

Chapter 574 SITING AND OPERATION OF ROAD SALT AND SAND-SALT STORAGE AREAS

SUMMARY: This chapter describes the registration, siting, and operational requirements that salt and sand-salt storage areas must meet in order to be exempt from having to obtain a waste discharge license, pursuant to 38 M.R.S.A. §413(2-D).

- 1. Definitions.** As used in these rules the following terms have the following meanings. Other terms used in these rules have the meanings set forth at 38 M.R.S.A. §361-A.
 - A. Road salt and sand-salt storage area.** Also referred to as “storage area” in this chapter. A facility that is used for the storage and handling of salt, sand-salt mixtures, and other solid deicing or dust control materials used on highways and other public and private ways, airport runways, sidewalks, and parking lots. A storage area includes all salt or sand-salt piles, any building or buildings in which these piles are contained, and all locations where storage, mixing, loading, unloading or other associated salt or sand-salt activities occur.
 - B. Significant sand and gravel aquifer.** The area delineated by the Department of Conservation, pursuant to 38 M.R.S.A. §403(2) as the primary recharge area for a sand and gravel aquifer capable of yielding more than ten gallons per minute.
 - C. Source water protection area.** The area delineated by the Maine Drinking Water Program for a public water supply or numerous public water supplies, whether the source is ground water or surface water or both, as part of the Maine Source Water Protection Program approved by the U.S. Environmental Protection Agency under Section 1453 of the Safe Drinking Water Act.
- 2. Applicability**
 - A. New storage area.** A storage area registered with the department by an owner or operators after October 1, 1999 is considered a new storage area and must comply with the registration, siting and operational requirements of this chapter regardless of whether the storage area existed prior to October 1, 1999. An owner or operator may be any person as defined at 38 M.R.S.A. §361-A(4).
 - B. State and private Priority 4 and Priority 5 storage areas.** Storage areas owned or operated by state or federal governments or other public or private entities and classified as Priority 4 or Priority 5 on the “Project Priority List for State and Private Sand/Salt Storage Areas” adopted by the Board of Environmental Protection on September 21, 2000 (Appendix A) must comply with the operational requirements of this chapter, as provided in 38 M.R.S.A. §413(2-D).

C. Exemptions. The following storage areas are exempt from the requirements of this chapter.

- (1) A storage area that contains 100 cubic yards or less of sand-salt mixture at any time.
- (2) A storage area classified as Priority 1, Priority 2 or Priority 3 on the project priority lists adopted by the Board of Environmental Protection on or before September 21, 2000 and in compliance with the facility construction and operation schedule established in 38 M.R.S.A. §451-A(1-A). A facility is considered to be “in operation” as described in 38 M.R.S.A. §451-A(1-A)(E) when all salt and sand-salt piles at the storage area have been relocated to a building or buildings.
- (3) A storage area owned or operated by a municipality or county and classified as Priority 4 or Priority 5 on the “Project Priority List for Municipal and County Sand/Salt Storage Areas” by the Board of Environmental Protection on either March 16, 2000 or September 21, 2000, as provided in 38 M.R.S.A. §451-A(1-A).

3. Registration and siting requirements for new storage areas

A. Registration required. The owner or operator of a new storage area shall register the storage area with the department.

B. Siting requirements. The following siting requirements apply to all new storage areas, unless a variance is granted by the department under the provisions of Section 6(A) of this chapter.

- (1) The storage area may not overlie a significant sand and gravel aquifer.
- (2) The storage area may not overlie a source water protection area.
- (3) The storage area may not be located within 300 feet of a well, excluding any well that solely serves the storage area.

4. Operational requirements for new storage areas and for state and private Priority 4 and Priority 5 storage areas. The following operational requirements apply to both new storage areas and Priority 4 and Priority 5 storage areas owned or operated by state or federal governments or other public and private entities, as cited in Section 2(B), unless a variance is granted by the department under the provisions of Section 6(B) of this chapter.

A. Pad. All storage, mixing and loading of salt or sand-salt mixtures must occur on a floor or pad of hot bituminous concrete (i.e., asphalt) that is at least three inches thick. The pile or piles may not migrate off the pad.

B. Control of runoff. The storage area must be constructed so that runoff from areas outside the pad does not drain onto or across the pad.

