

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>WV</u> Activity: <u>N</u>	Fees Paid: _____
Project Analyst: _____	Check No.: _____

APPLICATION FOR BENEFICIAL USE OF SECONDARY MATERIALS AS A FUEL

This form shall be used to request approval for the beneficial use of secondary material as a substitute fuel in a boiler or cement kiln designed to combust conventional fuels, including fossil or biomass fuels, pursuant to 38 M.R.S. Sections 1301 through 1319-Y, and 06-096 C.M.R. ch. 418, section 8.

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 - Fuel substitution
 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 418 to understand the standards and requirements for the beneficial use of secondary material as substitute fuel. 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. An applicant proposing to license fuel substitution shall request a pre-application meeting with the DEP. The pre-application meeting will include a discussion of the fuel substitution proposal, and provide an opportunity for the applicant to receive guidance on the trial burn procedure and characterization of the proposed substitute fuel. At least 14 days prior to the pre-application meeting, the applicant must submit the applicant information required on page 1 of this form, and the information required in 06-096 C.M.R. ch. 418, section 8(B) as delineated on page 6 of this form.
3. Trial Burn Requirements. After the pre-application meeting has been held, the applicant shall complete a trial burn in accordance with the procedure approved procedure.
4. Fill out the application completely. INCOMPLETE APPLICATIONS WILL BE RETURNED, CAUSING UNNECESSARY DELAYS IN THE REVIEW PROCESS. All work to support the pre-application submittal, the trial burn, the application submittal and the fuel substitution activity 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 pre-application and application materials must bear the signature and, if appropriate, the seal of the individual who drafted or supervised the drafting of each document.
5. 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.
6. 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.
7. 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.
8. Submit to the DEPt 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.

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9. 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.
10. 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.
11. 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 DEP's Division of Materials Management.

1. A proposed trial burn procedure, prepared in accordance with 06-096 C.M.R. ch. 418, section 8(C).
2. The estimated maximum annual quantity of the secondary material proposed for combustion.
3. Information outlining how the secondary material will be transported, stored, and otherwise managed.
4. Information outlining how bypass and residues will be stored and otherwise managed, including how residues will be characterized and disposed.
5. Results of the characterization of secondary material to be used for the trial burn, including a minimum of 4 samples from a stockpile of at least 400 tons from each source for each proposed fuel, and 1 sample for each additional 400 tons acquired for the trial burn, if a trial burn of more than 400 tons is proposed. For CDD wood fuel, each sample must be a composite of 20 one quart samples representative of the trial period. Large particle size solid fuel must be pulverized and thoroughly mixed prior to sample reduction and analysis using a DEP approved method. Enough fuel must be available to conduct a trial burn for each proposed fuel blend to allow sampling over an 8 hour period. The characterization results for secondary materials proposed to be used as fuel may be obtained from the source, provided the results are representative of the secondary material on an ongoing basis. Fuel blended from proposed secondary materials and the conventional fuel combusted at the facility must be characterized by the applicant, unless this requirement is waived by the Department, by analysis for the parameters below:
 - a) TCLP metals;
 - b) Total Arsenic and Lead;
 - c) Physical characterization using Department approved methods; and
 - d) Other parameters as required by the Department.
6. Information outlining the objectives of the trial burn, how the secondary material for the trial burn will be transported, stored, and otherwise managed, the quantity of secondary material to be burned, the scheduled times and dates of the trial burn, a protocol for characterization of the fuel blend(s) to be used during the trial burn that includes collection of 1 sample per 400 tons of each different blend of fuel provided a minimum of 4 samples are taken, and an ash testing program needed to adequately characterize ash constituents and levels of pollutants.

**REQUIRED APPLICATION INFORMATION FOR
THE BENEFICIAL USE OF SECONDARY MATERIAL AS A FUEL IN A BOILER OR
CEMENT KILN DESIGNED TO COMBUST FOSSIL OR BIOMASS FUEL**

1. Applicant Information. All information required on page 1 of this application form.

2. Description. Provide a description of the secondary material proposed for fuel use.

3. Trial Burn Results. Submit the results of the trial burn, and any other appropriate information regarding the suitability of the secondary material for fuel use.

4. Disposal Contract. Submit a signed contract or letter of intent from a facility(ies) licensed to accept all residues and bypass wastes from the boiler or cement kiln proposed to combust secondary material.

5. Schedule. Proposed start date of beneficial use: _____

6. Topographic Map. Submit the most recent full size U.S.G.S. topographic map (7.5 minute series if available) clearly showing the property boundary and location on that property of the boiler or cement kiln proposing the fuel substitution. Also provide GPS coordinates of the activity.

7. Title, Right, or Interest. Attach copies of deeds, leases, contracts or agreements that establish the applicant's title, right or interest for the proposed secondary materials/blended fuel storage areas or, if determined to be appropriate during the pre- application review process, for what application this information was previously provided to the DEP.

8. 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.

9. 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.

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10. 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: _____

11. Financial ability. Submit evidence that affirmatively demonstrates the financial ability of the applicant to conduct 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.

12. 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 fuel substitution activity. 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 activity. This information should include the applicant's or operator's prior experience and/or appropriate training related to the nature of the proposed activity, 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 activity. Refer to 06-096 C.M.R. ch. 400, section 4(C), *Technical Ability*, for standards and submission requirements.

