

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
DREDGE MATERIAL AS CONSTRUCTION FILL**

This form shall be used to request approval for the beneficial use of non-hazardous dredge material as construction fill when the proposed use meets all applicable standards of 38 M.R.S. Sections 1310 through 1319-Y, and 06-096 C.M.R. ch. 418, sections 4 and 7(A).

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 dredge material as construction fill - Reduced Procedure
 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 de-watered dredge material as construction fill. 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.

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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 DREDGE MATERIAL AS CONSTRUCTION FILL

You may submit a reduced procedures application for beneficial use of dredge material as construction fill if the project meets all of the following standards:

- (1) Dredge material permitted for use as construction fill under this section must not be used in residential settings, playgrounds or school yards, and be completely and permanently covered by a concrete, asphalt paved surface, or by 6 inches of a compacted soil material.
- (2) In order to characterize dredge material intended for beneficial use, representative samples shall be collected and analyzed prior to dredging in conformance with EPA-SW 846. A minimum of 4 samples per site or 1 sample per acre shall be collected, unless an alternative sampling plan is otherwise approved by the Department; information on sediment depth represented by each sample shall be provided. Samples shall have been collected, and analyzed within the holding times for each parameter, within 5 years of application submittal. However, if there have been significant spills, discharges, or disruptions in sediment disposition within the 5 year period, sampling and analysis is required to evaluate current conditions. Composite samples for analysis may be approved by the Department on a case-by-case basis. Analysis must be for the following parameters:
 - a. Total metals (mg/kg dry wgt.) including Arsenic (As), Cadmium (Cd), Chromium (Cr), Lead (Pb), Mercury (Hg);
 - b. Semi-volatiles listed in #3, below (mg/kg dry weight);
 - c. PCBs and dioxin TEQ, unless waived by the Department, and organopesticides from commercial and agricultural ponds greater than 1/4 acre (mg/kg dry weight); and
 - d. Other parameters as required by the Department.
- (3) Dewatered dredge material which is non-hazardous and which contain constituent levels less than the following levels (totals) may be beneficially used in accordance with the provisions of 06-096 C.M.R. ch. 418, section 7(A):

Arsenic (As)	< 16 mg/kg (this is the background soil level for arsenic in Maine)
Cadmium (Cd)	< 22 mg/kg
Chromium (Cr+6)	< 3.6 mg/kg
Lead (Pb)	< 200 mg/kg
Mercury (Hg)	< 27 mg/kg
Benz[a]anthracene	< 13 mg/kg
Benzo[b]fluoranthene	< 13 mg/kg
Benzo[k]fluoranthene	< 134 mg/kg
Benzo[a]pyrene	< 1.3 mg/kg
Chrysene	< 1340 mg/kg
Dibenz[a,h]anthracene	< 1.3 mg/kg
Indeno[1,2,3-c,d]pyrene	< 13 mg/kg
PCBs	< 2.7 mg/kg
Dioxin TEQ	< 55.8 pg/g

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- (4) Total chromium or lead levels exceeding 100 mg/kg, or mercury levels exceeding 4 mg/kg indicate that the dredge material may be hazardous waste. Further analysis of those parameters of those parameters for TCLP is necessary.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) 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.

If the proposed project to use dredge material as construction fill will not meet any one of these standards, you may apply under the provisions of 06-096 C.M.R. ch.418, section 9.

If the proposed project is to use dredge material as beach nourishment fill, you may apply under the reduced procedure provisions of 06-096 C.M.R. ch. 418, section 7(B) if the project meets all of the standards of that section, or you may apply under the provisions of 06-096 C.M.R. ch. 418, section 9.

**REQUIRED INFORMATION FOR A REDUCED PROCEDURE APPLICATION FOR
BENEFICIAL USE OF DREDGE MATERIAL AS CONSTRUCTION FILL**

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. 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 dredge material to the material or product it is replacing. If the samples of dredge material were not analyzed recently (but were analyzed within the last 5 years), include information regarding spills, discharges or disruptions in sediment deposition within the 5 year period.

4. **Quantity.** The quantities, by weight and/or volume, of the secondary material expected to be beneficially used.

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

6. **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.

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 site.

8. **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:

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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.
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 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.
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 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.
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. 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 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).

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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*.
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*.
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.** 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.** 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. **Construction Drawing.** Provide a construction drawing for the location(s) of the beneficial use activity, with the property boundary and the location of dredge material placement 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.
21. **Handling and Use Plan.** Provide a plan for the handling and use of the dredge material, including provisions for storage and de-watering of the dredge material. The plan must provide that the storage will not pose a hazard to public health and that the storage or beneficial use of the dredge material will not result in any illegal discharge of sediments or contaminants to waters of the State.

END