

TOWN OF NAPLES PLANNING BOARD APPLICATION

P.O. Box 1757, Naples, Maine 04055
Phone: (207) 693-6364 / Fax: (207) 693-3667
www.townofnaples.org

Change of Use Application

Date: 7/20/19

Owner/Applicant Name: LOON LODGE LLC

Mailing Address: PO Box 829, J. Casw, ME 04077

Telephone: 207 233 9268 Email: LUMASON@ATT.NET

Property Owner: MASON LODGE LLC

Property Location: 7 MAPLEWOOD Dr. Naples Map & Lot: R07/lot 021

Any easements, covenants, or deed restrictions related to the property? _____

Zoning District: Commercial/Industrial Waivers requested: none
A list must be submitted for waivers

Name, address, & phone # of applicants engineer, land surveyor or planner: _____
PLYMOUTH ENG, INC. PO Box 48, PLYMOUTH, ME 04969
207-257-2071

The undersigned, being the applicant, owner or legally authorized representatives, states that all information contained in this application is true and correct to the best of his/her knowledge and hereby does submit the information for review by the Town and in accordance with applicable ordinances, statues, and regulation of the Town, State and Federal governments.

Date: 7/20/19 Signature: [Signature]

Fee Schedule:

Advertising: \$50.00	Aquatic Structure (noncommercial): \$50.00
Fee per abutter: \$7.00	Review Escrow: TBD
Under 1,000 sq. ft. gross floor area: \$300.00	
1,000 – 10,000 sq. ft. gross floor area: \$400.00	
Over 10,000 sq. ft. gross floor area: \$400.00	
**Plus \$25.00 for each 1,000 sq. ft. over 10,000	
Development without building: \$400.00	
Modification of approved plan: \$100.00	
Commercial Initial permit: \$100.00	
Commercial Annual Renewal: \$50.00	Applicants Total: \$ _____

Please include 9 copies of application, sketch plan, and any other supporting documentation.
To go before the Planning Board requesting a Change of Use you must submit a letter of intent. Please review the Site Plan Review Ordinance for any other requirements at www.townofnaples.org

Loon Lodge, Llc.

PO Box 829

South Casco, ME 04077

207-233-9268 llbmason@att.net

July 20, 2019

Town of Naples Planning Board

PO Box 1757

Naples, ME 04055

RE: LETTER OF INTENT FOR AMENDMENT TO ACCEPT ADDITIONAL WASTE STREAMS AT THE CURRENT OPERATING NAPLES TRANSFER SOLID WASTE PROCESSING FACILITY UNDER DEP APPROVED PERMIT #S-022317-WK-B-A

Dear Board,

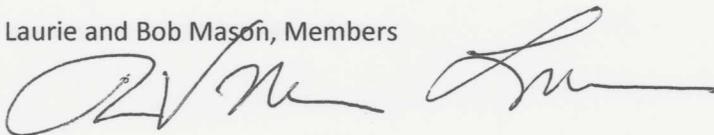
Loon Lodge, LLC proposes to accept additional waste streams to the currently operating Solid Waste Processing Facility at 7 Maplewood Drive in Naples. This facility has been operating since 2010, without incident, under DEP Permit #S-022317-WK-A-N. This Permit has been amended and approved for the additional items under DEP Permit #S-022317-WK-B-A.

We look forward to your consideration and approval to continue to improve the benefits to our Naples community.

Best Regards,

Loon Lodge, LLC

Laurie and Bob Mason, Members

Two handwritten signatures in black ink, one on the left and one on the right, appearing to be 'Laurie' and 'Bob' respectively.

Attach: application, plan, DEP Permit

LOON LODGE LLC	2	SOLID WASTE
NAPLES, CUMBERLAND COUNTY, MAINE)	
SOLID WASTE PROCESSING FACILITY)	
ADD MSW and RECYCLING MATERIALS)	
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2. PROJECT DESCRIPTION

The applicant currently accepts the following wastes at the Naples facility:

- Stumps, brush, and land clearing debris;
- CDD and wood suitable for biomass fuel;
- Corrugated cardboard;
- Inert materials (concrete, brick, glass, porcelain, street sweepings, etc.);
- Gypsum wallboard and asphalt roofing shingles;
- Treated wood; and
- Universal waste.

