STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

BETH NAGUSKY
ACTING COMMISSIONER

MEMORANDUM

TO: The Board of Environmental Protection
FROM: Rick Haffner, Bureau of Remediation and Waste Management
SUBJECT: Soil Preparation, Inc. Administrative Consent Agreement
DATE: October 7, 2010

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Statute and Rule Reference: Special Condition #1 of License #S-020592-CK-AA-A (effective August 8, 2001) requires Soil Preparation, Inc. (SPI) to meet "[t]he Standard Conditions of Approval, a copy of which is attached as Appendix A." Standard License Condition #1 requires that "[t]he granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed by the license. Any consequential variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation".

SPI's Application #S-020592-CK-AA-A proposed that "finished *N-Viro Soil* (the stabilized sludge product) will be stored on the asphalt pad constructed for that purpose." The application also proposed that "unstabilized sludge will be stored in covered trailers onsite for no longer than 24 hours, and in the event of equipment failure more than one day in duration, all incoming sludge or waste will be diverted either to the applicant's Phase 1 composting process or to an alternate suitable licensed disposal facility."

Special Condition 11(I) of the license requires in relevant part that "[t]he applicant shall not distribute *N-Viro Soil* without first obtaining a site-specific utilization license from the Department, except when. . . the *N-Viro Soil* is only stored on a utilization site, unless the storage site is licensed under [06-096 CMR 409 or 06-096 CMR 419]."

Special Condition 15 of the license requires that "[t]he applicant shall not store more than 64,000 cubic yards of finished or curing *N-Viro Soil* at its facility at any one time. . . The applicant shall not deliver *N-Viro Soil* to storage sites that are not located at utilization sites, unless the storage site has been licensed under [06-096 CMR 409 or 06-096 CMR 419]."

06-096 CMR 409(4)(B)(1) requires that "[t]he processing facility must be operated and maintained in a manner that assures it will not contaminate ground or surface water, contaminate the ambient air, constitute a hazard to health or welfare, or create a nuisance;" and incorporates by reference 06-096 CMR 400(4)(H)(1)(b), which states in relevant part that "[a] solid waste facility may not discharge any pollutant (to waters of the State) without first obtaining a license pursuant to [38 M.R.S.A. § 413(1)]."

Location: Violations by Soil Preparation, Inc. (SPI) occurred at SPI's septage and wastewater treatment plant sludge processing facility located off the Valley Road in Plymouth, Maine.

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Description: On May 8, 2007, the Department confirmed that SPI was storing several hundred cubic yards of unstabilized sewage sludge on the ground adjacent to the facility's processing building, and SPI continued to accept sludge for processing while the facility's processing equipment was inoperable for several days. The Department also confirmed that sludge was discharged to adjacent areas of bare soil, and that *N-Viro Soil* and leachate had been discharged off the site.

In summer 2009, the Department confirmed that SPI was storing approximately 35,169 cubic yards of *N-Viro Soil* in several unlicensed locations at the facility; the facility's wastewater treatment system had not collected, contained and treated leachate from the facility; and *N-Viro Soil* and leachate, which contained pollutants, had been discharged to waters of the State. At that time, the Department estimated that 236,773 cubic yards of *N-Viro Soil* was stored at the facility.

On October 5, 2009, the Department confirmed that SPI had stockpiled approximately 700 cubic yards of *N-Viro Soil* at two locations on property owned by F, F & G, LLC, which abuts SPI's facility. Approximately 200 cubic yards was stockpiled in a freshwater wetland, confirming that pollutants had again been discharged to waters of the State.

Environmental Issues: By improperly storing excess sludge, storing *N-Viro Soil* at unlicensed locations, storing in excess of 64,000 cubic yards, and discharging pollutants to waters of the State, SPI has potentially contaminated ground and/or surface water. In response to the Notice of Violation, SPI temporarily suspended sludge deliveries, removed and relocated *N-Viro Soil* from unlicensed locations, and reduced the inventory of stored *N-Viro Soil* at the facility to less than 64,000 cubic yards. The facility has revegetated disturbed areas, repaired and temporarily stabilized drainage diversions, and implemented measures to improve the collection, control and treatment of leachate and wastewater at the facility. Between February and March 2010, SPI pumped approximately 434,000 gallons of wastewater from Lagoon Number 4 and transported the wastewater offsite for approved disposal. SPI has filed for coverage under the Maine Multi-Sector General Permit for Stormwater Discharge Associated with Industrial Activity, and submitted the required draft Stormwater Pollution Prevention Plan. SPI has also submitted additional required information, including a draft Leachate Management Plan, a draft Comprehensive Site Inspection and Maintenance Plan, and a draft Environmental Monitoring Plan. SPI has continued to submit regular reports required by its solid waste and wastewater discharge licenses.