13. 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 where the fuel substitution is proposed. Refer to 06-096 C.M.R. ch. 400, section 12, *Civil or Criminal Record*, for the submission requirements and the standards for compliance.

14. 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).

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- 15. 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* for any new storage areas needed for secondary materials.
- 16. 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*. This includes both control of fugitive dust and odor from handling of the secondary material, and evidence that any air emission license needed has been or will be obtained.
- 17. 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*.
- 18. Natural Resources.** If new storage areas are needed for the proposed secondary materials, 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*.
- 19. Erosion and Sediment Control.** Except when secondary materials will be stored inside buildings, 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*.
- 20. 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) produced, 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, and should be discussed during the pre-application meeting.
- 21. 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 fuel substitution in a safe, orderly and environmentally sound manner. No activities associated with the combustion of secondary material may contaminate ground or surface water. The operations manual must be prepared in accordance with all applicable provisions of 06-096 C.M.R. ch. 418, section 8 and (F), and include at least the following elements (see the rule language for the level of detail needed):
- A. **Bypass and Residuals Management.** A valid contract or agreement with a solid waste facility(ies) approved to accept bypassed waste and/or residues from the boiler or cement kiln shall be maintained. Include a waste characterization program for residues in the Environmental Monitoring Program. All residues shall be characterized in accordance with the applicable provisions of 06-096 C.M.R. ch. 405, section 6, and any specific requirements from the receiving solid waste facility(ies).

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- B. Quality Assurance/Quality Control (QA/QC) Plan.** A QA/QC plan which will ensure that secondary materials used by the facility will remain consistent with the facility's fuel substitution license and the applicable fuel quality standards in 06-096 C.M.R. ch. 418, section 8. All sampling and analysis shall be done using Department approved methods, and in conformance with applicable provisions of 06-096 C.M.R. ch. 418, section 8; 06-096 C.M.R. ch 405, section 6, and provisions in the fuel substation license.
- C. Environmental Monitoring Program.** If required by 06-096 C.M.R. ch. 418, section 8, or the facility license, submit a proposed environmental monitoring program for ground water, surface water, ongoing characterization of secondary materials, and/or ongoing characterization of residues. The environmental monitoring program must be designed in accordance with the applicable provisions of 06-096 C.M.R. ch. 405 and ch. 418.
- D. Fuel Management Plan.** A description of how the secondary material will be stored and handled prior to and during its use, including:
- (1) Suitable measure to control dust, litter (including fines from fuel and ash), and odors associated with the use of secondary material as a fuel.
 - (2) A detailed description of the fuel storage area(s) and its operation.
 - (3) A description of fuel flow through the facility that provides for consumption of oldest fuel first, and a plan view of the storage pad that depicts the sequence of fuel flow throughout the storage pad area(s).
 - (4) Procedures for minimizing fuel stockpile volume and fuel fire risk for the duration of planned shutdowns.
 - (5) A storage pad inspection and maintenance program that provides for annual inspection and repair of the storage pad(s) area.
 - (6) A hazardous and special waste exclusion plan prepared in accordance with the requirements of 06-096 C.M.R. ch. 400, section 9 and Appendix A.
- E. When CDD Wood Is Used.** The following additional elements shall be included in the operations manual when CDD wood fuel is accepted:
- (1) The fuel management plan shall also include the following:
 - (a) A size limit on wood fuel pile(s) containing CDD wood fuel to no more than 8 weeks of fuels, and
 - (b) A fire safety action plan.

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(2) The QA/QC plan shall also include the following:

(a) CDD wood fuel elements:

- (i) Identification of who (the source or the licensee) will contract for sampling of the CDD wood fuel;
- (ii) A proposed sampling and analysis plan, prepared in accordance with the applicable provisions of 06-096 C.M.R. ch. 405, section 6 and 06-096 C.M.R. ch. 418, section 8(F)(2)(a)(ii through iv); and
- (iii) For each source of CDD wood, the information required by 06-096 C.M.R. ch. 418, section 8(F)(2)(a)(v).

(b) Blended fuel elements:

- (i) Identification of who (a qualified contractor or a trained employee) will sample the blended fuel; and
- (ii) A proposed sampling and analysis plan, prepared in accordance with the provisions of 06-096 C.M.R. ch. 418, section 8(F)(2)(b)(ii).

(3) Fuel quality standards for CDD wood:

- (a) Identification of who (processor source or licensee) will supply physical characterization data of CDD wood fuel prior to blending with other fuels; and
- (b) Process to be used to ensure CDD wood fuel meets the fuel quality standards of 06-096 C.M.R. ch. 418, section 8(F)(3).

(4) Fuel quality standards for blended fuel: The process to be used to ensure blended fuel meets the fuel quality standards of 06-096 C.M.R. ch. 418, section 8(F)(4).

(5) Failure to meet the fuel quality standards: The process to be used when fuel that fails to meet the fuel quality standards of 06-096 C.M.R. ch. 418, section 8(F)(3 or 4). This section of the operations manual shall be prepared in accordance with 06-096 C.M.R. ch. 418, section 8(F)(5).

F. Records Management. Provisions for the management of records associated with the fuel substitution activity. At a minimum, this must include environmental monitoring reports, fuel and residuals characterization forms, and sufficient records to complete annual reports for the fuel substitution activity.

22. 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