These wastes are sorted, compacted, and stored prior to transfer to other facilities for additional processing, transfer or disposal. In addition, land clearing debris is processed at the site. CDD wood is licensed to be processed on site, but is frequently sent off site for processing into wood fuel. Universal waste will continue to be accepted at the facility and handled as required in the applicable provisions of the *Universal Waste Rules*, 06-096 C.M.R. ch. 858.

Loon proposes to accept and transfer the following additional waste streams as part of this amendment: MSW and Zero Sort® recycling materials. Both the MSW and the recycling materials will be off loaded inside the enclosed tipping building from smaller vehicles and containers into larger containers for more efficient transportation to other facilities. The MSW will be transported to a disposal facility. The recycling materials will be transported to other facilities for processing.

The facility proposes to start modifications to the tipping building during the summer of 2016 and commence operation in the fall of 2016 when the tipping building is complete. Paving of internal roads at the facility will be accomplished in the summer of 2017.

In 2009 the facility was initially estimated to accept (for traffic analysis) up to 500 tons per day of solid waste and generally accepts considerably less on a daily basis. This amendment to add MSW and recyclables will add approximately 50 tons per day to the facility operations. Submitted traffic calculations and handling procedures are based on a total combined tonnage amount of 550 tons per day entering the facility. (See Finding of Fact #10)

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3. DESCRIPTION OF SITE

The existing processing /transfer station facility is a gated 10 acre portion of the larger 116 acre parcel of land at 7 Maplewood Road and is accessed off Songo School Road in Naples. The property is locally zoned by the Town of Naples for “commercial/industrial use” and includes an active gravel pit. The site is surrounded by residential, commercial/industrial uses, and undeveloped wooded property. The site is internally drained and does not discharge to any surface body of water.

The facility has an entrance, gates, water, septic systems, telephone, cable, scale, and several existing buildings which will be re-utilized as a result of this amendment to the processing facility. The tipping building is identified in the site plan, Drawing C1, dated April 6, 2016. The roof of this concrete building will be raised to allow for the tipping of packer trucks and roll off containers, and for the loading of MSW and recycling materials to occur inside the building. The internal roads at the facility will be paved to minimize dust generation and to provide for easier routine maintenance of the facility.

Zero Sort® recycling materials will also be off loaded in the tipping building and will be loaded into recycling trailers for additional offsite processing. Litter fencing will be provided to minimize any windblown litter. The facility will pick up any windblown litter promptly as needed.

The existing tipping areas will remain in their present locations with no changes proposed. No waste oil will be accepted at the facility.

Hours of operation will continue to remain from 6AM until 6PM Monday through Sunday.

4. SITING CRITERIA

The facility’s waste handling boundary is:

- more than 500 feet to the nearest residence;
- 250 feet to the nearest public road (Songo Locks Road);
- 250 feet to the nearest property boundary (Songo Locks Road);
- not within 100 feet of an active, inactive or closed solid waste disposal area;
- not within 100 feet of any protected natural resource (805 feet to the Crooked River); and
- not in, on, or over a protected natural resource.

The Department finds that Loon continues to meet or exceed all of the siting criteria of 06-096 C.M.R. ch. 402 § 2(A).

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5. TITLE, RIGHT OR INTEREST

The applicant has provided a copy of a warranty deed for the property where the project is located. The deed for this property is recorded in the Cumberland County Registry of Deeds in Book 8857 Page 68, and Book 8851 Page 64. The Department finds that Loon has provided adequate evidence of title, right, or interest in the property for the planned development.