Department Recommendation: The Department recommends acceptance of this Administrative Consent Agreement as proposed stipulating a monetary penalty of thirty-three thousand two hundred ninety dollars ($33,290), with twenty thousand dollars ($20,000.00) payable upon signing, and thirteen thousand two hundred ninety dollars ($13,290.00) of which is suspended provided that Soil Preparation, Inc. complies with Paragraphs 16 B through E of the Consent Agreement within the scheduled dates specified therein, which include the following additional requirements:

(1) No later than August 31, 2010, complete relocation or approved utilization of the *N-Viro Soil* stockpiled on adjacent property owned by F, F & G, LLC;

(2) Submit for Department review and approval final completed plans for monitoring and mitigating the potential environmental impacts from the sludge and septage processing

operation, including the Stormwater Pollution Prevention Plan, the Site Inspection and Maintenance Plan, the Leachate Management Plan, and the Environmental Monitoring Plan; and

(3) No later than September 17, 2010, complete final repairs to and stabilization of any and all structural surfaces, drainage diversions, and equipment for leachate collection and/or conveyance at the facility.

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

IN THE MATTER OF:

SOIL PREPARATION, INC.	)	**ADMINISTRATIVE CONSENT**
PLYMOUTH, PENOBSCOT COUNTY, MAINE	)	**AGREEMENT**
SOLID WASTE AND	)	**(38 M.R.S.A. § 347-A)**
WATER QUALITY CONTROL VIOLATIONS	)	

This Agreement, by and among Soil Preparation, Inc., the Maine Department of Environmental Protection ("Department"), and the Maine Office of the Attorney General, is entered into pursuant to the laws concerning the Department's *Organization and Powers Law*, 38 M.R.S.A. § 347-A(1).

THE PARTIES AGREE AS FOLLOWS:

1. Soil Preparation, Inc. is a Maine corporation that operates a septage and wastewater treatment sludge processing facility with its principal location off the Valley Road in Plymouth, Maine. Philip E. McCarthy, Jr. is currently the General Manager of Soil Preparation, Inc.

2. The violations described herein occurred off the Valley Road in Plymouth, with legal title to the property in the name of F, F & G, LLC, a limited liability corporation established in Maine.

3. Throughout the period of time addressed by this Agreement, Soil Preparation, Inc. was subject to the Department's *Solid Waste Management Rules: Processing Facilities*, 06-096 CMR 409(4)(B)(1) (as amended June 16, 2006 and February 18, 2009). This section requires a processing facility to be operated and maintained in a manner that assures it will meet the approved design requirements, will not contaminate ground or surface water, contaminate the ambient air, constitute a hazard to health or welfare, or create a nuisance.

4. On August 8, 2001, the Department granted approval to Soil Preparation, Inc. in Department Licensing Decision #S-020592-CK-AA-A to process septage and sewage sludges using the Advanced Alkaline Stabilization with Subsequent Accelerated Drying process patented by N-Viro Soil International Corporation of Toledo, Ohio, subject to a series of standard and special conditions. On January 8, 2002, the Board of Environmental Protection ("Board") issued its Findings of Fact and Partial Affirmation of Soil Preparation, Inc.'s Appeal of the Department's Licensing Decision. Through this action the Board modified several of the Findings of Fact, Conclusions, and Conditions of the Department's August 8, 2001 license. Throughout the period of time addressed by this Agreement, Soil Preparation, Inc. was subject to the terms of this license as modified by the Board. Standard Condition 1 specifies that the licensing decision is limited to the proposals and plans contained in the application.