C. Cover. Salt and sand-salt piles must be covered. Covering is accomplished by one of the following methods.

- (1) The construction of a building in which to house the pile or piles. The storage building must prevent rain and snow from contacting the pile or piles; or
- (2) Covering with a well-secured, durable, waterproof product, including, but not limited to, tarps and asphalt-treated sand. The pile or piles must be completely protected from snow and rainfall at all times except for a working face at times of access and for not more than 72 hours following the last access. The pile or piles must be securely covered by May 31 of each year and not rebuilt on the site until September 1.

D. Housekeeping. Salt that is not part of on-going mixing activities must be stored in a building or completely covered. All loose salt or sand-salt materials spilled during loading, unloading or mixing operations must be cleaned up as soon as practicable.

E. Operations and maintenance plan. The owner or operator of a storage area shall have a written plan that addresses operation and maintenance procedures for the storage area. This plan must include, but is not limited to, the name and telephone number of the person in charge of the storage area, a description of scheduled repair and maintenance activities, protocols for delivery and for the clean-up of spilled salt or sand-salt mixtures, and erosion and stormwater runoff controls in building or pad access areas. Employees must be made aware of procedures in the plan. The plan must be made available upon request by representatives of the department.

5. Compliance schedules

A. New storage area. A person who owns or operates a new storage area must comply with the registration, siting and operational requirements of this chapter immediately upon commencement of salt or sand-salt storage, mixing, loading or unloading activities at the storage area.

B. State and private Priority 4 and Priority 5 storage areas. A state or federal government or other private or public entity that owns or operates a Priority 4 and Priority 5 storage area, as cited in Section 2(B), must comply with the operational requirements of this chapter by October 1, 2004.

6. Variance. The department may grant a site-specific variance from the siting or operational requirements in this chapter when it determines that doing so will not have an adverse impact on water quality or the environment.

A. Variance from siting requirements. Factors used in consideration of a variance from the siting requirements specified in Section 3(B) include, but are not limited to, whether homes or businesses in the area are serviced by a public water supply; whether the site is located in an area zoned for commercial or industrial development by the municipality;

the proximity to a major river, marine waters or public water supply intake; and the availability of practicable alternative sites that meet the specified siting criteria.

- B. Variance from operational requirements.** Factors used in consideration of a variance from the operational requirements specified in Section 4 include, but are not limited to, the duration for which the storage area will be used; the proximity to a major river or marine waters; and the ability to demonstrate control over and discharge location of stormwater runoff from the site.

AUTHORITY: 38 M.R.S.A. §413(2-D)

EFFECTIVE DATE: December 3, 2001

APPENDIX A
PROJECT PRIORITY LIST FOR PRIORITY 4 AND PRIORITY 5
STATE AND PRIVATE SAND/SALT STORAGE AREAS
ADOPTED BY THE BOARD OF ENVIRONMENTAL PROTECTION, SEPTEMBER 21, 2000

1999				
<u>PRIORITY</u>	<u>OWNERSHIP</u>	<u>TOWN</u>	<u>COUNTY</u>	<u>REMARKS</u>
4	DOT	Bar Harbor	Hancock	
4	Private	Benton	Kennebec	Owner: M. Richards
4	Private	Brownville	Piscataquis	Owner: E. Gerrish
4	DOT	Calais	Washington	
4	Private	Camden	Knox	Owner: P. Laite
4	Private	Canaan	Somerset	Owner: T. Ames
4	DOT	Canton	Oxford	
4	DOT	Chain of Ponds Twp.	Franklin	
4	Private	Chelsea	Kennebec	Owner: M. Warren
4	Private	Comstock Twp.	Somerset	Owner: McDonald
4	DOT	Cornish	York	
4	DOT	Dixfield	Oxford	
4	DOT	Edgecomb	Lincoln	
4	DOT	Eustis	Franklin	
4	DOT	Fairfield	Somerset	
4	Private	Farmington	Franklin	Owner: K. Vining
4	DOT	Fryeburg	Oxford	
4	DOT	Ft. Kent	Aroostook	
4	Private	Ft. Kent	Aroostook	Owner: R. Morin
4	DOT/Town	Grand Lake Stream Plt.	Washington	Site shared by DOT and plantation
4	DOT	Jefferson	Lincoln	
4	Private	Johnson Mtn. Twp.	Somerset	Owner: Plum Creek/S. Robe
4	DOT	Kingfield	Franklin	
4	DOT	Limerick	York	
4	DOT	Linneus	Aroostook	
4	Private	Lobster Twp.	Piscataquis	Owner: McDonald
4	DOT/Town	Medway	Penobscot	Site shared by town and DOT
4	Private	Minot	Androscoggin	Owner: W.J. Hemond
4	DOT	Monson	Piscataquis	
4	Private	Nobleboro	Lincoln	Owner: N.C. Hunt
4	Private	Norridgewock	Somerset	Owner: A. Cochran
4	DOT	Paris	Oxford	
4	DOT	Presque Isle	Aroostook	
4	DOT/Town	Reed Plt.	Aroostook	Pile shared by town and DOT
4	Private	Rumford	Oxford	Owner: G. Casey
4	DOT	Shapleigh	York	
4	DOT	Shirley	Piscataquis	
4	Private	T4 R11 WELS	Piscataquis	Owner: Great Northern Paper
4	Private	T5 R17 WELS	Somerset	Owner: McDonald