6. FACILITY OPERATIONS

Loon and PTW have submitted revisions to the operations manual for the facility that address the additional operating procedures associated with handling MSW in accordance with the applicable provisions of 06-096 C.M.R. ch. 402§ 4(A).

Commercial and private vehicles will enter the facility from Maplewood Road off Songo School Road. After weighing at the existing scale house, the vehicles and containers will proceed to the MSW tipping building. MSW will be off loaded onto the concrete tipping pad, inspected by facility staff, and loaded into larger 100 cubic yard trailers to be transported to licensed disposal facilities. Private smaller vehicles will deposit MSW into a "day bunker" roll off container to prevent the mixing of smaller cars with large commercial vehicles in the tipping building.

There will no storage of MSW on the tipping building pad when the facility is closed. All MSW will be transferred to the receiving trailers. Partially loaded trailers may remain at the facility until fully loaded.

There will be no disposal or burning of any waste materials at the site and there will be no off loading or storage of MSW on the ground or outside the tipping building.

Hours of operation for the facility will continue to be Monday through Sunday from 6:00 AM to 6:00 PM, or less due to demand from the public. The facility may load, compact, and transport materials after the facility is closed to the public.

The operations manual for the solid waste facility includes a hazardous and special waste handling and exclusion plan, which is included as Appendix A of the operations manual. No hazardous or special wastes will be accepted at the facility. Universal wastes will continue to be accepted at the facility and will be managed under the Universal and Electronic Waste Handling Plan.

All wastes entering or leaving the facility will be properly contained and tightly tarped during transportation to prevent any leaking, spilling, blowing or any other type of

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discharge to the environment. The MSW tipping building will be cleaned as needed with wash water disposed by mixing with the MSW waste stream. The facility operations manual includes provisions for abatement of any vector issues. Odors will be minimized with good housekeeping and daily management of the wastes. If a fire does occur at the facility, primary fire response will come from the Naples Fire Department.

The Department finds that Loon, through the operator, PTW, has provided an acceptable operations manual for the facility, prepared in accordance with the applicable provisions of 06-096 C.M.R. ch. 402 and ch. 409.

The Department further finds that the facility design includes provisions for adequate tipping capacity to accommodate the seasonal throughput of all materials that are delivered to the facility, provided Loon collects and records data for all incoming and outgoing wastes, residues, and the products of processing. This data must include the type, weight, and state of origin of the incoming waste, and the type, weight and destination (name and physical location of the receiving facility) of all outgoing wastes and secondary materials. This information must be included in each facility annual report.

7. FINANCIAL ABILITY

Loon estimates that the cost to construct modifications to the tipping building and to pave the internal access roads at the facility will be approximately \$100,000. Annual operation and maintenance costs are expected to be \$60,000. Closure costs are estimated to be \$5,000. Loon proposes to fund the construction and final closure of the project by means of existing lines of credit from Key Bank. Loon further proposes to fund the on-going operations of the facility through the facility's normal operating budget.

The Department finds that Loon has provided adequate evidence of financial ability to design, construct, operate, maintain and close the facility in a manner consistent with the State environmental standards and laws, as required by 06-096 C.M.R. ch. 400 § 4(B).

8. TECHNICAL ABILITY

Loon will own the facility and has contracted with PTW to operate the facility using PTW employees and the PTW technical support infrastructure.

PTW has submitted documentation indicating that PTW is a wholly owned subsidiary of Casella Waste Systems ("Casella"), whose principal business is the collection, processing, transport, recycling, and disposal of various solid wastes. PTW currently operates several MSW and CDD transfer facilities, including facilities in West Bath and Waterville, Maine. Another Casella subsidiary, NEWSME Landfill Operations LLC

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(NEWSME Operations), is under contract to operate the State-owned Juniper Ridge Landfill in Old Town, Maine. PTW owns a Zero Sort® recycling facility in Lewiston, Maine. PTW is additionally supported, on an as needed basis, by personnel from the Casella Permits, Compliance, and Engineering Department, and by environmental consulting firms with experience in permitting projects in Maine.