5. Special Condition 1 and Standard Condition 1 of License #S-020592-CK-AA-A require storage of finished N-Viro Soil (the stabilized sludge product) on the asphalt pad constructed for that purpose, as described in the plans proposed by Soil Preparation, Inc., and approved by the Department and incorporated into the license as Findings of Fact 3(C) and 3(D)(3). Application #S-020592-CK-AA-A also proposed that unstabilized sludge would be stored in covered trailers onsite for no longer than 24 hours, and in the event of equipment failure more than one day in duration, all incoming sludge or waste would be diverted either to the applicant's Phase 1 composting process or to an alternate suitable licensed disposal facility. This contingency plan was likewise incorporated into the license by Finding of Fact 13, and was similarly required by Special Condition 1 and Standard Condition 1 of License #S-020592-CK-AA-A. Special Condition 11(I) of the license requires that N-Viro Soil (once removed from the pad) may only be stored on a utilization site, unless the storage site is licensed under 06-096 CMR 409 or the Department's *Solid Waste Management Rules: Agronomic Utilization of Residuals,* 06-096 CMR 419 (last amended December 19, 1999). Special Condition 15 further requires that Soil Preparation, Inc. shall not store more than 64,000 cubic yards of finished or curing N-Viro Soil at its facility at any one time.

6. Throughout the period of time addressed by this Agreement, Soil Preparation, Inc. was also subject to Maine's *Protection and Improvement of Waters* laws, 38 M.R.S.A. § 413(1), which prohibits the discharge of pollutants to waters of the State without first obtaining a license from the Department.

7. On May 8, 2007, an inspection of Soil Preparation, Inc.'s sludge and septage processing facility described in Paragraph 1 of this Agreement revealed that Soil Preparation, Inc. had stored several hundred cubic yards of unstabilized sewage sludge on the ground adjacent to the facility's processing building, and that Soil Preparation, Inc. continued to accept sludge for processing while the facility's processing equipment had been inoperable for several days. The Department's inspection confirmed that, although most of the sludge was stored on asphalt pavement adjacent to the processing building, sludge had also been discharged to adjacent areas of bare soil. The inspection also confirmed that Soil Preparation, Inc. had allowed N-Viro Soil to escape from the approved storage pad in a number of locations. By storing sludge and N-Viro Soil in exposed, unlicensed locations, Soil Preparation, Inc. failed to act in accordance with the application and license approved in Department Order #S-020592-CK-AA-A, as modified by the Board. At the time of inspection, Soil Preparation, Inc. was not in compliance with the following provisions of the license:

   A. By storing unprocessed sludge on the asphalt pad, Soil Preparation, Inc. violated the license requirement to store unprocessed sludge only in covered trailers, for a maximum of 24 hours, as proposed by the applicant and required by Special Condition 1 and Standard Condition 1 of the license;

B. By storing unprocessed sludge in exposed, unapproved locations for several days, Soil Preparation, Inc. violated the license requirement to divert sludge to alternate disposal facilities, as proposed by the applicant and required by Special Condition 1 and Standard Condition 1 of the license; and

C. By storing finished N-Viro Soil in a manner which allowed its export from the asphalt storage pad, Soil Preparation, Inc. violated the license requirement that N-Viro Soil shall only be stored on the licensed asphalt pad, suitable utilization sites, or other approved locations, as required by Special Conditions 1 and 11(I) and Standard Condition 1 of the license.

8. On July 27, 2007, the Department issued a Notice of Violation to Soil Preparation, Inc. for the activities described in Paragraph 7 of this Agreement, in accordance with 38 M.R.S.A. § 347-A(1)(B).

9. Pursuant to the Notice of Violation issued by the Department on July 27, 2007, the Department requested that Soil Preparation, Inc. perform the following corrective actions:

A. Relocate any N-Viro Soil still stored at the site but off the storage pad either onto the storage pad or off-site in a manner consistent with Department Order #S-020592-CK-AA-A (as amended) within 15 days of Soil Preparation, Inc.'s receipt of the Notice;

B. Submit an Environmental Monitoring Plan (EMP) to assess the impact of N-Viro Soil export from the storage pad and storage of sludge in unapproved areas of the facility which meets the standards in the Department's *Solid Waste Management Rules: Water Quality Monitoring, Leachate Monitoring, and Waste Characterization*, 06-096 CMR 405 (last amended June 16, 2006) for Department review and approval within 60 days of Soil Preparation, Inc.'s receipt of the Notice;

C. Submit a revised Operations Manual detailing provisions to ensure stored N-Viro Soil will not be exported from the storage pad for Department review and approval within 30 days of Soil Preparation, Inc.'s receipt of the Notice; and

D. Submit a revised Contingency Plan which details how Soil Preparation, Inc. will avoid these types of violations in the future for Department review and approval within 30 days of Soil Preparation, Inc.'s receipt of the Notice.

