

ADDENDUM #7

TO CONTRACT DOCUMENTS FOR

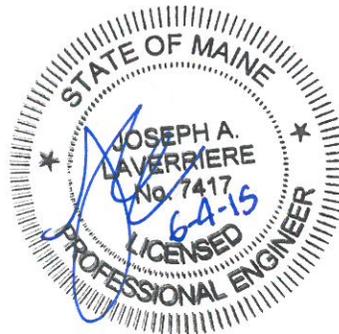
**MSAD #72
PRE-K-8 SCHOOL AT MOLLY OCKETT
FRYEBURG, MAINE**

JUNE 4, 2015

This addendum modifies and supplements designated parts of the Site Development Construction Documents Project Manual / Bid Set for MSAD #72 Pre-K-8 School at Molly Ockett, Fryeburg, Maine and is hereby made an integral part thereof by reference and shall be as binding as though inserted in its entirety in the locations specified herein. It shall be the responsibility of the Contractor to notify all Subcontractors and suppliers he proposes to use for the various parts of the work of any changes or modifications contained in this addendum. The Contractor shall acknowledge receipt of this addendum in the appropriate section of the Bid.

PREPARED BY FAY, SPOFFORD & THORNDIKE

CIVIL ENGINEER
JOSEPH A. LAVERRIERE, P.E.
Fay Spofford & Thorndike
778 Main Street, Suite 8
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MODIFICATION/AMENDMENT/CLARIFICATION TO NOTICE TO CONTRACTORS

1. This is the last addendum. The bid date will occur on **June 9, 2015**. The location and time of day for receiving bids shall remain as stipulated in the Notice to Contractors.

MODIFICATION/AMENDMENT/CLARIFICATION TO TECHNICAL SPECIFICATIONS

1. Section 00 70 00.01 – Site Permit Requirements

- A. Part 1, Paragraph E.1 shall be revised to read as follows:
MeDEP Site Location of Development Act Permit: The Contractor shall be expected to comply with:
 - a.) Site Location of Development Act Standard Conditions G. and H. Specifically, a copy of the permit approval is to be included in all contract bid specifications and that work shall not begin before the contractor has been provided a copy of the permit approval order.
 - b.) Stormwater Standard Conditions 6. Specifically, the contractor is required to perform all work in accordance with the requirements of the Stormwater Permit.

All other conditions of the permit are anticipated to be the responsibility of the Owner.

- B. Part 2, Paragraph A shall be deleted in its entirety.
- C. Part 2, Paragraph B shall be revised to include reference to the MeDEP Site Location of Development Act Permit.
- D. Specification Attachment shall be revised to include a copy of the MeDEP Site Location of Development Permit, which is appended to this addendum.

MODIFICATION/AMENDMENT/CLARIFICATION TO CONTRACT DRAWINGS

1. Sheet C-1.2 – Existing Conditions and Demolition Plan

- A. The approximate location of the existing water line that feeds between the existing Molly Ockett school and bus maintenance garage has been identified on the plan. The approximate location of the 2" irrigation line to the athletic fields has been revised based upon input from the school's maintenance staff. The existing irrigation line connects into the line that feeds the bus maintenance building. Upon completion of the new irrigation line, a test pit shall be performed to locate the existing irrigation line connection and the line shall be cut and cap at the point of connection.

The changes to the existing conditions and demolition plan (Sheet C-1.2) is shown on CSK-9 that is appended to this addendum.

ATTACHMENTS

Attachment A – MeDEP Site Location of Development Permit

Attachment B – Figure CSK-9

END OF ADDENDUM #7

ATTACHMENT A

MeDEP Site Location of Development Permit



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

June 2015

Jay Robinson, Supt.
Maine School Administrative District # 72
124 Portland Street
Fryeburg, ME 04037

RE: Site Location of Development Act Partial After-the-Fact Application, Fryeburg
DEP #L-26609-22-A-N

Dear Mr. Robinson:

Please find enclosed a signed copy of your Department of Environmental Protection land use permit. You will note that the permit includes a description of your project, findings of fact that relate to the approval criteria the Department used in evaluating your project, and conditions that are based on those findings and the particulars of your project. Please take several moments to read your permit carefully, paying particular attention to the conditions of the approval. The Department reviews every application thoroughly and strives to formulate reasonable conditions of approval within the context of the Department's environmental laws. You will also find attached some materials that describe the Department's appeal procedures for your information.

