

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

REVISED PLANNING BOARD REPORT

To: Auburn Planning Board

From: Douglas M. Greene, A.I.C.P, City Planner

Re: The applicant, Lewiston Auburn Water Pollution Control Authority (LAWPCA) located at 230 Penley Corner Road, is seeking to amend the Special Exception and Site Plan Review approval for the Municipal Waste Water Sludge Composting Facility (CF) that was approved by the Planning Board in April of 1992, pursuant to Sections 60-172 (b), 60-1305 and 60-1335 (c) of the City of Auburn Ordinances.

Date: December 10, 2013

I. PROPOSAL

Christopher C. Branch, P.E., from Sebago Technics, Inc., agent for the Lewiston Auburn Water Pollution Control Authority (LAWPCA) is requesting an amendment to the LAWPCA special exception and site plan approval (1992) to modify the conditions of approval due to changes in operation, expiration of time sensitive commitments and conditions that were completed. This application, pursuant to Sections 60-172 (b), 60-1305 and 60-1335 (c) of the Ordinances of the City of Auburn, does not propose any physical changes to the site.

The subject property is located in the Agricultural and Resource Protection (AG) zoning district. The existing Municipal Waste Water Sludge Composting Facility was initially approved and constructed in 1992 and amended in 2007 with the addition of a finished compost storage area and storm water management improvements under the following sections of the ordinance:

Section 60-172 AG Use Regulations, (b) Special Exceptions, (12) – Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facility.

The main impetus for the changes proposed in the application is the recent startup of the LAWPCA Anaerobic Digester in September of this year. This new facility has reduced the amount of sludge handled by the CF by 40% and as a result, the CF is seeking sludge from other municipalities in order to maintain its operational capacity and to meet the demands of its customers. The applicant is requesting a waiver of the requirement of showing the site plan with 2 foot contours as there are no physical changes to the site. The proposed amounts of sludge from outside municipal sources will be consistent with historic volumes. A traffic study is therefore not warranted.

The CF has operated successfully over the last 20 years and has addressed issues raised by surrounding property owners.

II. DEPARTMENT REVIEW- Planning and Permitting Director, Eric Cousens, requested input on the application on October 17, 2103 with the following results:

Police Department: No Comments

Water and Sewer District: No Comments

Engineering Department: No Comments

Fire Department: No Comments

Public Works / Traffic: No Comments

Planning Department:

A. The LAWPCA has responded in a reasonable way to the reduction in sludge caused by the new Anaerobic Digester at the Lewiston Sewer Treatment Plant. The request to change the original conditions will not change the composting operation or physical site, which has been operating for more than 20 years with minimal impacts to the surrounding area. The proposed change in operation will allow for additional sludge to be brought in from other sources in order maintain optimal operations and to provide compost to regular customers. It is the Staff's opinion that the applicant has satisfied the requirements for a Special Exception and recommends approval of modifying, removing or keeping conditions as requested.

III. FINDINGS FOR SPECIAL EXCEPTION REVIEW:

- A. The Zoning Ordinance contains no specific requirements for a manufacturing use similar to that being proposed.
- B. The proposed Special Exception sought-amendment will not create or aggravate a traffic hazard, a fire hazard or any other safety hazard.
- C. The proposed Special Exception sought will not block or hamper the 2010 City of Auburn Comprehensive Plan's recommendations for Master-Development-Plan-patterns of highway circulation or of planned major public or semi-public land acquisition.
- D. The subject property is situated in an Agricultural District (AG) and the proposed use is consistent with this zoning classification. The exception sought will not alter the essential characteristics of the neighborhood and will not tend to depreciate the value of the property adjoining and neighboring the property under application.
- E. The proposal allows for adequate and-improved onsite parking and vehicle maneuvering areas.
- F. The standards imposed are, in all cases, at least as stringent as those elsewhere imposed by the Auburn Building Code and by the provisions of Chapter 60.

G. All essential city services, which will be required for the project, are presently available or can be made available without disrupting the recommendations of the City's 2010 City of Auburn Comprehensive Plan's Master Development Plan.

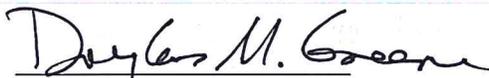
H. It has been determined that the proposed project satisfies the objectives of Special Exception review and will constitute a suitable development and will not result in a detriment to the neighborhood or the environment. This determination is based upon the above noted findings.