10. On June 29, 2009 and July 15, 2009, Department inspections of Soil Preparation, Inc.'s sludge and septage processing facility revealed that stockpiles of several thousand cubic

yards of N-Viro Soil were stored in several unlicensed locations at the facility, including on two unvegetated fields located north and south of the approved storage pad. The inspections also revealed that many of Soil Preparation, Inc.'s leachate management structures were plugged or overwhelmed with N-Viro Soil, and the facility's wastewater treatment system had not collected, contained and treated leachate from the facility. The Department confirmed several locations where N-Viro Soil and leachate, which contained pollutants, had been discharged to Waters of the State. Polluted leachate from Soil Preparation, Inc. had been discharged via stormwater conveyances south of the processing building, to an un-named stream and wetland within the watershed of Plymouth Pond, and through channelized erosion from the storage pad and the unlicensed N-Viro Soil stockpiles into wetlands north and east of the facility. At the time of the inspections, the Department estimated that 236,773 cubic yards of N-Viro Soil was stored at the facility, including approximately 35,169 cubic yards of N-Viro Soil stored in unlicensed locations. By storing N-Viro Soil in unlicensed locations, storing in excess of 64,000 cubic yards of N-Viro Soil at the facility, and discharging pollutants to waters of the State, Soil Preparation, Inc. had failed to act in accordance with the application and license approved in Department Order #S-020592-CK-AA-A, as modified by the Board. At the time of the inspections, Soil Preparation, Inc. was not in compliance with the following provisions of the license:

A. By storing finished N-Viro Soil in unlicensed locations adjacent to the asphalt storage pad, and thereby allowing its export from the storage pad, Soil Preparation, Inc. violated the license requirement that N-Viro Soil shall only be stored on the licensed asphalt pad, suitable utilization sites, or other approved locations, as required by Special Conditions 1 and 11(I) and Standard Condition 1 of the license;

B. By storing in excess of 64,000 cubic yards of finished N-Viro Soil at the facility, Soil Preparation, Inc. violated Special Condition 15 of the license; and

C. By discharging pollutants to waters of the State, Soil Preparation, Inc. also violated 06-096 CMR 409(4)(B)(1), which incorporates by reference 06-096 CMR 400(4)(H)(1)(b), and 38 M.R.S.A. § 413(1).

11. On August 14, 2009, the Department issued a Notice of Violation to Soil Preparation, Inc. for the activities described in Paragraph 10 of this Agreement, in accordance with 38 M.R.S.A. § 347-A(1)(B).

12. Pursuant to the Notice of Violation issued by the Department on August 14, 2009, the Department requested that Soil Preparation, Inc. perform the following corrective actions:

A. Immediately cease the unlicensed discharges of pollutants to waters of the State in accordance with Maine's *Protection and Improvement of Waters* laws 38 M.R.S.A. § 413(1);

B. Immediately cease accepting raw materials such as sludge, septage, ash and lime at the facility until a comprehensive site management plan is reviewed and approved by the Department;

C. By August 31, 2009, relocate all N-Viro Soil stored in unlicensed areas at the facility to the licensed storage pad or off-site in a manner consistent with Department Order #S-020592-CK-AA-A;

D. By August 31, 2009, file for coverage under the Maine Multi-Sector General Permit for Stormwater Discharge Associated with Industrial Activity and submit for Department review and approval a Stormwater Pollution Prevention Plan. The Stormwater Pollution Prevention Plan must include a comprehensive facility leachate management plan;

E. By August 31, 2009, submit to the Department for review and approval a comprehensive plan and implementation schedule to remove the discharged material from the stormwater conveyances and a remediation plan for the affected wetlands and stream; and

F. By September 18, 2009, submit to the Department for review and approval a comprehensive site management plan and implementation schedule for the facility, including a survey of the volume of N-Viro Soil stored onsite, a schedule for reducing the inventory of N-Viro Soil, a comprehensive leachate management plan, a comprehensive Environmental Monitoring Plan, and a comprehensive inspection and maintenance plan.

