



SHAW BROTHERS CONSTRUCTION, INC.

P.O. Box 69 • 341 Mosher Road • Gorham, Me 04038

Tel: (207) 839-2552 • Fax: (207)839-6239

Website: www.shawbrothers.com

Dear Amanda,

We, S.B. Freeport, Inc., a subsidiary company of Shaw Brothers Construction, Inc. are looking to amend our Town of Windham Site Plan requirements for O-Pit (Busque Pit). We are seeking to make the following changes to our approval:

1. Amend the town's groundwater monitoring requirements to coincide with our Department of Environmental Protections Gravel Pit Permit (see Appendix 1).
 - a. We recently received permission from the DEP to suspend quarterly monitoring of groundwater levels and quality until we reach 2 feet of groundwater.
 - b. St. Germain-Collins' Environmental Scientists and Certified Geologist have concluded groundwater elevations and groundwater quality have not significantly changed between 2012 and 2017 (see Appendix 2).
2. Amend the town's permit to include the processing of woodwaste products and coincide with the Department of Environmental Protection's woodwaste processing Permit granted to us July 2017 (see Appendix 3). The full DEP application was sent to the town at the during the permitting process.
 - a. Similar to four of our other gravel pits, we are asking to be permitted to process woodwaste. This is the process of taking wood biproduct and turning it into erosion control mix. We would primarily be utilizing O-Pit for woodwaste processing if we had a project in the Windham area. The produced erosion control mix would be used on our jobsites as needed. From experience with other gravel pits, the increased traffic is negligible, since it is primarily done through backhauls.

As mentioned in your email, below addresses Conditions of Approval #11 a traffic count, and #15 a noise test.

1. #11 A Traffic Count Two Years After Approval:
 - a. On an email dated May 28, 2013 from Tom Biegel to Ben Smith & Heather McNally, bullet 8 addresses the traffic analysis done (see Appendix 4).



SHAW BROTHERS CONSTRUCTION, INC.

P.O. Box 69 • 341 Mosher Road • Gorham, Me 04038

Tel: (207) 839-2552 • Fax: (207) 839-6239

Website: www.shawbrothers.com

-
- i. Between May 6, 2013 and May 10, 2013, the average vehicles per day was 17, far less than the 36 trips per hour.
 - b. A study was done again for the year of 2017 to confirm there hasn't been significant change.
 - i. For the busiest 5 weeks of 2017, every day except one was under 36 trips for the entire day. One day had a total of 37 trips. This is still far less than the allowed 36 trips/hour.
 - ii. Due to these results being vastly under the requested limit, we ask to waive the condition of a 3rd party traffic count.

2. #15 A Sound/Noise Survey:

- a. As addressed in the same prior letter, bullet 7 shows the test performed by Willis of Northern New England, Inc (see Appendix 4 & 5) as required.

If you have any further questions, please do not hesitate to reach out at (207) 839-2552 or by email pbrown@shawbrothers.com. Thank you for your time.

Sincerely,

Parker Brown
Asst. Controller

Final Plan - Major Site Plan

Project Name: Shaw Brothers Construction, Inc. O-Pit

Tax Map: 12 **Lot:** 79, 79E, 79F, 79G

Estimated square footage of building(s): N/A

If no buildings proposed, estimated square footage of total development: 110 Acres

Is the total disturbance proposed > 1 acre? ☒ Yes ☐ No

Contact Information

1. Applicant

Name: Parker Brown, Shaw Brothers Construction, Inc.

Mailing Address: P.O. Box 69, Gorham, ME 04038

Telephone: (207) 839-2552 Fax: _____ E-mail: pbrown@shawbrothers.com

2. Record owner of property

X (Check here if same as applicant)

Name: _____

Mailing Address: _____

Telephone: _____ Fax: _____ E-mail: _____

3. Contact Person/Agent (if completed and signed by applicant's agent, provide written documentation of authority to act on behalf of applicant)

Name: Parker Brown

Company Name: Shaw Brothers Construction, Inc.

Mailing Address: P.O. Box 69, Gorham, ME 04038

Telephone: (207) 839-2552 Fax: (207) 839-6239 E-mail: pbrown@shawbrothers.com

I certify all the information in this application form and accompanying materials is true and accurate to the best of my knowledge.



Signature

1/22/2018

Date

Final Plan - Major Site Plan: Submission Requirements		Applicant	Staff
a.	Complete Sketch Plan Application form	No Changes	
b.	Evidence of payment of application and escrow fees	No Changes	
c.	Written information - submitted in bound report		
1	A narrative describing the proposed use or activity	Included	
2	Name, address, & phone number of record owner, and applicant if different	No Changes	
3	Names and addresses of all abutting property owners	No Changes	
4	Documentation demonstrating right, title, or interest in property	No Changes	
5	Copies of existing proposed covenants or deed restrictions	No Changes	
6	Copies of existing or proposed easements on the property	No Changes	
7	Name, registration number, and seal of the licensed professional who prepared the plan, if applicable	No Changes	
8	Evidence of applicant's technical capability to carry out the project	No Changes	
9	Assessment of the adequacy of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property	No Changes	
10	Estimated demand for water supply and sewage disposal	N/A	
11	Provisions for handling all solid wastes, including hazardous and special wastes	No Changes	
12	Detail sheets of proposed light fixtures	No Changes	
13	Listing of proposed trees or shrubs to be used for landscaping	No Changes	
14	Estimate weekday AM and PM and Saturday peak hour and daily traffic to be generated by the project	Done Prior. Included	
15	Description of important or unique natural areas and site features, including floodplains, deer wintering areas, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archeological resources	No Changes	
16	If the project requires a stormwater permit from MaineDEP or if the Planning Board or if the Staff Review Committee determines that such information is required, submit the following:		
	stormwater calculations	No Changes	
	erosion and sedimentation control measures	No Changes	
	water quality and/or phosphorous export management provisions	Included	
17	If public water or sewerage will be utilized, provide statement from utility district regarding the adequacy of water supply in terms of quantity and pressure for both domestic and fire flows, and the capacity of the sewer system to accommodate additional wastewater.	N/A	
18	Financial Capacity		
	i. Estimated costs of development and itemize estimated major expenses	No Changes	
	ii. Financing (submit one of the following)		
	a. Letter of commitment to fund	No Changes	