III. RECOMMENDATION:

Based upon the findings noted above, Staff recommends that the Planning Board grant the request to:

1. Remove special conditions "A, B, C, D, G, H, I, J, K, O, P and T" as per the 1992 Site Plan and Special Exception approval of as they were: a.) Requirements that had to be completed prior to the construction of to the start of operations or, b.) In the case of "O" the facility was constructed within 5 years of approval.
2. To remove special condition "S" because a special board is no longer needed.
3. To re-write conditions "M, N and R" to reflect that the facility has been constructed and in operation for over 20 years as follows:
"M"- The granting of this approval is dependent upon and limited to compliance with the proposals, plans and oral statements as submitted by or on behalf of LAWPCA to the Auburn Planning Board.
"N"- LAWPCA shall comply with all applicable federal, state and local laws and requirements including but not limited to, licenses, permits, authorizations, conditions, agreements, and orders during operations.
"R"- LAWPCA shall ensure that the facility operates in compliance with odor control performance standards at all times..... (See C. Branch letter dated Oct. 11, page 2)
4. Existing conditions not removed or modified shall remain on the amended plan.
5. Add language to the plan that allows LAWPCA to receive biosolids from other municipal or quasi-municipal facilities, not to exceed the previously permitted amount.
6. To grant the applicants waiver request to not show two foot contours on the site plan.
7. All required DEP permits must be obtained and copies filed with the City of Auburn.

Plan approval is also conditioned upon compliance by the applicant with the plans and specifications which have been received by the Planning Board in connection with the development proposal.



Douglas M. Greene, AICP
City Planner

REVISED STAFF RECOMMENDATIONS for the December 10, 2013 Meeting:

Revised Site Plan and Special Exception Approval for: the Lewiston Auburn Water Pollution Control Authority (LAWPCA), Compost Facility (CF) at 230 Penley Corner Road.

Site Plan- STAFF RECOMMENDATION: The Planning Board finds that no action is needed on the Site Plan as presented in the application due to no physical changes to the buildings, grounds, parking or access.

Special Exception Application- The applicant, the Lewiston Auburn Water Pollution Control Authority (LAWPCA), has requested modifying and amending the Special Exception Conditions, of the April 2, 1992 Planning Board approval. **Generally, LAWPCA is requesting:**

- Removal of special conditions due to completion of time sensitive commitments
- Removal of special conditions due to conditions no longer being applicable
- Modifications of special conditions due to changes in legislative responsibility
- Adding a condition that allows municipal solid waste sludge from be transported to and processed at the CF

STAFF RECOMMENDATION: Based on the application materials and testimony of the applicant and an abutting neighbor at the November 12, 2013 meeting, the Staff recommends the Auburn Planning Board **APPROVE** the application based on the following findings:

- A. The proposed Special Exception amendment is in compliance with the City of Auburn Zoning Ordinance.
- B. The proposed Special Exception amendment will not create or aggravate a fire hazard or any other safety hazard and traffic concerns will be mitigated by the Revised 2013 Special Condition “ N “.
- C. The proposed Special Exception sought will not block or hamper the 2010 City of Auburn Comprehensive Plan’s recommendations for patterns of highway circulation or of planned major public or semi-public land acquisition.
- D. The subject property is situated in an Agricultural District (AG) and the use is consistent with this zoning classification. The proposed Special Exception amendment will not alter the essential characteristics of the neighborhood and will not tend to depreciate the value of the property adjoining and neighboring the property under application.
- E. The proposed Special Exception amendment allows for adequate onsite parking and vehicle maneuvering areas.
- F. The standards imposed in the proposed Special Exception amendment are, in all cases, at least as stringent as that elsewhere imposed by the Auburn Building Code and by the provisions of Chapter 60.
- G. All essential city services, which will be required for the project, are presently available or can be made available without disrupting the recommendations of the 2010 City of Auburn Comprehensive Plan.

H. It has been determined that the proposed project satisfies the objectives of Special Exception review and will constitute a suitable development and will not result in a detriment to the neighborhood or the environment. This determination is based upon the above noted findings.