The Department finds that Loon and PTW have affirmatively demonstrated that they have the technical ability to design, construct, operate, maintain, and close the facility in a manner consistent with the state environmental standards and laws, as required in 06-096 C.M.R. ch. 400, §4(C).

9. CIVIL AND CRIMINAL DISCLOSURE STATEMENT

Loon and PTW have submitted criminal and civil disclosure statements in the application indicating that, for the previous 5 years, Loon and PTW have had no violations of environmental laws in Maine, other states, the United States, or another country; and no violations of any criminal law.

The Department finds that Loon and PTW have submitted a complete criminal and civil disclosure statement for the required corporate individuals, prepared in accordance with 06-096 C.M.R. ch. 400, §12, and that there is no reason to deny this license application based on the civil or criminal record of either Loon or PTW.

10. TRAFFIC

The applicant has submitted a revised traffic assessment, performed by Traffic Solutions of Portland and dated April 20, 2016, in support of this application. A previous traffic assessment from 2009 assumed that the facility would receive and process 500 tons per day generating a traffic volume of approximately 50 round trips/day. The 2009 study concluded that the existing roadway system could safely accommodate the projected vehicle traffic associated with the facility.

The 2016 traffic assessment estimates that the facility will receive an additional 50 tons per day of MSW and recyclables. The anticipated additional volume of daily round trips will be a total of 30, consisting of 4 commercial packer units, 1 to 2 semi-trailer trucks, and 10 passenger vehicles.

When combined with the existing facility traffic of 50 round trips daily, the total traffic flow will generate a total of 80 round trips, with a peak hour volume of 24 round trips at the Maplewood Drive location.

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Maine DOT Traffic Safety Bureau's latest three year safety report for the section of Songo Locks Road between the entrance to the State Park and U.S. Route 302 shows that all identified roadway segments and intersections experience fewer traffic crashes than the threshold criteria for identification as a high crash location.

At the Loon facility, traffic will enter the facility off Maplewood Drive, deposit materials into the various tipping pads or storage areas, and then exit the facility to return to Maplewood Drive. There will be no standing or queuing traffic on Maplewood Drive at any time.

The Department finds that Loon has submitted adequate traffic information to demonstrate it has provided for safe and uncongested traffic movement of all types into, out of, and within the solid waste facility as is required by 06-096 C.M.R. ch 400, § 4(D).

11. FITTING THE SOLID WASTE FACILITY HARMONIOUSLY INTO THE NATURAL ENVIRONMENT/EFFECTS ON EXISTING USES AND CHARACTER OF THE AREA

The perimeter of the facility is currently forested and the existing forested vegetation will be retained between the edge of the facility and the property boundary as a visual buffer for the operation of the facility. The facility will not interfere with any established viewing areas.

All MSW received at the facility will be handled within a building or in the "day bunker" roll off container. The facility is not expected to pose a bird hazard to aircraft and there are no airports within 10,000 feet of the property.

In response to a comment received from an interested party, the applicant has submitted an inventory of equipment to be operated at the facility; they are basically wheeled loaders and trucks for transporting materials accepted at the facility. Based on current noise levels at the facility, noise levels associated with the facility during processing are not expected to exceed 70 dbA during daytime hours or 60 dbA during nighttime hours at any protected location.

The facility is not expected to unreasonably adversely affect existing uses of property neighboring the proposed facility. Currently these neighboring uses are other commercial businesses, seasonal and year round residences, and undeveloped property.

Included in the original facility application was a letter from the Maine Historic Preservation Commission dated February 6, 2009, stating that there are no existing historic properties affected by the proposed facility. The waste handling boundary will not be expanded by this application.

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The facility meets all the siting criteria standards of 06-096 C.M.R. ch. 402, § 2(A).

The Department finds that the applicant has made adequate provisions to fit the solid waste facility harmoniously into the natural environment and the facility will not cause an unreasonable effect on existing uses and scenic character.

