

SECTION 16 SLUDGE MANAGEMENT

16.1 Authority

This Section is adopted pursuant to 30-A M.R.S.A. Section 3001.

16.2 Purpose

The purpose of this Section is to protect the health and safety of the residents of the City of Gardiner, to enhance and maintain the quality of the environment and to conserve natural resources through regulation of storage and land application of industrial wastewater treatment plant sludge and other residuals.

This Section shall serve as a companion document to the State of Maine's Department of Environmental Protection Regulations for Land Application of Sludge and Residuals. The City of Gardiner desires to work in partnership with the Department of Environmental Protection in establishing a local procedure for the following activities: a public hearing process to review all land application sites, an inspection process to review all land spreading activities, a notification process to keep the city informed of all land spreading activities, and identification of environmental areas of local concern.

This Section also recognizes the agricultural value that sludge and other residuals can provide to the city's farms and forestland. The opportunity to use sludge and residuals on agricultural land enhances the ability of local farmers to improve the productivity of their land and further promotes the city's interest in preserving the agricultural heritage of the community. The application of sludge and residuals on agricultural lands shall be performed in a manner that also recognizes the other land use activities that share the city's rural landscape.

16.3 Continuance of Existing Uses

16.3.1 Any land spreading of sludge and residuals, storage of sludge and residuals, land spreading and storage of septic sludge, and composting operations that are legally existing and operating with a permit from the Department of Environmental Protection within the City of Gardiner prior to the adoption of this Section may continue, but shall be subject to the following requirements:

16.3.1.1 The expansion or enlargement of any existing activity shall require a permit and conform to the provisions of this Section for the new expanded area.

16.3.1.2 An annual renewal permit shall be obtained for the existing activity within 12 months of the effective date of this Section, and the activity shall conform to the requirements established for permit renewal.

16.4 Regulated Activities

The following activities shall be regulated by the City of Gardiner and shall require a permit from the Planning Board. The activities are land spreading of sludge and residuals, storage of sludge and residuals, land spreading and storage of septic sludge, and composting operations.

16.5 Permit Requirements

16.5.1 Permit Required

For all activities listed in this Section, a permit shall first be obtained a permit from the Code Enforcement Officer, who shall furnish an application form for obtaining all the required information from the applicant. The non-refundable fee for the permit shall be \$300.00 and shall be presented with the complete application to the City Clerk. The permit shall be issued for a period of one year and shall be subject to an annual renewal.

16.5.2 Annual Renewal Permit

For all regulated activities that plan to continue operations, an annual renewal permit from the Code Enforcement Officer shall be obtained within 15 days of the expiration of the existing permit. The non-refundable renewal permit fee shall be \$150.00. Failure to obtain the annual renewal permit shall require an application for a new permit. The renewal permit shall be obtained for any activity that plans to continue operations regardless of any temporary lapse in spreading, storage, composting, etc.

16.5.3 Permit Modifications

The expansion and/or enlargement of any regulated activity shall require a permit according to the requirements for a new permit. Minor changes or revisions to the original application shall be submitted to the Code Enforcement Officer for review and approval. The Code Enforcement Officer may request the Planning Board's input prior to making a decision about the proposed change. The applicant shall be responsible for making any permit modifications with the Department of Environmental Protection as required.

16.6 Permit Submission Requirements

16.6.1 New Permits

All new permits for any regulated activity shall be filed on the forms provided and shall include the following information:

16.6.1.1 The complete application from the Department of Environmental Protection for the proposed activity. This shall include all the required permit attachments.

16.6.1.2 The \$300.00 application filing fee.

16.6.1.3 A list of names and addresses of all property abutters or property owners within 500 feet of the proposed activity. The abutters within 500 feet of the proposed activity

shall be determined using the City of Gardiner tax maps. Within 500 feet of proposed activity shall mean any property owner within 500 feet of the designated spreading area.

16.6.1.4 A map of the proposed site showing any environmental areas of local concern within 1,000 feet of the designated spreading area.

16.6.1.5 A report from the Code Enforcement Officer indicating that the site was inspected for compliance with the provisions of this Section.

16.6.2 Renewal Permits

All renewal permits for any regulated activities shall be submitted to the Code Enforcement Officer on the forms provided and shall include the following:

16.6.2.1 All required testing data and/or reporting data that was required to be submitted to the DEP during the previous calendar year.

16.6.2.2 The \$150.00 renewal fee.

16.6.2.3 Any proposed changes or modifications to the permit.

16.7 Application Procedure

16.7.1 New Permits

The application procedure outlined below shall be followed for all new permit applications:

16.7.1.1 The applicant shall obtain a copy of this Section and permit application from the Code Enforcement Officer.

16.7.1.2 The applicant shall complete the application and arrange an inspection of the site with the Code Enforcement Officer or his/her designee who shall check the location for compliance with this Section.

16.7.1.3 The Code Enforcement Officer shall complete an inspection report and submit a copy to the applicant to include with the application.

16.7.1.4 The applicant shall submit a complete application to the Code Enforcement Officer and request to be placed on the Planning Board agenda for consideration of the proposal.

16.7.1.5 The Planning Board shall hold a public hearing on the proposed completed application at the next regularly scheduled Planning Board meeting.

16.7.1.6 The applicant shall notify all property abutters or property owners within 500 feet of the proposed designated spreading area of the date, time, place, and purpose of the hearing by certified mail. The applicant shall submit proof to the Planning Board that the

letters were sent to each abutter. The letters shall be mailed at least 14 days prior to the scheduled hearing. Failure of any party to receive a notice shall not invalidate the hearing proceedings, if the applicant can show proof that the letters were mailed.