Revised Staff Review of Amended Special Exception Conditions for LAWPCA

Item 1: Below is the complete text of the Original Special Conditions from the April 3, 1992 Planning Board approval. (For Review Purposes)

SPECIAL CONDITIONS

- A. On or before May 1, 1992, LAWPCA shall submit letters to the Planning Board from the City of Auburn and MMWAC to show that both the landfill and the incineration plant have the capacity to accept any, non-composting waste generated at the sludge composting facility. If the landfill and the incineration plant do not have the capacity to accept any non-composting waste generated at the sludge composting facility, LAWPCA shall submit letters from alternative disposal facilities stating that such disposal capacity is available. LAWPCA shall submit to the Planning Board for its review and approval, with or without conditions, a plan demonstrating that an adequate water supply can be obtained for the operation and maintenance of the sludge composting facility, as well as the fire suppression systems required by the Building Code. Approval of this plan by the Planning Board shall be required before any building permit maybe issued to the facility.
- B. On or before July 1, 1992, LAWPCA shall submit to the Planning Board for its review and approval, with or without conditions, a plan demonstrating that an adequate water supply can be obtained for the operation and maintenance of the sludge composting facility, as well as the fire suppression systems required by the Building Code. Approval of this plan by the Planning Board shall be required before any building permits may be issued to the facility.
- C. LAWPCA shall design the facility in a manner consistent with the preliminary Plan of Operation submitted to the Planning Board in the Site Plan Review Application. At least 60 days prior to commencement of operations, LAWPCA shall submit to the Planning Board, for its review and approval, with or without conditions, a final Plan of Operations meeting all Criteria of Article VIII, Section 1 of the Sitting of Sludge Composting Facility Agreement between LAWPCA and the City of Auburn dated February, 1992. The sludge composting facility shall be operated as described in the Plan of Operation approved by the Planning Board.
- D. At least 60 days prior to commencement of operations, LAWPCA shall submit to the Planning Board for its review and approval, with or without conditions, a final Marketing and Distribution Plan that includes provisions for seasonal storage of compost off the Gauthier Farm site, such that no compost will be stored outside the curing building. A minimum of six months off-site storage for compost shall be provided in the Plan for the period of November through April.

- E. LAWPCA shall deactivate the sludge composting facility in accordance with the End Use Plan dated March 13, 1992.
- F. LAWPCA shall conduct any emergency backup procedures at the facility in accordance with the Emergency Backup Disposal Plan submitted to the Planning Board in this application
- G. LAWPCA shall be responsible for the construction of all off-site improvements as outlined in Article VIII of the Agreement between LAWPCA and the City of Auburn.
- H. Prior to the construction of the sludge composting facility, LAWPCA shall design the driveway at the sludge composting facility to include a gravel driveway to the westerly-most corner of the curing building. Said driveway shall be approved by the Auburn Fire Chief.
- I. Prior to any construction of the sludge composting facility, LAWPCA shall submit design details to the Planning Board for its review and approval, with or without condition, for the detention pond's emergency spillway and an explanation as to how the sedimentation trap will function during the construction period.
- J. LAWPCA shall ensure that the design of the curing building provides for 40 days detention time at a maximum depth of eight feet. These are design requirements only, and shall not control actual operations. The curing building shall be equipped with an aeration system to provide negative aeration for all curing compost, consistent with the requirements of Article IX of the Agreement. Exhaust from the aeration system shall be treated in the biofilter.
- K. Prior to commencement of operations, LAWPCA shall install a "Stop" sign at the intersection of the sludge composting facility access road and Penley Corner Road.
- L. No amendment preparation (e.g. size reduction or metal separation) shall take place at the sludge composting facility. Including rejected materials, shall be stored inside the building.
- M. The granting of this approval is dependent upon and limited to compliance with the proposals, plans and oral statements as submitted by or on behalf of LAWPCA to the Auburn City Council and the Auburn Planning Board.
- N. LAWPCA shall comply with the Agreement and all applicable federal, state and local laws and requirements including but not limited to, licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation.
- O. If either construction of the sludge composting facility is not completed or operation of the sludge composting facility has not begun within five years from the date approval is granted by the Planning Board, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to changes in circumstances which may have occurred during the five-year period.
- P. LAWPCA shall pay the reasonable costs incurred by the City of Auburn or the Planning Board not to exceed \$15,000 to retain a consultant of its choice to advise the City or Board during the review, design, and construction of the proposed bio-filter and associated air handling system.

Q. All trucks carrying sludge, amendment, or end product to and from the facility shall be covered and adequately sealed at all time travelling through the City of Auburn.