12. NO UNREASONABLE EFFECT ON AIR QUALITY

Loon has proposed the following measures to minimize any effects on local air quality:

- There will be no open burning at the facility;
- All MSW and Zero Sort® recycling materials delivered to and removed from the facility will be in suitable vehicles to prevent leaking or blowing of wastes; and
- Suitable measures, notably good management of the waste streams and good housekeeping, will minimize any impact on the local area from odors associated with the handling of MSW.

The Department finds that Loon has made adequate provisions to ensure that the facility will not unreasonably adversely affect air quality, including from fugitive dust and nuisance odors.

13. NO UNREASONABLE ADVERSE EFFECT ON SURFACE WATER QUALITY

Loon has provided or proposed the following measures to minimize any impacts on surface water quality from the facility:

- The application includes a stormwater control plan, prepared in accordance with 06-096 C.M.R. ch. 400, § 4.M, to control post-construction runoff at the facility;
- There will be no disposal or burning of any solid waste at the facility;
- All MSW will be tipped inside the tipping building or at the day bunker roll off container and will then be loaded into semi-trailers. No MSW will remain on the tipping floor when the facility is closed;
- All wastewater from the tipping building will be contained, absorbed with sorbent sand and loaded into the MSW trailers;
- All wastes and residues from the facility will be removed in a timely manner in tightly tarped trucks and containers.

The Department finds that Loon has made adequate provisions for stormwater control and that the proposed modified facility will not unreasonably adversely affect surface water quality.

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14. NO UNREASONABLE ADVERSE EFFECT ON OTHER NATURAL RESOURCES

The facility's 10 acre boundary contains no wetlands, but is adjacent to the Crooked River, located approximately 805 feet from the waste handling boundary. Additionally all stormwater will be directed into the existing internal drainage pond to prevent any direct discharge into the Crooked River.

The Department finds that Loon has made adequate provisions to ensure the facility will not have an unreasonable adverse effect on other natural resources in the municipality, or in neighboring municipalities.

15. SOIL TYPES THAT ARE SUITABLE AND WILL NOT CAUSE UNREASONABLE EROSION

The proposed solid waste tipping building will be one of the structures currently at the site, modified by raising the roof to allow for the tipping of trucks within the building. Additional paving will be performed to minimize dust generation from vehicles and to simplify routine road maintenance and street sweeping at the facility.

Loon has prepared an erosion and sedimentation control plan to prevent unreasonable erosion of soil or sedimentation. The plan references the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices", dated March 1991, and includes requirements for the installation, construction, inspection and maintenance of temporary and permanent erosion control measures, and for the sequence, scheduling, and supervision of construction.

The Department finds the applicant has made adequate provisions to ensure the facility is built on soils suitable for the undertaking, and that the facility will not cause unreasonable sedimentation or erosion of soil, provided the erosion and sedimentation control plan is modified to reference the current "Maine Erosion and Sediment Control Practices Field Guide for Contractors", dated March 2015 instead of the March 1991 document.

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16. NO UNREASONABLE RISK THAT A DISCHARGE TO A SIGNIFICANT GROUNDWATER AQUIFER WILL OCCUR

Loon has proposed the following measures to minimize any potential impact to the aquifer in the area of this proposed solid waste facility:

- There will be no unloading or storage of MSW on the ground surface. All MSW will be handled within the tipping building. The tipping floor area will be empty when the facility is closed after normal operating hours. All outgoing loads will be inspected by Loon staff to ensure they are tightly tarped and secure;
- There will be no disposal or burning of waste materials at the site;
- The erosion control berms, constructed of processed landclearing debris, will prevent migration of dirt or other fines from the storage areas;
- All recyclable material will be stored in the recycling building until it is loaded into suitable leakproof containers or tightly tarped trailers for removal;
- All non-recyclable materials will be promptly removed for off-site disposal;
- Spill kits have been constructed to contain any petroleum or hydraulic spills which might occur at the site and any petroleum spills will be reported to the Department's Emergency Response Services Hotline; and
- Provisions have been made to perform dry cleanup of the outdoor areas and to provide for litter control.

