the natural environment. )
- 5. Quantity.** The quantities, by weight and/or volume, of the secondary material expected to be beneficially used.

---

(continued on page 8)

**6. Schedule.**

- A. Proposed date of start of project: \_\_\_\_\_
- B. Anticipated completion of project: \_\_\_\_\_
- C. If project is ongoing, anticipated annual quantity of secondary material to be used:  
\_\_\_\_\_

**7. Topographic Map.** Submit the most recent full size U.S.G.S. topographic map (7.5 minute series if available) clearly marking the location(s) of the beneficial use activity. Also provide GPS coordinates of the activity.  
\_\_\_\_\_

**8. Title, Right, or Interest.** Attach copies of deeds, leases, contracts or agreements that establish the applicant's title, right or interest for the proposed site or, if determined to be appropriate during the pre- application review process, written permission from the owner of the property on which the waste is to be beneficially used.

**9. Abutters.** Attach a copy of the municipal tax map with the proposed beneficial use site and names of abutting property owners clearly marked. Also, include a list of the names and addresses of all the owners of property abutting the proposed facility site.

**10. Notice of intent to file.** Provide a copy of the completed “Notice of Intent to File” and evidence of compliance with the public notice requirements delineated in items 4, 5, and 6 of the instructions.

**11. Other authorizations.** Identify all environmental or land use licenses, permits, or authorizations which are or may be required by any governmental agency. Indicate those now held with an asterisk(\*); indicate when the remaining licenses and permits will be obtained.

Building permit: \_\_\_\_\_ Waste discharge license: \_\_\_\_\_

Plumbing permit: \_\_\_\_\_ Highway entrance license: \_\_\_\_\_

Air emissions license: \_\_\_\_\_ Other (describe): \_\_\_\_\_

Natural Resources Protection Act license: \_\_\_\_\_

Army Corps of Engineers license: \_\_\_\_\_

**12. Financial ability.** Submit evidence that affirmatively demonstrates the financial ability of the applicant to develop the project in a manner consistent with the State environmental standards and laws. Refer to 06-096 C.M.R. ch. 400, section 4(B), *Financial Ability*, for standards and submission requirements.

**13. Financial Assurance.** Provide financial assurance in the form of a letter of credit, escrow account, or other approved financial security to finance the cost of potential remediation or disposal of the secondary material.

(continued on page 9)



**14. Technical ability.** Include evidence that affirmatively demonstrates that the applicant has the technical ability to design, construct, operate, maintain, close, and (if applicable) accomplish post-closure care of the facility. If the proposed project will be managed by other than the applicant, state the persons or businesses that will be responsible for management and operation of the facility. This information should include the applicant's or operator's prior experience and/or appropriate training related to the nature of the proposed facility, and a description of the personnel who will be employed to design, construct, operate, maintain, close, and (if applicable) accomplish post-closure care of the facility. Refer to 06-096 C.M.R. ch. 400, section 4(C), *Technical Ability*, for standards and submission requirements.

**15. Disclosure statement.** The application must include information on the criminal or civil record of the owner, operator, or anyone having a legal interest in the applicant or the facility. Refer to 06-096 C.M.R. ch. 400, section 12, *Civil or Criminal Record*, for the submission requirements and the standards for compliance.

**16. Traffic.** Submit sufficient information to demonstrate compliance with 06-096 C.M.R. ch. 400, section 4(D), *Provisions for Traffic Movement*. An applicant is presumed to meet the traffic standard of Chapter 400, section 4(D) if:

- A. The beneficial use occurs no more than once in a calendar year at the same location; or
- B. The beneficial use results in no more than 16 additional vehicle trips per day; or
- C. The project beneficially using the secondary material has been permitted under another chapter of the *Solid Waste Management Rules*, the *Site Location of Development Law*, or by a local authority, if traffic impacts associated with the beneficial use were considered.

Please submit evidence demonstrating that the beneficial use project meets one of these exemptions. If it does not, submit information sufficient to demonstrate that the beneficial use project meets the standards and requirements of 06-096 C.M.R. ch. 400, section 4(D).

**17. Harmonious Fit.** Submit sufficient information to demonstrate compliance with 06-096 C.M.R. ch. 400, section 4(E), *Fitting the Solid Waste Facility Harmoniously into the Natural Environment*.

**18. Air Quality.** Submit sufficient information to demonstrate compliance with 06-096 C.M.R. ch. 400, section 4(G), *No Unreasonable Adverse Effect on Air Quality*.

**19. Surface Water Quality.** Submit sufficient information to demonstrate compliance with 06-096 C.M.R. ch. 400, section 4(H), *No Unreasonable Adverse Effect on Surface Water Quality*.

**20. Natural Resources.** Submit sufficient information to demonstrate compliance with 06-096 C.M.R. ch. 400, section 4(I), *No Unreasonable Adverse Effect on Other Natural Resources*.

**21. Erosion and Sediment Control.** Submit sufficient information to demonstrate compliance with 06-096 C.M.R. ch. 400, section 4(J), *Soil Types That Are Suitable and Will Not Cause Unreasonable Erosion*.

(continued on page 10)

- 22. Facility siting and design.** A brief description of the siting, design and operation of the facility which is proposing to use the secondary material and the product(s) made, and the manner in which the secondary material will be used. In the case of a manufacturing facility, a general description of the facility's manufacturing system must be submitted, including process flow diagrams. The complexity and degree of detail of the description will vary depending on the magnitude and complexity of the process.
- 23. Facility Operations.** Submit an operations manual that includes the information to enable supervisory and operating personnel, and persons evaluating the beneficial use activity, to conduct the beneficial use in a safe, orderly and environmentally sound manner. The operations manual must include at least the following elements:
- A. **Storage and handling plan.** A description of how the secondary material will be stored and handled prior to and during its use.
  - B. **Environmental Monitoring Program.** If required by the DEP, submit a proposed environmental monitoring program for ground water, surface water, and/or ongoing waste characterization. An environmental monitoring program must be designed in accordance with the applicable provisions of 06-096 C.M.R. ch. 405 and ch. 418.
  - C. **Secondary Material Acceptance Plan.** Proposed acceptance limits for secondary materials, using physical, chemical and biological parameters as appropriate to the type(s) of secondary materials and the raw materials being used to produce the waste-derived product; and product quality assurance/quality control procedures to be used to affirm the waste-derived product meets the proposed standards.
  - D. **Records Management.** Provisions for the management of records associated with operation of the beneficial use. At a minimum, this must include completed authorization forms, environmental monitoring reports, waste characterization forms, and sufficient records to complete annual reports for the beneficial waste activity.
- 24. Authorization Form.** A draft authorization form, prepared using the template in Appendix B of 06-096 C.M.R. ch. 418, on proper use for distribution of the secondary material.
- 25. Variance Requests.** If a variance(s) is being requested as part of this application, specify the nature of the variance and the justification for why it should be granted. Refer to 06-096 C.M.R. ch. 400, section 13 for the standards and submissions required to be addressed in the application.

**END**