R. LAWPCA shall ensure that an odor control system is installed at the Facility which meets the following performance standards at all times:

1. LAWPCA shall ensure that odor intensity measured at any dwelling or any public road shall not be more than 1.0 unit higher than background levels if the odor is characteristic of sludge, compost or the composting process and attributable to the composting operation. Odor intensity shall be measured on the butanol scale in accordance with ASTM E 544.

2. The odor control system discharge shall have an odor concentration not exceeding 100 units at ED50 as determined in accordance with ASTM E 679. All air spaces where sludge or non-finished compost is stored, processed, transported or otherwise handled shall be considered air streams required to undergo odor control treatment. Air spaces where bulking agents are stored, processed, transported or otherwise handled may be required to undergo odor control treatment.

Before the facility is constructed, LAWPCA will ensure that an independent air emissions study is conducted at the site to establish baseline odor levels and to develop odor dispersion modeling. Background odor intensities shall be measured by the butanol scale at two time periods: at the time spring sludge spreading when background odor intensity is highest; and at mid-winter when odor intensity is minimal. During both time periods, odor intensity shall be measured during conditions of low atmospheric dispersion.

Prior to the Commencement Date of Operations, a period of full scale operations, not to exceed sixty days, shall be conducted at the Facility to ensure that ED50 maximum value of 100 is achieved under normal operating procedures through use of the odor control system. LAWPCA must demonstrate to the Planning Board, through testing, that the ED50 maximum value of 100 is, and will continue to be, attained when the odor control system is functioning. The Commencement Date of Operations shall not occur until the Planning Board, after reviewing the demonstration made by LAWPCA, has approved operation of the odor control system, which approval shall not be unreasonably withheld.

After the Commencement Date of Operations, the odor control system discharge shall be monitored annually during the month of July using an odor panel (ASTM E 679). Additional tests using either odor units at the point of discharge (ASTM E 679) or odor intensity at any dwelling unit or public road (ASTM E 544) may be requested at other times by the City Manager, or a City Councilor provided that the sum of all additional tests shall not exceed 12 per year, to ascertain whether the odor levels, as specified in this Article, have been achieved. The City Manager or City Councilor shall not unreasonably request additional odor monitoring.

All studies, tests and monitoring required by this Article shall be conducted by independent laboratories agreed upon by LAWPCA and the City Manager. LAWPCA shall submit the results of any studies and testing required under this Article to the City Manager and the City Council. If the standards for odor control referred to in this Article are violated, LWPCA will have 72 hours to comply and if unable to do so, will shut operations and cease bringing amendments to the site until such time as it can comply. If the facility must shut down more than 3 times in any 12 month period, it

will remain shut until such time as LAWPCA demonstrates, to the satisfaction of the City Council, that continued operation of the Facility will not violate such odor control standards. In the event that the facility must shut down due to odors, or for some other reason under the agreement between the City and LAWPCA, LAWPCA shall have 7 days to complete removal of compost material and sludge unless an alternative schedule is agreed upon by the City Manager and LAWPCA in order to minimize odor impacts.

S. LAWPCA shall create a special board to advise LAWPCA with respect to noise, odor or any other operational issues of concern, as need requires. This board shall consist of at least two members from the neighborhood, two members from the Planning Board, and one City Councilor.

T. All road improvements along the Penley Corner's Road shall be undertaken in such a way so as to minimize disturbance of the property identified as the "Old School House", now the Charest residence.

Dated: April 3, 1992.

AMENDED SPECIAL CONDITIONS as per discussions and testimony of the City Planning Board meeting of December 9, 2013.

Note: LAWPCA applied for and was granted an amendment to its Site Plan and Special Exception Approval on April 12, 2005 to construct an outside storage area for finished compost and to modify some of the 1992 Special Conditions. Those April 12, 2005 modifications, where applicable, are noted on the staff review of the current amendment request.

~~A. On or before May 1, 1992, LAWPCA shall submit letters to the Planning Board from the City of Auburn and MMWAC to show that both the landfill and the incineration plant have the capacity to accept any, non-composting waste generated at the sludge composting facility. If the landfill and the incineration plant do not have the capacity to accept any non-composting waste generated at the sludge composting facility, LAWPCA shall submit letters from alternative disposal facilities stating that such disposal capacity is available. LAWPCA shall submit to the Planning Board for its review and approval, with or without conditions, a plan demonstrating that an adequate water supply can be obtained for the operation and maintenance of the sludge composting facility, as well as the fire suppression systems required by the Building Code. Approval of this plan by the Planning Board shall be required before any building permit maybe issued to the facility. (LAWPCA complied with this special condition, which no longer applies.)~~
STAFF RECOMMENDATION- Delete Condition A.