13. On October 5, 2009, the Department's inspection of property owned by F, F & G, LLC, which abuts Soil Preparation, Inc's sludge and septage processing facility, revealed that approximately 700 cubic yards of N-Viro Soil had been stored off the licensed storage pad in two separate locations north of Soil Preparation, Inc.'s facility. One N-Viro Soil stockpile of approximately 200 cubic yards was located within a wetland approximately ¼ mile north of Valley Rd., and another stockpile of approximately 500 cubic yards was located in a woodlot approximately ¾ mile north of Valley Rd. By storing N-Viro Soil in unlicensed locations, and discharging pollutants to waters of the State, Soil Preparation, Inc. had failed to act in accordance with the application and license approved in Department Order #S-020592-CK-AA-A, as modified by the Board. At the time of inspection, Soil Preparation, Inc. was not in compliance with the following provisions of the license:

A. By storing finished N-Viro Soil in unlicensed locations on the abutting property, Soil Preparation, Inc. again violated the license requirement that N-Viro Soil shall only be stored on the licensed asphalt pad, suitable utilization sites, or other approved locations, as required by Special Conditions 1 and 11(I) and Standard Condition 1 of the license; and

B. By discharging pollutants to waters of the State, Soil Preparation, Inc. again violated 06-096 CMR 409(4)(B)(1), which incorporates by reference 06-096 CMR 400(4)(H)(1)(b), and 38 M.R.S.A. § 413(1).

14. On October 14, 2009, the Department issued a Notice of Violation to Soil Preparation, Inc. for the activities described in Paragraph 13 of this Agreement, in accordance with 38 M.R.S.A. § 347-A(1)(B). The Notice of Violation requested that Soil Preparation, Inc. relocate the N-Viro Soil from the abutting property to the licensed storage pad or off-site in a manner consistent with the license.

15. As of the date of this Agreement, the Department has confirmed that Soil Preparation, Inc. has performed the following corrective actions:

A. Temporarily suspended deliveries of dewatered sewage sludge;

B. Relocated all N-Viro Soil stored at the site but off the storage pad either onto the storage pad or off-site in a manner consistent with Department Order #S-020592-CK-AA-A, except that which remains stored in two locations on the abutting property referenced in paragraph 13 above;

C. Surveyed the remaining inventory of N-Viro Soil located on the licensed asphalt storage pad;

D. Reclaimed and temporarily stabilized the two drainage diversions impacted by N-Viro Soil and leachate discharged from the facility;

E. Implemented temporary measures to improve the collection and control of leachate at the facility;

F. Filed for coverage under the Maine Multi-Sector General Permit for Stormwater Discharge Associated with Industrial Activity;

G. Submitted on August 29, 2009 and amended on October 2, 2009 a draft Stormwater Pollution Prevention Plan, as required by the Maine Multi-Sector General Permit for Stormwater Discharge Associated with Industrial Activity;

H. Submitted on September 25, 2009 additional information in response to the August 14, 2009 Notice of Violation, including a draft Leachate Management Plan, a draft Comprehensive Site Inspection and Maintenance Plan, and a draft Environmental Monitoring Plan;

I. On February 26, 2010, submitted an annual report and survey reflecting the reduction of the pile size to be under 64,000 cubic yards;

J. Filed reports for its product deliveries on February 16, 2010 and March 7, 2010, reflecting additional material removed from the site after December 31, 2009;

K. Filed additional monthly Discharge Monitoring Reports dated January 14, 2010, March 9, 2010, and April 12, 2010;

L. Pumped approximately 434,000 gallons of wastewater from Lagoon Number 4 and transported the wastewater offsite for approved disposal, at a cost of $35,280 to the Company;

M. Improved and repaired the berms which were installed at the request of the Department; and

N. Dredged and removed sludge from Lagoon Number 1.

16. To resolve the violations described in Paragraphs 7, 10 and 13 of this Agreement, Soil Preparation, Inc. agrees to:

A. Pay to the *Treasurer, State of Maine*, a civil monetary penalty in the amount of thirty-three thousand two-hundred and ninety dollars ($33,290.00), $13,290.00 of which is suspended provided that Soil Preparation, Inc. complies with Paragraphs B through E below, within the scheduled dates specified therein. Should Soil Preparation, Inc. fail to comply with any of the items in paragraphs B through E, the full amount of the monetary penalty shall immediately become due and payable at the Department's request. $20,000.00 shall be due and payable upon signing of this agreement. If Soil Preparation, Inc. complies with all provisions as detailed in Paragraphs B through E, the suspended portion of the penalty ($13,290.00) is permanently waived;