If you have any questions about the permit please contact me at (207) 615-6426 or at christine.woodruff@maine.gov.

Sincerely,

Christine Woodruff, Project Manager
Division of Land Resource Regulation
Bureau of Land & Water Quality

pc: File

Joseph Laverriere, P.E.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143



DEPARTMENT ORDER

IN THE MATTER OF

MAINE SCHOOL ADMINISTRATIVE) SITE LOCATION OF DEVELOPMENT ACT
DISTRICT #72)
Fryeburg, Oxford County)
L-26609-22-A-N (partial after-the-fact) FINDINGS OF FACT AND ORDER
approval)

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq., the Department of Environmental Protection has considered the application of MAINE SCHOOL ADMINISTRATIVE DISTRICT #72 with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicant seeks after-the-fact approval for the Molly Ockett Elementary School and for proposed expansions of the building, parking area, and recreation fields. The existing school is located on a 37-acre parcel that was developed starting in 1981 and contains an approximately 31,285-square foot school building, parking for 57 vehicles, a bus drop off loop, a baseball field, a softball field, and a multi-purpose athletic field. The site also has a bus maintenance garage with fuel tanks for fueling buses, four modular class rooms, and a small green house.

The site has 19.22 acres of existing developed area that was created after 1970 and 4.25 acres of existing impervious area that was created after 1975. The existing development meets the definition of “structure” under the Site Location of Development Act.

The applicant proposes a 62,100-square foot expansion to the school and site improvements including relocating the access drive, separate student drop off areas for parents and buses, expanding vehicle parking to 125 spaces, adding an emergency access driveway, adding walkways, expanding hard and soft play areas, and expanding and relocating the athletic fields to include baseball, softball, two multipurpose playfields, and expanded practice areas. The proposed project will add 7.36 acres of new developed area and 3.83 acres of new impervious area.

The project is shown on a set of plans, the first of which is titled “PreK – 8 School at Molly Ockett, MSAD #72, Fryeburg Maine,” prepared by Fay, Spofford & Thorndike, and dated September 2014, with a last revision date of April 13, 2015. The project site is located on the north side of Portland Road (Route 302) in the Town of Fryeburg.

B. Current Use of Site: The interior of the site is developed with the school and the recreation fields. The developed areas are surrounded by mature pine trees. Central

Maine Power Company (CMP) and Fryeburg Water Company both have easements through the east side of the site; an approximately 100-foot wide area along these easements has been cleared of trees. An abutting land owner has constructed a greenhouse and shed on the southeast corner of the site within the CMP Easement.

2. FINANCIAL CAPACITY:

The cost of the site work portion of the project is estimated to be \$3,066,650. The voters of School Administrative District #72 voted to approve financing of the school construction project in an amount not to exceed \$19,996,645. The applicant submitted a letter from the Secretary of the Maine State Board of Education, dated March 19, 2014 that states that the project has been granted concept approval and that the Commissioner of Education will establish a date for the sale of bonds for the project.

The Department finds that the applicant has demonstrated adequate financial capacity to comply with Department standards.

3. TECHNICAL ABILITY:

The applicant provided information regarding the key persons involved with the project design. The applicant retained the services of Fay, Spofford & Thorndike for civil engineering services; Stephen Blatt Architects for architectural services; Sanborn, Head & Associates for hydrogeology consulting services; Fairbanks Engineering for geotechnical services; and Albert Frick Associates for soil scientist services to assist in the design and engineering of the project.

The Department finds that the applicant has demonstrated adequate technical ability to comply with Department standards.

4. NOISE:

The Department generally considers schools to be developments that generate minor noise impacts.