16.7.1.7 The applicant shall place one legal ad in a newspaper of general circulation in the area (The Kennebec Journal) indicating the date, time, place, and purpose of the hearing. The ad shall be placed not more than 14 days or less than 7 days in advance of the scheduled hearing. The applicant shall submit a copy of the ad to the Planning Board.

16.7.1.8 The Planning Board shall review the proposed application for compliance with this Ordinance and shall hear testimony from the applicant, property abutters and other interested parties.

16.7.1.9 The Code Enforcement Officer if required by the Planning Board may attend the hearing and provide information to the Planning Board concerning the site inspection.

16.7.1.10 The Planning Board may decide to conduct a site visit prior to rendering its decision.

16.7.1.11 The Planning Board shall review and decide upon the application based upon the following review standards:

16.7.1.11.1 Whether or not the application is complete.

16.7.1.11.2 Whether or not the applicant has complied with all hearing notification requirements.

16.7.1.11.3 The Code Enforcement Officer has conducted a site visit and finds that the proposal complies with this Section.

16.7.1.11.4 The proposed activity conforms to all the applicable provisions of this Section.

16.7.1.12 The Planning Board may decide to approve the application, approve it with conditions, or deny the application.

16.7.1.13 The Planning Board shall issue a written decision within 20 days after the close of the public hearing and shall indicate the reasons for its decision in findings of fact.

16.7.1.14 The Code Enforcement Officer shall issue a permit to the applicant upon the issuance of the written decision letter from the Planning Board approving said application. The permit shall be issued for a specific period.

16.7.2 Renewal Permits

The application procedure outlined below shall be followed for all renewal permits:

16.7.2.1 The applicant shall within 60 days before the expiration of the existing permit submit a renewal application to the Code Enforcement Officer on the forms provided.

16.7.2.2 The permittee shall provide to the Code Enforcement Officer all annual reporting data required by the DEP at the time of permit renewal.

16.7.2.3 The Code Enforcement Officer shall review the permit request and shall issue the renewal permit if the application is complete and conforms to the provisions of this Section.

16.8 Performance Standards

16.8.1 Notification Standards

16.8.1.1 The permittee shall notify the Code Enforcement Officer at least 7 days prior to any sludge, residuals or septage land spreading activity.

16.8.1.2 The permittee shall notify the Code Enforcement Officer of any change or modification in the activity and request that the original permit be amended. Failure to notify the Code Enforcement Officer of any alteration to the original permit shall constitute a violation of this Section.

16.8.1.3 The applicant shall notify the Code Enforcement Officer when the activity will permanently cease operation at the location. A temporary lapse in activity shall not constitute a closing of the activity.

16.8.2 Inspection

16.8.2.1 Upon notification that land spreading will occur at the site, the Code Enforcement Officer or his/her designee shall inspect the site within 48 hours after spreading has been completed. The Code Enforcement Officer shall maintain a record of each inspection.

16.8.2.2 The Code Enforcement Officer shall inspect the site for compliance with this Ordinance and shall notify the permittee in writing of any violation along with the steps necessary to remedy the situation.

16.8.2.3 The Code Enforcement Officer shall respond to all complaints concerning any activity regulated by this Section and determine if there are any violations of this Section. A copy of all complaints shall be provided to the permittee.

16.8.2.4 The permittee shall allow the Code Enforcement Officer to inspect the activity during regular business hours of City Hall.

16.8.3 General Standards

16.8.3.1 All activities shall be performed in accordance with the regulations and provisions contained in this Section and the applicable DEP permit. Any activity not performed in accordance with this Section or the DEP permit shall constitute a violation of this Section.

16.8.3.2 All activities shall conform to the following general standards as applicable:

16.8.3.2.1 Land spreading shall not occur during the following period: October 15th to May 15th.

16.8.3.2.2 Land spreading shall not occur on frozen ground or if the ground is saturated. Use the plastic limit test for fine textured soils (silt and clay); use depth to standing water of 12 inches in test pit for other soils.

16.8.3.2.3 Whenever sludge, residuals or septage are planned to be tilled into the soil, this activity shall occur within 24 hours after application of sludge or the first dry day.

16.8.3.2.4 Whenever possible, temporary sludge storage sites shall be left untouched until spreading occurs.

16.8.3.2.5 All activities shall conform to the setback requirements established by DEP and for environmental areas of local concern designated pursuant to this Section.

16.8.3.2.6 Any sludge to be spread in the City of Gardiner shall not contain ingredients that are not indigenous to the sludge processed by the City of Gardiner Waste Water Treatment Facility. Any sludge to be spread in the City of Gardiner shall not contain levels of contaminants that exceed those found in the sludge processed by the City of Gardiner Waste Water Treatment Facility.

16.8.4 Transportation

The permittee shall take all reasonable measures to transport sludge, residuals or septage to the activity site in a manner that reduces any odors or other nuisances to residents and businesses along the access route. The access route shall conform to the City's Truck Route Ordinance.

16.8.5 Environmental Areas of Local Concern

16.8.5.1 The city may designate environmental areas of local concern which are deemed to require setback distances greater than those prescribed by DEP. The city shall identify and map all environmental areas of local concern and designate appropriate setbacks to protect these locations from the activities regulated by this Section. These locations shall be sensitive to one or more of the following features or conditions: phosphorus, stormwater run-off, erosion and contamination from nutrients and/or other compounds usually found in sludge and residuals.

16.8.5.2 These areas may include any of the following: wetlands, rivers, streams, brooks, slopes greater than 15%, fishing areas, clam or other shellfish flats, ponds and lakes.