

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
**Solid Materials Management Program**  
**Attn: Geraldine Travers, 17 State House Station**  
**Augusta, Maine 04333-0017**  
**Telephone: (207) 287-7688**

<b><u>FOR DEP USE ONLY</u></b>			
ATS ID: _____	Seq: _____	DEP ID: _____	Received by DEP: _____
Bureau: S _____	Type of Application: W3 _____	Activity: P _____	Fees Paid: _____
Project Analyst: _____			Check No.: _____

**NOTIFICATION FOR PERMIT BY RULE FOR THE BENEFICIAL USE OF NO MORE THAN 6,400 TONS OF EMULSIFIED ASPHALT ENCAPSULATED PETROLEUM CONTAMINATED SOIL AS CONSTRUCTION FILL**

The use of no more than 6,400 tons of emulsified asphalt encapsulated petroleum contaminated soil as construction fill underneath paved roads and parking lots, and in other civil engineering applications, may receive a permit-by-rule provided that the activity meets all of the standards of 06-096 C.M.R. ch. 418, section 6(B). No variances to the provisions of section 6(B) may be granted. This completed notification form must be received by the Department of Environmental Protection (DEP) at least 24 calendar days prior to the initiation of the proposed activity or use.

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 emulsified petroleum contaminated soil - Permit-by-Rule

Location: \_\_\_\_\_ Directions: \_\_\_\_\_

**PLEASE SEE OTHER SIDE OF SHEET - SIGNATURE REQUIRED**

## SIGNATURE OF APPLICANT

By signing this notification, the applicant certifies that he or she has: (1) reviewed the appropriate state laws that relate to the proposed project; and (2) the standards and requirements of 06-096 C.M.R. ch. 418, section 6(B) will be met throughout construction of the 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.)

### INSTRUCTIONS

**For assistance in filling out this notification, please contact the Division of Materials Management, Bureau of Remediation and Waste Management.**

Send this notification along with all attachments to: Maine Department of Environmental Protection, Bureau of Remediation and Waste Management, 17 State House Station, Augusta, Maine 04333-0017.

Keep a copy of this completed form for your files. This copy will be helpful in communications with the DEP staff if any questions arise during the review of a project.

Public notice of the filing of this type of permit-by-rule notification in accordance with 06-096 C.M.R. ch. 400, section 3(B)(1)(c) is not required.

**PLEASE SEE THE CURRENT FEE SCHEDULE TO DETERMINE  
THE NOTIFICATION FEE FOR THIS PERMIT-BY-RULE FACILITY. THE  
CURRENT FEE SCHEDULE MAY BE FOUND AT <http://www.maine.gov/dep/permits/>**

**STANDARDS FOR PERMIT-BY-RULE FOR BENEFICIAL USE OF NO MORE THAN  
6,400 TONS OF EMULSIFIED ASPHALT ENCAPSULATED PETROLEUM  
CONTAMINATED SOIL AS CONSTRUCTION FILL**

The use of no more than 6,400 tons of emulsified asphalt encapsulated petroleum contaminated soil (“encapsulated petroleum contaminated soil”) as construction fill underneath paved roads and parking lots, and in other civil engineering applications, may receive a permit-by-rule when all of the standards listed below are met. Proposed beneficial uses of encapsulated petroleum contaminated soil which do not meet these standards may apply for a license under the provisions of 06-096 C.M.R. ch. 418, section 9, or may be eligible to use the authorization through notification provisions of 06-096 C.M.R. ch. 418, section 5.

“Construction fill” (as defined in 06-096 C.M.R. ch. 400) means, “fill that may contain solid waste utilized to provide material for construction projects such as roads, parking lots, buildings or other structures. It does not include fill needed to re-contour an area within a landfill or where no further construction is occurring. If the construction fill contains solid waste other than inert fill, the use of the fill is regulated under Chapter 418.”

“Petroleum contaminated soil” (as defined in 06-096 C.M.R. ch. 418) means, “soil that has been verified through sampling and analysis, and site specific documentation provided by the generator, to have been contaminated by a discharge/release of petroleum. Petroleum contaminated soil may include soil with concentrations of chemicals in addition to petroleum only if those chemicals are likely to be naturally occurring (e.g. arsenic); or, except for lead, if used as petroleum additives (e.g. ethanol). This term does not include “urban fill” as defined in the Department’s *Maine Remedial Action Guidelines (RAGS) for Sites Contaminated with Hazardous Substances*”, dated February 5, 2016.”

**Standards**

- (1) The project must be a beneficial use rather than disposal or discard, and all encapsulated petroleum contaminated soil beneficially used must be non-hazardous by characteristic and be produced from contaminated soil that met the definition of petroleum contaminated soil, as documented through characterization provided by the processing facility. Hazardous wastes that have been treated to render them non-hazardous must be identified as such in the notification, and the notification must include information on the treatment process used and any other information relevant to the Department’s review of the proposed beneficial use.
  