The Department's control of noise regulations applies to sound from construction of projects proposed within municipalities without quantifiable noise standards per Chapter 375 section 10(B)(1). The Town of Fryeburg Land Use Ordinance, Section 16 Performance Standards - General Requirements, Item H, Noise exempts construction activities from sound pressure level regulations; because the municipal standard does not limit sound from construction, the Department's more restrictive noise regulations apply during construction of the project. The applicant proposes to comply with the limits for sound from construction activities in Chapter 375 Control of Noise section 10(C)(2).

The Department finds that the applicant has made adequate provision for the control of excessive environmental noise from the proposed project.

5. SCENIC CHARACTER:

The surrounding land uses to the site consist of single-family residential to the north, and the forested area called Jockey Cap and a single family-home to the east. A pre-school facility and Route 302 are located on the south side of the lot; a cemetery, a fire station and a commercial building characterize the land uses on the opposite side of Route 302. Two athletic fields on land owned by the Pine Grove Cemetery and a forested lot are located along the west side of the site. The existing Molly Ockett School site has a mature White Pine forest buffer between the existing developed area and the surrounding uses.

The proposed expansion will reduce the forested areas to approximately 15 feet wide at the narrowest location along Route 302 on the south side, and approximately 20 feet wide at the narrowest location near the cemetery's property along the western property line. The wooded buffer will be reduced to approximately five feet wide in one location along the north property line but is generally 30 feet or more wide along the rest of the north side. The residential properties to the north have retained forested areas along the school property line so that the effective forested buffer between the residential uses and the proposed developed area for the school will be about 50 feet wide. A forested buffer will remain on the east side of the site with the exception of where the abutting land owner maintains a greenhouse and shed on the school property and the Central Maine Power easement. The school expansion has been designed to be an attractive public facility with an appearance that is expected to be a visual asset within the Town of Fryeburg.

Based on the project's location and design, the Department finds that the proposed project will not have an unreasonable adverse effect on the scenic character of the surrounding area.

6. WILDLIFE AND FISHERIES:

The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project. In its comments, MDIFW stated that it found no locations of Endangered, Threatened, or Special Concern species within the project area. Additionally, MDIFW stated that it has not mapped any Essential or Significant Wildlife Habitats or fisheries habitats that would be directly affected by the project.

The Department finds that the applicant has made adequate provision for the protection of wildlife and fisheries.

7. HISTORIC SITES AND UNUSUAL NATURAL AREAS:

The Maine Historic Preservation Commission reviewed the proposed project and requested a Phase I archaeological survey because the type of soils and the location of the site in a major river valley meet the criteria for predicting locations where prehistoric archaeological sites may be present. The applicant completed a Phase I archaeological study which concluded that there were no archaeological sites in the project area. The

Maine Historic Preservation Commission agreed with these findings and stated that the project will have no effect upon any historic or archaeological properties as defined by the National Historic Preservation Act of 1966.

The Maine Natural Areas Program database does not contain any records documenting the existence of rare or unique botanical features on the project area.

The Department finds that the proposed development will not have an adverse effect on the preservation of any historic sites or unusual natural areas on the development site.

8. BUFFER STRIPS:

There are no streams or other protected natural resources on or adjacent to the site that would typically require buffers for their protection. The applicant is not proposing to utilize any formal buffer strips for the proposed project.

9. SOILS:

The applicant submitted a Class A High Intensity Soil survey and report prepared by a certified soil scientist. The applicant also submitted a Geotechnical Data and Design Basis Report based on the soils found at the project site prepared by Fairbanks Engineering Corporation. This report was prepared by a registered professional engineer and reviewed by staff from the Division of Environmental Assessment (DEA) of the Bureau of Land and Water Quality (BLWQ). The soils on site generally consist of three to six inches of loam over deep variable poorly graded sand. Loose sands below the water table within the building footprint area indicated by the borings results may be a seismic risk and are proposed to be stabilized using vibro-probe compaction as discussed in the Fairbanks Engineering Report dated July 31, 2014.

The Department finds that, based on these reports and DEA's review, the soils on the project site present no limitations to the proposed project that cannot be overcome through standard engineering practices.