~~B. On or before July 1, 1992, LAWPCA shall submit to the Planning Board for its review and approval, with or without conditions, a plan demonstrating that an adequate water supply can be obtained for the operation and maintenance of the sludge composting facility, as well as the fire suppression systems required by the Building Code. Approval of this plan by the Planning Board shall be required before any building permits may be issued to the facility. (LAWPCA complied with this special condition and is not necessary anymore.)~~
STAFF RECOMMENDATION- Delete Condition B.)

~~C. LAWPCA shall design the facility in a manner consistent with the preliminary Plan of Operation submitted to the Planning Board in the Site Plan Review Application. At least 60 days prior to commencement of operations, LAWPCA shall submit to the Planning Board, for its review and approval, with or without conditions, a final Plan of Operations meeting all Criteria of Article VIII, Section 1 of the Sludge Composting Facility Agreement between LAWPCA and the City of Auburn dated February, 1992. The sludge composting facility shall be operated as described in the Plan of Operation approved by the Planning Board. (LAWPCA complied with the requirements of this special condition "C" and is no longer applicable.)~~
STAFF RECOMMENDATION- Delete Condition C.

~~D. A. At least 60 days prior to commencement of operations, LAWPCA shall submitted an amended Special Exception application to the Planning Board in April 2005 for its review and approval, with or without conditions, a final Marketing and Distribution Plan that includes provisions for an seasonal outdoor storage area of finished compost on-site off the Gauthier Farm site, such that no compost will be stored outside the curing building. A minimum of six months off-site storage for compost shall be provided in the Plan for the period of November through April. (Special Condition "D" was amended by the Planning Board in 2005 and allowed for the construction of an outdoor storage area of finished compost.)~~
STAFF RECOMMENDATION: Amend Special Condition "D" as shown and label it "A".

~~E.B. LAWPCA shall deactivate the sludge composting facility in accordance with the End Use Plan dated March 13, 1992. (STAFF RECOMMENATION: Keep Special Condition "E" and Re label to "B")~~

~~F. C. LAWPCA shall conduct any emergency backup procedures at the facility in accordance with the Emergency Backup Disposal Plan submitted to the Planning Board in this application. (Special Condition "F" still applies.)~~
STAFF RECOMMENDATION: Keep Special Condition "F" and label it "C".

~~G. LAWPCA shall be responsible for the construction of all off-site improvements as outlined in Article VIII of the Agreement between LAWPCA and the City of Auburn. (LAWPCA complied with the requirements of special condition "G".)~~
STAFF RECOMMENDATION- Delete Condition "G".

~~H. Prior to the construction of the sludge composting facility, LAWPCA shall design the driveway at the sludge composting facility to include a gravel driveway to the westerly-most corner of the curing building. Said driveway shall be approved by the Auburn Fire Chief. (LAWPCA complied with Special Condition "H" and no longer applies.)~~
STAFF RECOMMENDATION- Delete Condition "H".

~~I. Prior to any construction of the sludge composting facility, LAWPCA shall submit design details to the Planning Board for its review and approval, with or without condition, for the detention pond's emergency spillway and an explanation as to how the sedimentation trap will function during the construction period. (LAWPCA complied with Special Condition "I" and no longer applies.)~~
STAFF RECOMMENDATION- Delete Condition "I")

~~J. LAWPCA shall ensure that the design of the curing building provides for 40 days detention time at a maximum depth of eight feet. These are design requirements only, and shall not control actual operations. The curing building shall be equipped with an aeration system to provide negative aeration for all curing compost, consistent with the requirements of Article IX of the Agreement. Exhaust from the aeration system shall be treated in the biofilter. (LAWPCA complied with Special Condition “J” and no longer applies.)~~

~~STAFF RECOMMENDATION- Delete Special Condition “J”.~~

~~K. D. Prior to After the commencement of operations, LAWPCA shall install maintain a “Stop” sign at the intersection of the sludge composting facility access road and Penley Corner Road. (As per the Planning Board’s recommendation to have LAWPCA maintain the stop sign.)~~