The Department finds that Loon has made adequate provisions to ensure that no unreasonable risk of a discharge of a water pollutant, either directly or indirectly, to a significant groundwater aquifer will occur.

17. SOLID WASTE MANAGEMENT HIERARCHY

The facility is designed to be a regional collection point and transfer location for the acceptance of Zero Sort® recyclables to encourage the removal of additional materials from the MSW waste stream for off-site processing and further recycling at PTW's Zero Sort® facility in Lewiston, Maine.

Non-recyclable waste such as the collected MSW will be sent to the PERC waste-to-energy incineration facility in Orrington, the ecomaine waste to energy facility in Portland, or to the Juniper Ridge landfill in Old Town for disposal.

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9. The project will be constructed on soils suitable for the proposed purpose, and the applicant has made adequate provisions for erosion and sedimentation control, provided the erosion and sedimentation control plan is modified to reference the current "Maine Erosion and Sediment Control Practices Field Guide for Contractors", dated March 2015 instead of the March 1991 document.
10. There will be no unreasonable adverse effect on surface water quality as a result of this change to the facility, and the acceptance of MSW and recycling materials at the facility will not pose an unreasonable risk that a discharge to a significant ground water aquifer will occur.
11. The applicant has made adequate provisions for utilities at the site, and the modified processing facility/transfer station will not have an unreasonable adverse effect on existing utilities in the area.
12. The applicant has submitted an acceptable operations manual.
13. The applicant has affirmatively demonstrated that the purpose and practices associated with the proposed addition of MSW and Zero Sort® recycling materials to the waste streams handled at the transfer station part of the facility are consistent with the solid waste management hierarchy.

THEREFORE the Department APPROVES the above noted application of LOON LODGE LLC SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations.

1. The Standard Conditions of Approval, a copy attached as Appendix A.
2. The invalidity or unenforceability of any provision, or part thereof, of this license shall not affect the remainder of the provision or any other provisions. This license shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
3. Loon shall collect and record data for all incoming and outgoing wastes, residues, and the products of processing. This data shall include the type, weight, and state of origin of the incoming waste, and the type, weight and destination (name and physical location of the receiving facility) of all outgoing wastes and secondary materials. This information shall be included in each facility annual report.

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4. Loon shall modify its erosion and sediment control plan to reference the current "Maine Erosion and Sediment Control Practices Field Guide for Contractors", dated March 2015 instead of the March 1991 document.

DONE AND DATED AT AUGUSTA, MAINE, THIS 14th DAY
OF OCTOBER, 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Paul Mercer
PAUL MERCER, COMMISSIONER

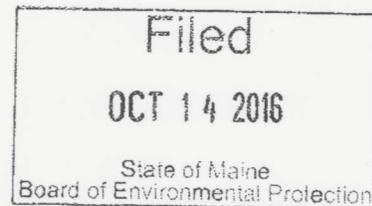
PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

Date of initial receipt of application: April 29, 2016

Date of acceptance: May 9, 2016

Date filed with Board of Environmental Protection:

XRM80531



STANDARD CONDITIONS TO ALL SOLID WASTE FACILITY LICENSES

The solid waste disposal facility shall only accept solid waste that is subject to recycling and source reduction programs, voluntary or otherwise, at least as effective as those imposed by 38 MRSA Chapter 13.

11. **Deed Requirements for Solid Waste Disposal Facilities.** Whenever any lot of land on which an active, inactive, or closed solid waste disposal facility is located is being transferred by deed, the following must be expressly stated in the deed:
 - A. The type of facility located on the lot and the dates of its establishment and closure.
 - B. A description of the location and the composition, extent, and depth of the waste deposited.
 - C. The disposal location coordinates of asbestos wastes must be identified.