B. No later than August 31, 2010, complete relocation or utilization of N-Viro Soil referenced in Paragraph 13 above either onto the storage pad, off-site in a manner consistent with Department Order #S-020592-CK-AA-A or for agronomic use in a manner consistent with agronomic utilization regulations;

C. No later than June 15, 2010, submit for Department review and approval final completed plans for monitoring and mitigating the potential environmental impacts from the sludge and septage processing operation, including the following:

(1) In accordance with the requirements of the Multi-Sector General Permit, Maine Pollutant Discharge Elimination System, Stormwater Discharge Associated with Industrial Activity, Part IV, revise the October 2, 2009 version of the Stormwater Pollution Prevention Plan to address the Department's review comments of October 19, 2009;

(2) A comprehensive Site Inspection and Maintenance Plan;

(3) A comprehensive Leachate Management Plan, which includes engineered measurements and/or calculations for all impervious surfaces that drain to the wastewater treatment system, and for all devices employed for leachate collection, conveyance, storage and/or treatment. The plan and associated calculations must be prepared by a Maine Licensed Professional Engineer or equivalently qualified professional; and

(4) An Environmental Monitoring Program, including a water quality monitoring plan developed in accordance with 06-096 CMR 405. The program must be prepared by a Maine Certified Geologist or equivalently qualified professional, and must evaluate groundwater flow and quality to the Department's satisfaction.

D. No later than September 17, 2010, complete final repairs to and stabilization of any and all structural surfaces, drainage diversions, and equipment for leachate collection and/or conveyance;

E. Maintain the volume of finished N-Viro Soil stored at the facility at less than the approved limit of 64,000 cubic yards, unless the license is amended; and

F. Pay to the *Treasurer, State of Maine*, upon demand by the Department, the amount of one hundred dollars ($100.00) per day per violation for violating any provision of this Agreement.

17. Pursuant to 38 M.R.S.A. §§ 341-D(6)(C) and 347-A(1)(A)(1), administrative consent agreements must be approved by the Board of Environmental Protection ("Board"), which is part of the Department.

18. This Agreement shall become effective only if it is approved by the Board and the Office of the Attorney General.

19. The Department and Office of the Attorney General grant a release of their cause of action against Soil Preparation, Inc. for the specific violations listed in Paragraphs 7, 10 and 13 of this Agreement on the express condition that all actions listed in Paragraph 16 of this Agreement are completed in accordance with the express terms and conditions of this Agreement, except that no release is granted for any contamination of surface waters, groundwaters, soils, sediment or ambient air as a result of the violations set forth in this Agreement. This Agreement shall not prohibit the Department from requiring additional corrective measures or other remedial actions if the Department determines that such action is necessary to protect public health, safety, or the environment. This release shall not become effective until all requirements of this Agreement are satisfied.

20. Non-compliance with this Agreement voids the release set forth in Paragraph 19 of this Agreement and may lead to an enforcement action pursuant to 38 M.R.S.A. §§ 347-A(1)(A), 347-A(5), or 348, as well as pursuit of other remedies.

21. Actions taken pursuant to this Agreement shall be completed in accordance with the requirements of all applicable local, state, and federal laws, rules, and orders including but not limited to licensing requirements.

22. The provisions of this Agreement shall apply to, and be binding on, the parties and their officers, agents, servants, employees, successors, and assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreement.

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of ten (10) pages:

SOIL PREPARATION, INC.

BY:_____ DATE: 6/24/10
Philip E. McCarthy, Jr., General Manager

MAINE BOARD OF ENVIRONMENTAL PROTECTION

BY:_____ DATE:_____
Susan Lessard, CHAIR

MAINE OFFICE OF THE ATTORNEY GENERAL

BY:_____ DATE:_____
Nancy Macirowski, ASSISTANT ATTORNEY GENERAL