~~STAFF RECOMMENDATION: Modify Special Condition “K” and re label it “D”.~~

~~L. E. No amendment preparation (e.g. size reduction or metal separation) shall take place at the sludge composting facility. Including rejected materials, shall be stored inside the building. (LAWPCA requests to keep Special Condition “L”.)~~

~~STAFF RECOMMENDATION: Keep Special Condition “L” and re label it “E”.~~

~~M. F. The granting of this approval is dependent upon and limited to compliance with the proposals, and plans and oral statements as submitted by or on behalf of LAWPCA to the Auburn City Council and the Auburn Planning Board. (LAWPCA requests modifying Special Condition “M” by deleting “the Auburn City Council and” as the 20 year agreement with the City Council has expired.)~~

~~STAFF RECOMMENDATION: Accept modified Special Condition “M” and re-label it “F”.~~

~~N. LAWPCA shall comply with the Agreement and all applicable federal, state and local laws and requirements including but not limited to, licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation. (At its 11-12-13 meeting, the Planning Board discussed removing Special Condition “N” as they considered it a redundant commitment.)~~

~~STAFF RECOMMENDATION: Defer to Planning Board’s wishes. If the Planning Board reaches consensus on this then delete Special Condition “N”.~~

~~O. If either construction of the sludge composting facility is not completed or operation of the sludge composting facility has not begun within five years from the date approval is granted by the Planning Board, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to changes in circumstances which may have occurred during the five-year period. (LAWPCA complied with Special Condition “O” and no longer applies.)~~

~~STAFF RECOMMENDATION- Delete Special Condition “O”.~~

~~P. LAWPCA shall pay the reasonable costs incurred by the City of Auburn or its Planning Board not to exceed \$15,000 to retain a consultant of its choice to advise the City or Board during the review, design, and construction of the proposed bio-filter and associated air handling system. (LAWPCA complied with Special Condition “P” and no longer applies.)~~

~~STAFF RECOMMENDATION- Delete Condition “P”.~~

~~Q. G.~~ All trucks carrying sludge, amendment, or end product to and from the facility shall be covered and adequately sealed at all time travelling through the City of Auburn. (Special Condition “Q” still applies.)

STAFF RECOMMENATION: Keep Special Condition “Q” and re-label to “G”.

~~R. H.~~ LAWPCA shall ensure that ~~an-the~~ odor control system ~~is~~ installed at the Facility ~~which~~ meets the following performance standards at all times:

1. LAWPCA shall ensure that odor intensity measured at any dwelling or any public road shall not be more than 1.0 unit higher than background levels if the odor is characteristic of sludge, compost or the composting process and attributable to the composting operation. Odor intensity shall be measured on the butanol scale in accordance with ASTM E 544.
2. The odor control system discharge shall have an odor concentration not exceeding 100 units at ED50 as determined in accordance with ASTM E 679. All air spaces where sludge or non-finished compost is stored, processed, transported or otherwise handled shall be considered air streams required to undergo odor control treatment. Air spaces where bulking agents are stored, processed, transported or otherwise handled may be required to undergo odor control treatment.

~~Before the facility is constructed, LAWPCA will ensure that an independent air emissions study is conducted at the site to establish baseline odor levels and to develop odor dispersion modeling. Background odor intensities shall be measured by the butanol scale at two time periods: at the time spring sludge spreading when background odor intensity is highest; and at mid-winter when odor intensity is minimal. During both time periods, odor intensity shall be measured during conditions of low atmospheric dispersion.~~

~~Prior to the Commencement Date of Operations, a period of full scale operations, not to exceed sixty days, shall be conducted at the Facility to ensure that ED50 maximum value of 100 is achieved under normal operating procedures through use of the odor control system. LAWPCA must demonstrate to the Planning Board, through testing, that the ED50 maximum value of 100 is, and will continue to be, attained when the odor control system is functioning. The Commencement Date of Operations shall not occur until the Planning Board, after reviewing the demonstration made by LAWPCA, has approved operation of the odor control system, which approval shall not be unreasonably withheld.~~

~~After the Commencement Date of Operations, †The odor control system discharge shall be monitored and tested once per year, at mid-winter between January 15 and March 15, when background odor intensity is minimal. During this monitoring period, odor intensity shall be measured during conditions of low atmospheric dispersion annually during the month of July using an odor panel (ASTM E 679). These tests may be waived annually upon written request to the City Manager, to be received by December 1st and approved by the City Manager, provided no complaints are received during the prior year.~~ Additional tests using either odor units at the point of discharge (ASTM E 679) or odor intensity at any dwelling unit or public road (ASTM E 544) may be requested at other times by the City Manager, or a City Councilor provided that the sum of all additional tests shall not exceed 12 per year, to ascertain whether the odor levels, as

specified in this Article, have been achieved. The City Manager or City Councilor shall not unreasonably request additional odor monitoring.