10. STORMWATER MANAGEMENT:

The existing project plus the proposed project includes approximately 26.58 acres of developed area; 19.22 acres of this is existing developed area that was created after 1970. Included in the developed area of the project is 8.08 acres of impervious area; 3.83 acres of this is existing impervious area that was created after 1975. The site has deep sandy soils, and most of the site is relatively flat with the topography getting steeper on the east side of the lot towards a forested hiking area just off the site called Jockey Cap. Because of the deep sands, the stormwater normally infiltrates and does not leave the site as surface flow. The site lies within the watershed of the Saco River.

The applicant submitted a stormwater management plan based on the Basic, General, and Flooding standards contained in Department Rules, Chapter 500. The proposed

stormwater management system consists of 21 infiltration basins and 11 infiltration dry wells.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicant submitted an Erosion and Sedimentation Control Plan that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPs, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of, the Division of Land Resource Regulation (DLRR) of the BLWQ.

Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor.

(2) Inspection and Maintenance: The applicant submitted a maintenance plan that addresses both short and long-term maintenance requirements. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. This plan was reviewed by, and revised in response to the comments of, DLRR. The applicant will be responsible for the maintenance of the stormwater management system.

Storm sewer grit and sediment materials removed from stormwater structures during maintenance activities must be disposed of in compliance with the Maine Solid Waste Management Rules.

(3) Housekeeping: The proposed project will comply with the performance standards outlined in Appendix C of Chapter 500.

Based on DLRR's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500(4)(A).

B. General Standards:

The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential thermal impacts. This mitigation is being achieved by using Best Management Practices (BMPs) that will treat runoff from 100% of the impervious area and 100% of the developed area.

The proposed infiltration system was reviewed by staff from DEA. The applicant must insure that the discharge of soluble pollutants to the infiltration area is minimized and that the infiltration area is maintained to assure that its capacity is unimpaired. Comments

from the DEA noted that the Department may inspect the site and may require more restrictive measures for protection of the infiltration systems if it determines that the minimum setbacks for snow storage from the infiltration basins are not being met or if other evidence indicates that there is discharge of contaminants or excessive loading of sediment to the infiltration systems.

All of the dry wells qualify as Class V injection wells and must be registered with the Underground Injection Control Program, with a copy sent to the BLWQ prior to occupation of the building expansion. Based on DEA's review, the Department does not anticipate that the infiltration basins and dry wells will adversely impact groundwater quality.

The stormwater management system proposed by the applicant was reviewed by, and revised in response to comments from, DLRR. After a final review, DLRR commented that the proposed stormwater management system is designed in accordance with the General Standards contained in Chapter 500(4)(B), and recommended that the applicant retain the design engineer, or another qualified engineer, to oversee the construction of the infiltration basins and dry wells according to the details and notes specified on the approved plans. Within 30 days of completion of the infiltration basins and dry wells, the applicant must submit a log of inspection reports detailing the items inspected, photographs taken, and the dates of each inspection to the BLWQ for review.

Based on the stormwater system's design and DLRR's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the General Standards contained in Chapter 500(4)(B) provided that the applicant retains an engineer to oversee and document the construction of the infiltration basins and dry wells, and registers the dry wells with the Department's Underground Injection Control Program as described above.

C. Flooding Standard:

The applicant is proposing to utilize a stormwater management system based on estimates of pre- and post-development stormwater runoff flows obtained by Hydrocad, a stormwater modeling software that utilizes the methodologies outlined in Technical Releases #55 and #20, U.S.D.A., Soil Conservation Service, and results in infiltration of stormwater from 24-hour storms of 2-, 10-, and 25-year frequency. The post-development peak flow from the site will not exceed the pre-development peak flow from the site and the peak flow of the receiving water will not be increased as a result of stormwater runoff from the development site.

Based on the system's design and DLRR's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Flooding Standard contained in Chapter 500(4)(E) for peak flow from the project site, and channel limits and runoff areas.

11. GROUNDWATER:

The entire project site, with the exception of the northeast corner, is located over a mapped sand and gravel aquifer with expected yields of 10 to 50 gallons per minute. The proposed project does not propose any withdrawal from the groundwater because the domestic, irrigation and fire protection water requirements will be supplied by the Fryeburg Water Company.