1999

<u>PRIORITY</u>	<u>OWNERSHIP</u>	<u>TOWN</u>	<u>COUNTY</u>	<u>REMARKS</u>
4	Private	T9 R8 WELS	Aroostook	Owner: Irving Woodlands
4	DOT	T14 R6 WELS	Aroostook	
4	Private	Veazie	Penobscot	Owner: B. Silver
4	DOT/Town	Vienna	Kennebec	Site shared by town and DOT
4	Private	Waldoboro	Lincoln	Owner: Osram Sylvania/K. O'Donnell
4	Private	Waterville	Kennebec	Owner: R. Pelotte
4	Private	Westport	Lincoln	Owner: R. Harrison
4	Private	Whiting	Washington	Owner: H & S Construction
4	DOT	Whiting	Washington	
5	State	Augusta	Kennebec	AMHI grounds
5	DOT/Town	Avon	Franklin	Site shared by town and DOT
5	Private	Baileyville	Washington	Owner: Dicenzo/G. Hammond
5	DOT	Baileyville	Washington	
5	DOT	Bangor	Penobscot	
5	Federal/Town	Bar Harbor	Hancock	Owner: Acadia National Park/R. Hamel; park maintains site at town location
5	DOT	Caribou	Aroostook	
5	DOT	Dallas Pt.	Franklin	
5	DOT	Eddington	Penobscot	
5	DOT	Ellsworth	Hancock	
5	DOT	Farmington	Franklin	West Farmington
5	DOT	Farmington	Franklin	Fairbanks
5	University	Farmington	Franklin	Owner: University of Maine
5	DOT	Ft. Fairfield	Aroostook	
5	Private	Gorham	Cumberland	Owner: D. Shaw
5	DOT	Gray	Cumberland	
5	Private	Hartland	Somerset	Owner: Irving Tanning/M. Kuhns
5	DOT	Hiram	Oxford	
5	DOT	Houlton	Aroostook	
5	DOT	Jay	Franklin	
5	DOT	Kennebunk	York	
5	Private	Lincoln	Penobscot	Owner: Lincoln Pulp and Paper/S. McCahill; Station Avenue
5	Private	Lincoln	Penobscot	Owner: Lincoln Pulp and Paper/S. McCahill; Park Street
5	Private	Madawaska	Aroostook	Owner: P. Fongemie
5	Private	Mexico	Oxford	Owner: A. Archibald
5	Private	Milo	Piscataquis	Owner: W. London
5	Private	Old Town	Penobscot	Owner: H.E. Sargent/L. Herbert
5	Private	Old Town	Penobscot	Owner: Fort James Corp./M. Curtis
5	University	Orono	Penobscot	University of Maine site
5	DOT	Rockport	Knox	
5	Private	Rumford	Oxford	Owner: W. Porter
5	DOT	Scarborough	Cumberland	
5	DOT	Searsport	Waldo	

1999

<u>PRIORITY</u>	<u>OWNERSHIP</u>	<u>TOWN</u>	<u>COUNTY</u>	<u>REMARKS</u>
5	Private	Skowhegan	Somerset	Owner: SAPPI/T. Griffin
5	Private	Skowhegan	Somerset	Owner: H. Austin
5	Private	Skowhegan	Somerset	Owner: E. Gilblair
5	Private	Waterville	Kennebec	Owner: D. Gurney
5	Private	Wilton	Franklin	Owner: G.H. Bass/W.J. Maillet
5	Private	Wilton	Franklin	Owner: D. Taylor
5	Private	Winter Harbor	Hancock	Owner: C. Whitten
5	Private	Woolwich	Sagadahoc	Owner: D. Holbrook
5	DOT	Yarmouth	Cumberland	
5	DOT	York	York	