

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

<u>FOR DEP USE ONLY</u>			
ATS ID: _____	Seq: _____	DEP ID: _____	Received by DEP: _____
Bureau: <u>S</u>	Type of Application: <u>W7 or W8</u>	Activity: <u>N</u>	Fees Paid: _____
Project Analyst: _____			Check No.: _____

**REDUCED PROCEDURE APPLICATION FOR BENEFICIAL USE
 OF MULTI-FUEL BOILER ASH**

This form shall be used to request approval for the beneficial use of non-hazardous multi-fuel ash as flowable fill or in road construction, parking lots and other traveled ways when the proposed use meets all applicable standards of 38 M.R.S. Sections 1301 through 1319-Y, and 06-096 C.M.R. ch. 418, sections 4 and 7.

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 multi-fuel ash Reduced Procedure
 as construction fill in roadways or other traveled ways, or as flowable fill (check one)
 one-time use, or on-going activity (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 multi-fuel boiler ash. 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 are encouraged to meet with DEP staff to discuss the proposed project. The meetings can help avoid unnecessary expense and processing delays.
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" for 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 DEP 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 DEP. 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 municipality 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 _____ (landowner) and operated by
_____ (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.

STANDARDS FOR PROJECTS SUBMITTING A REDUCED PROCEDURE APPLICATION FOR BENEFICIAL USE OF MULTI-FUEL BOILER ASH

You may submit a reduced procedures application for beneficial use of non-hazardous multi-fuel ash as flowable fill or in road construction, parking lots and other traveled ways provided: the ash is not bottom ash from wood or multi-fuel boilers using fuel derived from CDD wood; and, the project meets all of the following standards:

- (1) The proposed use of secondary material must constitute a beneficial use as defined in 06-096 C.M.R. ch. 400, section 1(T) that: serves a legitimate beneficial purpose, does not constitute disposal or a means of discard, and performs as an acceptable and effective substitute for the raw material or commercial product it is replacing.
- (2) The beneficial use will not pollute any waters of the state, contaminate the ambient air, constitute a hazard to health or welfare or create a nuisance.
- (3) The applicable standards and requirements of 06-096 C.M.R. ch. 400 must be met, except the traffic standards of 06-096 C.M.R. ch. 400, section 4(D) are presumed to be met if:
 - A. The beneficial use occurs no more than once in a calendar year at the same location (the Department will consider the duration of a construction project, up to one calendar year, to be a single beneficial use); 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.
- (4) The beneficial use activity must not include the use of hazardous wastes identified pursuant to Maine's *Identification of Hazardous Waste* rule, 06-096 C.M.R. ch. 850.
- (5) The beneficial use activity must be managed in accordance with all applicable provisions of the *Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers* (Department of Environmental Protection, October 2016) and the *Maine Erosion and Sediment Control Practices Field Guide for Contractors* (Department of Environmental Protection, March 2015). All necessary actions must be taken to ensure that the beneficial use activity does not result in unreasonable sedimentation or soil erosion.
- (6) The filled area must be covered by a concrete or asphalt paved surface, or a minimum of 6 inches of compacted soil material or other material suited to the purpose of the construction. The covering must be maintained in its original condition.

(continued on page 7)

Also, if used in in road construction or other traveled ways:

- (1) The applicant must obtain written permission from the owner of the property on which the beneficial use is proposed to occur.
- (2) The discharge of phosphorus must not cause adverse effects to surface waters.
- (3) The ash must be handled to prevent human exposure to ash dust by keeping the ash in a moist condition, or by other approved means.

Also, if used as flowable fill:

The filled area must be a minimum of 100 feet from drinking water supplies.

If the facility will not meet any one of these standards, you may make application for the beneficial use of multi-fuel boiler ash under the provisions of 06-096 C.M.R. ch. 418, section 9.

**REQUIRED INFORMATION FOR A REDUCED PROCEDURE APPLICATION FOR
BENEFICIAL USE OF MULTI-FUEL BOILER ASH**

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. Include information regarding the physical and chemical characteristics of the secondary material, including all analytical results, and compare it to the material or product it is replacing. 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. **Quantity.** The quantities, by weight and/or volume, of the secondary material expected to be beneficially used.

4. **Schedule.**
 - a. Proposed date of start of project: _____
 - b. Anticipated completion of project: _____

5. **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.

6. **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. Also, for ash to be beneficially used in road construction, parking lots and other traveled ways, written permission from the owner of the property on which the ash is to be beneficially used must be attached.

7. **Abutters.** Attach a copy of the municipal tax map with the proposed 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:

8. **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.

(continued on page 9)

9. **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: _____

10. **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.

11. **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.

12. **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.

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

(continued on page 10)

14. **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*.
15. **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*.
16. **Surface Water Quality/Phosphorus Control Information.** 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*. If the beneficial use of ash in road construction, parking lots and other traveled ways is proposed, documentation that the beneficial use is not within the watershed of a water body classified GP-A; or, if the beneficial use is in a class GP-A watershed, a phosphorus control plan that minimizes adverse effects to surface waters must be submitted.
17. **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*.
18. **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*.
19. **Construction Drawing.** Provide a construction drawing for the location(s) of the beneficial use activity, with the property boundary and the location of ash or flowable fill shown on the plan and representative cross section views clearly marked and noted on the drawing. The cross section(s) must clearly indicate the location and depth of each material layer as applicable (gravel, ash, geotextile, surface course, etc.)
20. **Cross-sections.** If the beneficial use of ash in road construction, parking lots and other traveled ways (including storage pads) is proposed, a cross-sectional view, with a horizontal scale of 1 inch = 5 feet and a vertical scale of 1 inch = 12 inches, of the proposed project. The cross-section must clearly indicate the location and depth of each material layer as applicable (gravel, ash, geotextile, surface course, etc.).
21. **Handling and Use Plan.** Provide a plan for the handling, storage and use of the ash. If the ash will be used as construction fill, the plan must include provisions to prevent human exposure to ash dust by keeping the ash in a moist condition, unless an alternative acceptable provision is proposed. The plan must demonstrate that the storage and use will not pose a hazard to public health and will not result in any illegal discharge of contaminants to waters of the State.
22. **User Information.** If applicable, a copy of the information on proper use that will be provided to the users of the secondary material must be submitted.

END