The subsurface wastewater disposal system, the stormwater infiltration systems and runoff from recreation fields will discharge to groundwater. The existing facility has above-ground fuel storage tanks for fueling buses and other vehicles. The tanks include a 10,000-gallon tank for diesel and a 10,000-gallon tank for gasoline. A Spill Prevention, Control and Countermeasures Plan (SPCC Plan) for the site was submitted by the applicant.

The applicant is currently evaluating using a nearby Maine Department of Transportation fueling facility for their vehicles and eliminating the on-site fueling facility. The applicant may maintain the existing on-site fueling facility until July 1, 2016, after which time it must either discontinue the use of the facility and must remove all the pumps, tanks, piping and other appurtenant equipment by August 31, 2016, or must upgrade the facility to comply with the requirements of Environmental Protection Agency 40 CFR 112 SPCC Plans by adding structural measures to capture and contain surface runoff from the fuel pump island area by August 31, 2016. The applicant must notify the BLWQ of its decision by July 1, 2016.

Prior to occupation of the expansion, a turf management plan must be submitted to the BLWQ for review and approval. The turf management plan must specifically include provisions requiring fertilizer applications only as specified by soil tests for relevant areas of the site, timing of applications at appropriate times of the year, and to avoid to the extent possible significant precipitation events, and other measures to minimize the amount of fertilizer in runoff or otherwise discharging to groundwater.

The Department finds that the proposed project will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur. Therefore the Department further finds that the proposed project will not have an unreasonable adverse effect on groundwater quality provided that the applicant either removes or upgrades the fueling facility and notifies the Department of its decision, and submits a turf management plan for review and approval as described above.

12. WATER SUPPLY:

When completed, the proposed project is anticipated to use an average peak maximum demand of 5,000 gallons of water per day for domestic use. Water is supplied by, and will continue to be supplied by, the Fryeburg Water Company. The applicant submitted a letter from the Fryeburg Water Company, dated March 3, 2015, which states that there

should be adequate pressure and volume of water to serve the domestic water needs of the proposed school.

The Department finds that the applicant has made adequate provision for securing and maintaining a sufficient and healthful water supply.

13. WASTEWATER DISPOSAL:

When completed, the proposed project is anticipated to discharge an average daily flow of 5,000 gallons of wastewater per day when school is in session.

Wastewater will be disposed of by an engineered subsurface wastewater disposal system on the project site. The applicant proposes to use a Bioclere System to pretreat the effluent from the septic tanks. The applicant submitted the soil survey map and report discussed in Finding 9 and an analysis of potential impacts to off-site groundwater quality resulting from on-site wastewater disposal prepared by a certified geologist. This information was reviewed by, and revised in response to comments from, DEA.

DEA commented that the Bioclere System proposed by the applicant has significant potential to accomplish reduction of nitrate concentrations in the effluent. To confirm this, the applicant must sample the effluent from the outlet of the Bioclere System four times during the school year to demonstrate that nitrate-nitrogen (nitrate-N) concentrations are sufficiently low to ensure that the risk of increased nitrate-N concentration in the aquifer due to oxidation of any remaining organic nitrogen or ammonia is minimal. One sampling event must occur within one month of the beginning of the school year. Data must be provided to the BLWQ annually by July 1 of each year, except that the Department must be notified within five working days of any failure to meet the applicable monitoring parameters discussed below. Monitoring must continue indefinitely, although the Department may approve a reduction in frequency based on the results of the first five years of data if system performance is stable and if consistent with the recommendations of the manufacturer.

If nitrate-N concentrations in the effluent exceed 10 milligrams per liter (mg/l), or total nitrogen values are significantly greater than the nitrate-N values as determined by the Department, the operator must correct the functioning of the system to obtain these goals.

The applicant submitted a draft Agreement for Operation and Maintenance Service for the wastewater treatment system. An executed Agreement between the applicant and the maintenance contractor for maintenance of the wastewater treatment system must be provided to the BLWQ prior to operation of the wastewater treatment system.