All studies, tests and monitoring required by this Article shall be conducted by independent laboratories agreed upon by LAWPCA and the City Manager. LAWPCA shall submit the results of any studies and testing required under this Article to the City Manager and the City Council. If the standards for odor control referred to in this Article are violated, LWPCA will have 72 hours to comply and if unable to do so, will shut operations and cease bringing amendments to the site until such time as it can comply. If the facility must shut down more than 3 times in any 12 month period, it will remain shut until such time as LAWPCA demonstrates, to the satisfaction of the City Council, that continued operation of the Facility will not violate such odor control standards. In the event that the facility must shut down due to odors, or for some other reason under the Planning Board approval, agreement between the City and LAWPCA, LAWPCA shall have 7 days to complete removal of compost material and sludge unless an alternative schedule is agreed upon by the City Manager and LAWPCA in order to minimize odor impacts. (LAWPCA has requested to modify Special Condition "R" to delete some start up procedures that are no longer relevant, and to ask that the City Manager have the authority to waive odor testing upon request by LAWPCA, and to remove a reference to the now expired agreement with the City, and adding the approval by the Planning Board of these amended Special Conditions. In addition, the annual odor testing has been changed to occur in mid-winter between January 15 and March 15.

STAFF RECOMMENDATION: Accept the modifications to Special Condition "R" and re-label to "H".

~~S. I. LAWPCA shall create a~~ A special board to advise LAWPCA with respect to noise, odor or any other operational issues of concern, shall meet only as requested by the community living in close proximity to the facility. need requires.—This board shall consist of at least two members from the neighborhood, two members from the Planning Board, and one City Councilor. (This modification to Special Condition "S" is based on the April 12, 2005 approval by the Planning Board (Other License Modifications, #1).

STAFF RECOMMENDATION: Accept modification to Special condition "S" as shown and re-letter "I")

T. All road improvements along the Penley Corner's Road shall be undertaken in such a way so as to minimize disturbance of the property identified as the "Old School House", now the Charest residence. (LAWPCA has complied with Special Condition "T" and is no longer relevant.

STAFF RECOMMENDATION: Delete Special Condition "T")

J. Hours of Operation, Deliveries and Trucking of Final Products shall be 6:00 am to 5:00 pm six days a week. (Special Condition "J" is based on the April 12, 2005 approval by the Planning Board (Other License Modifications, #3)

STAFF RECOMMENDATION: Accept addition of Special condition "J" as shown.)

K. LAWPCA may sell compost after 10-14 days of curing, once the material has met all pathogen and vector attraction standards as currently allowed in the Maine Chapter 419 rule and the EPA

503 rule. (Special Condition “K” is based on the April 12, 2005 approval by the Planning Board; Other License Modifications, #4)

STAFF RECOMMENDATION: **Accept addition of Special condition “K” as shown.**

L. Any incoming sewer solids shall be tested for metals on a monthly basis. (Special Condition “L” is based on the April 12, 2005 approval by the Planning Board, Other License Modifications, #5); STAFF RECOMMENDATION: **Accept addition of Special condition “L” as shown.**

M. LAWPCA may accept sewer solids from other Maine municipalities, which may be delivered by a third party under contract, in amounts not to exceed the average annual amounts of sewer solids received over the last 10 years. (LAWPCA has requested this change in operations due to an approximate 40% reduction in LAWPC sewer solids caused by the LAWPCA Aerobic Digester.) STAFF RECOMMENDATION: **Approval.**

N. LAWPCA shall make provisions in the contractual agreements to receive sewer solids from other municipalities to include a truck transportation routing plan that directs heavy trucks to stay on State Highway or arterial roads and away from minor roads, such as Penley Corners Road, (south of entrance to Composting Facility), Harmon’s Corner Road and Old Danville Road. STAFF RECOMMENDATION: **Approval**


Douglas M. Greene, AICP
City Planner