- (2) Encapsulated petroleum contaminated soil may not be placed in standing water or in a channeled drainage flow. It may not be used to fill wetlands, be placed below the water table, or be allowed to wash into any water of the State.

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- (3) A concrete or asphalt paved surface, or a 6 inch layer of soil, or other material suited to the purpose of the construction, must completely cover the stabilized encapsulated petroleum contaminated soil and must be permanently maintained. No surface exposure of the encapsulated petroleum contaminated soil is allowed.
- (4) Encapsulated petroleum contaminated soil intended to be used for a project may be stored in a secured location near the project that is under the control of the licensee. All excess encapsulated petroleum contaminated soil and any residue must be removed from the project area upon completion of the project.
- (5) The beneficial use may not take place on a residential, school or a property, area or facility open to the public for recreation.
- (6) The beneficial use of encapsulated petroleum contaminated soil licensed under this section is limited as follows:
  - (a) Encapsulated petroleum contaminated soil must not be placed to a depth of more than 24 inches above the natural ground surface;
  - (b) No more than 6,400 tons of encapsulated petroleum contaminated soil may be used on the parcel of property covered by the permit-by-rule; and,
  - (c) The term of the license will be 3 years. At the end of the 3 year period, any encapsulated petroleum contaminated soil not used as construction fill must be removed from the site to a facility licensed to accept it.
- (7) Annual reports must be filed for each year during the term of the license. The reports must include both the quantity of encapsulated petroleum contaminated soil used on the property and the quantity of encapsulated petroleum contaminated soil stored on the property at the end of the calendar year, and verification that encapsulated petroleum contaminated soil was used as proposed in the application.

**REQUIRED INFORMATION FOR A PERMIT-BY-RULE FOR BENEFICIAL USE OF  
EMULSIFIED ASPHALT ENCAPSULATED PETROLEUM CONTAMINATED SOIL  
AS CONSTRUCTION FILL**

- 1. Notification Package Requirements.** At least 24 calendar days prior to the initiation of the proposed activity or use an applicant shall submit a signed permit-by-rule notification on a form provided by the Department. The permit-by-rule notification package must include:
  - A. The applicant's name, address, telephone number, and contact person together with the appropriate application fee.
  - B. The name, address and Department license number for the solid waste processing facility that will provide the encapsulated petroleum contaminated soil.
  - C. A description of the proposed use of the encapsulated petroleum contaminated soil as construction fill, including sufficient information to show the proposed project serves a legitimate beneficial use, the soil is non-hazardous by characteristic, the quantity of soil proposed to be beneficially used, and the expected start and end dates for the project.
  - D. Information that demonstrates sufficient title, right or interest to the property proposed for the beneficial use project, as specified in 06-096 C.M.R. ch. 2, section 11(D).
  - E. An U.S.G.S 7.5 minute topographic map or equivalent map clearly marking the project location. GPS coordinates of the activity shall be provided in the project description.
  - F. A site plan showing where encapsulated petroleum contaminated soil will be placed. Also, a cross-sectional view, with a horizontal scale of 1 inch = 5 feet and a vertical scale of 1 inch = 12 inches, of each location where encapsulated petroleum contaminated soil will be placed. The cross-section(s) must clearly indicate the location and depth of each material layer as applicable (construction fill, paved surface course, other construction, etc.).
  
- 2. Authorization Form.** In accordance with 06-096 C.M.R. ch. 418, section 6(B), the generator and the beneficial user of the encapsulated petroleum contaminated soil must complete an Authorization Form, prepared in conformance with 06-096 C.M.R. ch. 418, section 10 and Appendix B. A template for the authorization form is included in this application.

**AUTHORIZATION FORM FOR BENEFICIAL USE**

**Generator of Secondary Material**

**Beneficial Use Location**

Facility Name: \_\_\_\_\_

Facility Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

GPS Coordinates: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Contact phone number: \_\_\_\_\_

Contact phone number: \_\_\_\_\_

As the generator of the secondary material, I hereby certify that the Department of Environmental Protection has authorized the beneficial use of this secondary material through:

- beneficial use exemption for no more than 800 tons of construction fill per parcel; or
- DEP permit-by-rule or license number #S-\_\_\_\_\_

Unless any necessary permit is obtained from the Department, this secondary material may not be placed in the following locations:

- (a) in standing water;
- (b) in a channeled drainage flow;
- (c) in a protected natural resource;
- (d) below the water table; or
- (e) where it may wash into any water of the state.

If the Department issued a permit-by-rule or license authorizing the beneficial use of this secondary material, a copy of the document is attached. The Department license does does not include additional conditions for the use of this secondary material that you are required to meet.

**END**