The engineered wastewater disposal system, which receives more than 2,000 gallons of wastewater per day, was approved with conditions by the Department of Health and Human Services, Maine Center for Disease Control and Prevention, Subsurface Wastewater Unit in a letter dated April 1, 2015.

Based on DEA's comments, the Department finds that the proposed wastewater disposal system will be built on suitable soil types and that Maine's Drinking Water Standard for nitrates will be met at the project's property lines provided that the applicant tests the effluent from the Bioclere System and submits the results, adjusts the Bioclere system when necessary, and submits an executed Agreement for Operation and Maintenance Service for the wastewater treatment system, all as described above.

14. SOLID WASTE:

When completed, the proposed project is anticipated to generate 700 pounds of municipal solid waste per day. All municipal solid wastes from the proposed project will be hauled by a licensed hauler to the Fryeburg Transfer Station, which is currently in substantial compliance with the Maine Solid Waste Management Rules. Approximately one 30-gallon container of wood ash per week will be produced by the biomass boiler. The applicant proposes to dispose of this material at either Juniper Ridge Landfill in Old Town or Waste Management in Norridgewock, both of which are currently in substantial compliance with the Maine Solid Waste Management Rules.

The proposed project will generate approximately 120 cubic yards of stumps and land clearing debris that will be ground on site and used in erosion control mix or chipped and used for landscape mulch. This type of disposal is in compliance with the Maine Solid Waste Management Rules.

Metal construction debris will be recycled at Berwick Iron & Metal Recycling, which is currently in substantial compliance with the Maine Solid Waste Management Rules.

Based on the above information, the Department finds that the applicant has made adequate provision for solid waste disposal.

15. FLOODING:

The proposed project is not located within the 100-year flood plain of any river or stream.

The Department finds that the proposed project is unlikely to cause or increase flooding or cause an unreasonable flood hazard to any structure.

16. AIR QUALITY:

The facility will use wood biomass as the primary heating fuel with propane as a backup fuel source. The applicant intends to file an Air Emissions License Application with the Department's Bureau of Air Quality. The applicant must obtain an Air Emissions License prior to occupancy of the proposed expansion.

17. ODORS:

The applicant stated that no significant offensive or noxious odors are expected to be generated by the project. The wastewater pretreatment system may occasionally emit unpleasant odors that are vented through the roof so that the odors dissipate. The applicant stated that the system is an aerobic system so the odors are not expected to be substantial. The applicant stated that if odors were to develop, a chemical feed pump could be added to the system to add appropriate chemicals to neutralize the odors.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities provided that the applicant obtains an Air Emissions License prior to occupancy of the expansion.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C provided that that storm sewer grit and sediment is disposed of, the stormwater infiltration basins and dry wells are constructed, inspected and documented, and the infiltration dry wells are registered with the Department's Underground Injection Control Program, all as described in Finding 10.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur provided that the applicant either removes or upgrades the fueling facility and notifies the Department of its decision and submits a turf management plan for review and approval as described in Finding 11.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities in the municipality or area served by those services provided that the applicant tests the effluent from the Bioclere system, submits the results, corrects the functioning of the Bioclere system to obtain the nitrate-N goals if necessary, and submits an executed Agreement for Operation and Maintenance Service for the wastewater treatment system between the applicant and the contractor , all as described in Finding 13.

- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the partial after-the-fact application of MAINE SCHOOL ADMINISTRATIVE DISTRICT #72 for existing development and an expansion of the Molly Ockett School as described herein, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. 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.
4. The applicant shall retain the design engineer or other qualified professional to oversee the construction of the infiltration basins and dry wells to insure that they are installed in accordance with the details and notes specified on the approved plans. Within 30 days of completion of the stormwater management system, the applicant shall submit a log of inspection reports to the BLWQ for review that contains a list of the items inspected, photographs taken, and other relevant information.
5. Prior to occupation of the building expansion, the dry wells shall be registered with the Underground Injection Control Program and a copy sent to the Bureau of Land and Water Quality (BLWQ).
6. After July 1, 2016, the applicant shall either discontinue the use of the fueling facility and shall remove all the pumps, tanks, piping and other appurtenant equipment by August 31, 2016, or shall upgrade the facility to comply with the requirements of Environmental Protection Agency 40 CFR 112 SPCC Plans by adding structural measures to capture and contain surface runoff from the fuel pump island area by August 31, 2016. The applicant shall notify the BLWQ of its decision of which option to pursue by July 1, 2016.
7. Prior to occupancy of the expansion, the applicant shall submit a turf management plan to the BLWQ for review and approval. The turf management plan shall specifically include provisions requiring fertilizer applications only as specified by soil tests for relevant areas of the site, timing of applications at appropriate times of the year, provisions to avoid to the extent possible significant precipitation events, and other

measures to minimize the amount of fertilizer in runoff or otherwise discharging to groundwater.

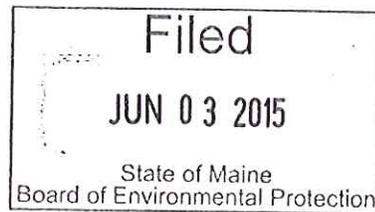
- 8. The applicant shall sample the effluent from the outlet of the Bioclere System four times during the school year. One sampling event shall occur within one month of the beginning of the school year. Data shall be provided to the BLWQ annually by July 1 of each year, except that the Department shall be notified within five working days of any failure to meet the applicable monitoring parameters.
- 9. The applicant shall correct the functioning of the Bioclere system if nitrate-N concentrations in the effluent exceed 10 milligrams per liter (mg/l) or total nitrogen values are significantly greater than the nitrate-N values as determined by the Department.
- 10. Prior to operation of the wastewater treatment system, the applicant shall submit to the BLWQ for review an executed Agreement for Operation and Maintenance Service for the wastewater treatment system between the applicant and the maintenance contractor.
- 11. Prior to occupation of the building expansion, the applicant shall obtain an Air Emissions License from the Bureau of Air Quality.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 3RD DAY OF June, 2015.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns
For: Patricia W. Aho, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

CGW/L26609AN/ATS#78862

Department of Environmental Protection
SITE LOCATION OF DEVELOPMENT (SITE)
STANDARD CONDITIONS

- A. Approval of Variations from Plans.** The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited without prior approval of the Board, and the applicant shall include deed restrictions to that effect.
- B. Compliance with All Applicable Laws.** The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Compliance with All Terms and Conditions of Approval.** The applicant shall submit all reports and information requested by the Board or the Department demonstrating that the applicant has complied or will comply with all preconstruction terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- D. Advertising.** Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- E. Transfer of Development.** Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
- F. Time frame for approvals.** If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- G. Approval Included in Contract Bids.** A copy of this approval must be included in or attached to all contract bid specifications for the development.
- H. Approval Shown to Contractors.** Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.

(2/81)/Revised December 27, 2011

STORMWATER STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL

Standard conditions of approval. Unless otherwise specifically stated in the approval, a department approval is subject to the following standard conditions pursuant to Chapter 500 Stormwater Management Law.

- (1) Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S.A. §420-D(8) and is subject to penalties under 38 M.R.S.A. §349.
- (2) Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- (3) Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- (4) Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
- (5) Time frame for approvals. If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- (6) Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the developer, and the owner and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance

- with the approval and conditions. Completed certification forms must be forwarded to the department.
- (7) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the department.
- (8) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.
- (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
 - (b) All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the facilities.
 - (c) The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the department, and the maintenance log is being maintained.
- (9) Severability. The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

November 16, 2005 (revised December 27, 2011)



