

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Solid Waste 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</u> Activity: <u>E</u>	Fees Paid: _____
Project Analyst: _____	Check No.: _____

REDUCED PROCEDURES APPLICATION FOR BENEFICIAL USE OF DREDGE MATERIAL

This form shall be used to request approval for the beneficial use of non-hazardous dredge material as fill when the proposed use meets all applicable standards of Chapter 418, sections 3 and 5 of Maine's Solid Waste Management Regulations.

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 - Reduced Procedures
 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 (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 Department 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 ATTACHED FEE SCHEDULE TO DETERMINE THE APPLICATION FEE FOR
FOR REDUCED PROCEDURE BENEFICIAL USE (ONE-TIME OR ON-GOING)

INSTRUCTIONS

1. **Please refer to Chapters 400 and 418 of the “Maine Solid Waste Management Regulations” to understand the standards and requirements for the beneficial use of dredge material as fill.** If you have any questions that arise at any point during the application or review process, please contact the DEP Solid Waste Program staff.
2. Pre-Application meeting. Applicants proposing to beneficially use a solid waste 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” 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 Regulation 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.
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 Regulation 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 LURC 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 the approval by the Department of Environmental Protection, 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., § 1301 et seq. and 06-096 C.M.R. Ch. 400 et seq.

The application is for _____

(summary of project)

at _____
(project location)

owned by _____ and operated by _____
(landowner) (site operator if different)

According to Department 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 Department, in writing, no later than 20 days after the application is accepted by the Department 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.
(town)

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 MATERIALS AS FILL

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

1. Dredge material permitted for use as fill under this section must be used in a non-residential setting and be completely covered by a concrete, asphalt paved surface or by 6 inches of a compacted soil material. Dredge material containing less than 15% fines and that meet the criteria in §5.A(3-5) below may be used as beach nourishment fill if otherwise approved under the Natural Resources Protection Act.
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 one sample per acre shall be collected; information on sediment depth represented by each sample shall be provided. 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 §5.A(3) below (mg/kg dry weight).
 - c. PCBs and **organopesticides** from commercial and agricultural ponds greater than 1/4 acre (mg/kg dry weight).
 - d. Other parameters as required by the Department.
3. Dewatered dredge material which are non-hazardous and which contain constituent levels less than the following levels may be beneficially used in accordance with the provisions of this section:

Arsenic (As) <29 mg/kg
Cadmium (Cd) <8 mg/kg
Chromium (Cr+6) <38 mg/kg
Lead (Pb) <800 mg/kg
Mercury (Hg) <60 mg/kg
Benz[a]anthracene <2.0 mg/kg
Benzo[b]fluoranthene <5.0 mg/kg
Benzo[k]fluoranthene <49.0 mg/kg
Benzo[a]pyrene <8.0 mg/kg
Chrysene <160 mg/kg
Dibenz[a,h]anthracene <2.0 mg/kg
Indeno[1,2,3-c,d]pyrene <14.0 mg/kg
PCBs <0.74 mg/kg
Dioxin TEQ <16 pg/g

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 for TCLP is necessary.
5. Any non-hazardous dredge material with constituent levels exceeding those in paragraph (3) above by less than a factor of two may be beneficially used as construction fill provided that the dredge material are

combined with borrow material at a proportion which will lower the contaminant levels below the levels in paragraph (3).

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 storage or beneficial use of dredge material will not result in any illegal discharge of sediments or contaminants to waters of the State.
8. The beneficial use activity may not be located in, on, or over any protected natural resource or be located adjacent to and operated in such a manner that material or soil may be washed into any protected natural resource unless approved pursuant to 38 M.R.S. §§ Section 480-A through 480-SS.
9. The beneficial use of waste in construction must be in conformance with the applicable provisions of Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices (Cumberland County Soil and Water Conservation District/Department of Environmental Protection, March, 1991 or its equivalent.
10. The beneficial use activity must not include the use of hazardous wastes identified pursuant to 06-096 C.M.R. Ch. 850.

If the facility will not meet any one of these conditions, you may make application for the beneficial use of dredge spoils under the provisions of Chapter 418, section 7.

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

1. Description. Provide a description of the dredge material and its proposed use. Include information regarding the physical and chemical characteristics of the dredge material, including all analytical results. Also include the quantities, by weight and/or volume of the dredge material expected to be beneficially used.

2. Schedule.

- a. Proposed date of start of construction: _____
- b. Proposed date of completion: _____

3. 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.

4. 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.

5. 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:

6. 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.

7. 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 Chapter 400, section 4.B for standards and submission requirements.

8. 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.

9. Disclosure statement. This should include information on the criminal or civil record of the owner, operator, or anyone having a legal interest in the applicant or the facility, as described in Chapter 400, Section 12(A) of the Maine Solid Waste Management Regulations.

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): _____

11. Traffic. 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;
- (b) The beneficial use results in fewer than 16 additional vehicle trips per day; or
- (c) The project beneficially using the secondary material has been permitted under the Site Location of Development Law.

Please submit evidence demonstrating that the use of dredge material 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 Chapter 400, section 4.D.

12. Air Quality. Submit sufficient information to demonstrate compliance with Chapter 400 (4) (G)-No Unreasonable Adverse Effect On Air Quality.

13. Handling and Use Plan. This plan must include provisions for the dewatering and storage of the dredge material as needed, and must demonstrate that the storage will not pose a hazard to public health and will not result in any illegal discharge of contaminants to waters of the State.

END