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

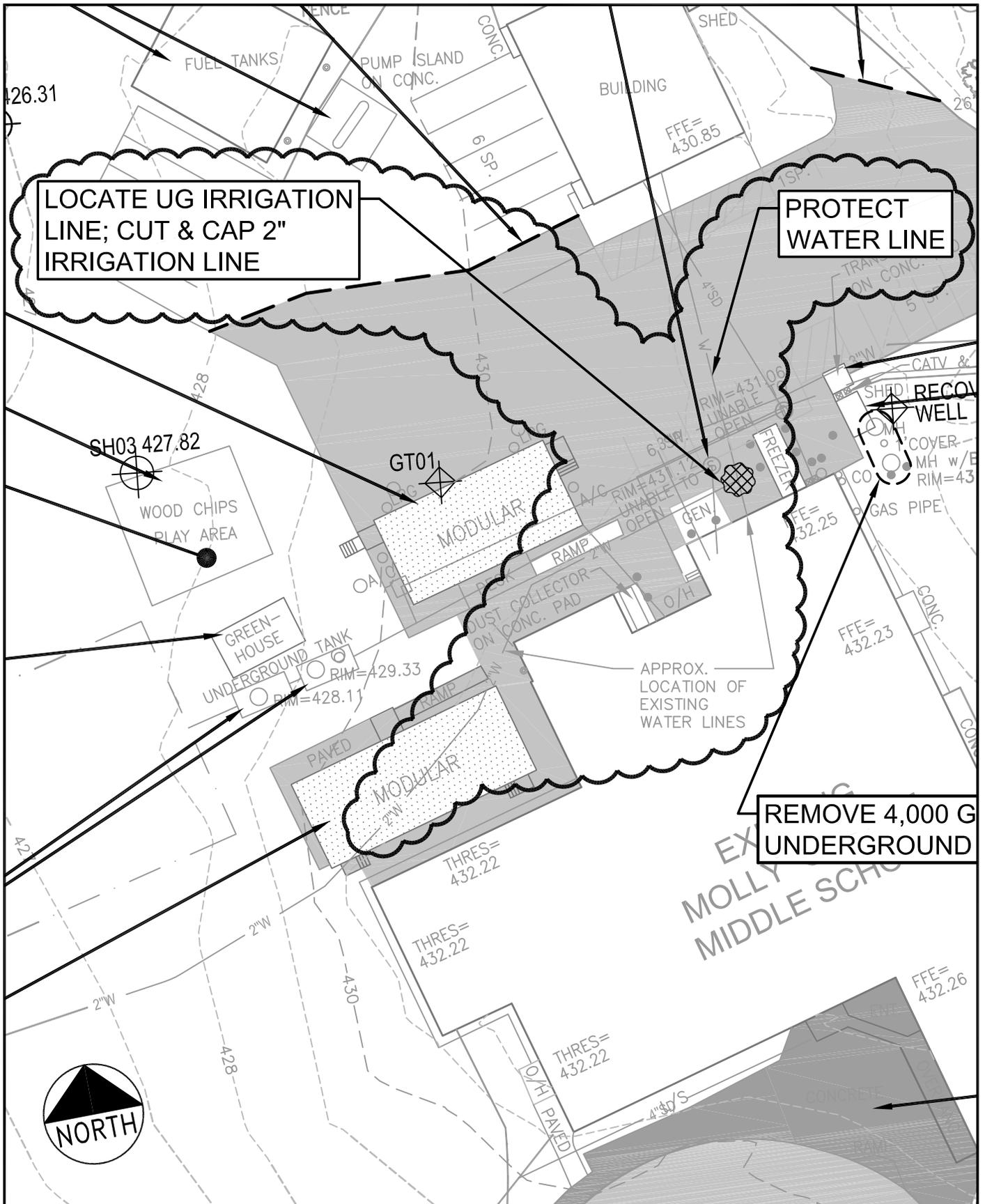
ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.

ATTACHMENT B

Figure CSK-9



**SCHOOL AT MOLLY OCKETT
FRYEBURG, MAINE**

**EXCERPT OF SHEET C-1.2
REVISED EXISTING WATER IRRIGATION LINE
& ADDED TEST PIT**



FAY, SPOFFORD & THORNDIKE
ENGINEERS · PLANNERS · SCIENTISTS
778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN: CDD	DATE: 06.03.15
DESIGNED: JAL	SCALE: 1" = 40'
CHECKED: JAL	JOB NO. SF-M044A
FILE NAME: SF-M044A-EXISTING	

FIGURE
CSK-9