	b. Self-financing	No Changes	
	1. Annual corporate report	No Changes	
	2. Bank Statement	No Changes	
	c. Other	N/A	
	1. Cash equity commitment of 20% of total cost of development	N/A	
	2. Financial plan for remaining financing	N/A	
	3. Letter from institution indicating intent to finance	N/A	
	iii. If a registered corporation a Certificate of Good Standing from:		
	Secretary of State, or	No Changes	
	statement signed by corporate officer	No Changes	
19	Technical Capacity (address both)		
	i. Prior experience	No Changes	
	ii. Personnel	No Changes	
d.	Plan Requirements - Existing Conditions		
i.	Location Map adequate to locate project within the municipality	No Changes	
ii.	Vicinity Plan. Drawn to scale of not over 400 feet to the inch, and showing area within 250 feet of the property line, and shall show the following:	No Changes	
	a. Approximate location of all property lines and acreage of parcels	No Changes	
	b. Locations, widths and names of existing, filed or proposed streets, easements or building footprints	N/A	
	c. Location and designations of any public spaces	N/A	
	d. Outline of proposed subdivision, together with its street system and an indication of the future probable street system of the remaining portion of the tract	N/A	
iii.	North Arrow identifying Grid North; Magnetic North with the declination between Grid and Magnetic; and whether Magnetic or Grid bearings were used	No Changes	
iv.	Location of all required building setbacks, yards, and buffers	No Changes	
v.	Boundaries of all contiguous property under the total or partial control of the owner or applicant	No Changes	
vi.	Tax map and lot number of the parcel or parcels on which the project is located	No Changes	
vii.	Zoning classification(s), including overlay and/or subdistricts, of the property and the location of zoning district boundaries if the property is located in 2 or more districts or abuts a different district.	No Changes	
viii.	Bearings and lengths of all property lines of the property to be developed, and the stamp of the surveyor that performed the survey.	No Changes	
ix.	Existing topography of the site at 2-foot contour intervals	No Changes	
x.	Location and size of any existing sewer and water mains, culvers and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property and on abutting streets or land that may serve the development.	No Changes	
xi.	Location, names, and present widths of existing public and/or private streets and rights-of way within or adjacent to the proposed development	N/A	
xii.	Location, dimensions, and ground floor elevation of all existing buildings	N/A	

xiii.	Location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or adjacent to the site.	No Changes	
xiv.	Location of intersecting roads or driveways within 200 feet of the site.	No Changes	
xv.	Location of the following:		
	a. Open drainage courses	No Changes	
	b. Wetlands	No Changes	
	c. Stone walls	No Changes	
	d. Graveyards	No Changes	
	e. Fences	No Changes	
	f. Stands of trees or treeline, and	No Changes	
	g. Other important or unique natural areas and site features, including but not limited to, floodplains, deer wintering areas, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources	No Changes	
xvi.	Direction of existing surface water drainage across the site	No Changes	
xvii.	Location, front view, dimensions, and lighting of existing signs	No Changes	
xviii.	Location & dimensions of existing easements that encumber or benefit the site	No Changes	
xix.	Location of the nearest fire hydrant, dry hydrant, or other water supply	No Changes	
Plan Requirements - Proposed Development Activity			
i.	Location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed	No Changes	
ii.	Grading plan showing the proposed topography of the site at 2-foot contour intervals	No Changes	
iii.	Direction of proposed surface water drainage across the site and from the site, with an assessment of impacts on downstream properties.	No Changes	
iv.	Location and proposed screening of any on-site collection or storage facilities	No Changes	
v.	Location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways, and any changes in traffic flow onto or off-site	No Changes	
vi.	Proposed landscaping and buffering	No Changes	
vii.	Location, dimensions, and ground floor elevation of all buildings or expansions	No Changes	
viii.	Location, front view, materials and dimensions of proposed signs together with method for securing sign	No Changes	
ix.	Location and type of exterior lighting. Photometric plan to demonstrate coverage area of all lighting may be required by Planning Board.	No Changes	
x.	Location of all utilities, including fire protection systems	No Changes	
xi.	Approval block: Provide space on the plan drawing for the following words, "Approved: Town of Windham Planning Board" along with space for signatures and date		
2.	Major Final Site Plan Requirements		

a.	Narrative and/or plan describing how the proposed development plan relates to the sketch plan	Included	
b.	Stormwater drainage and erosion control program showing:		
	1. Existing and proposed method of handling stormwater runoff	No Changes	
	2. Direction of the flow of the runoff, through the use of arrows and a description of the type of flow (e.g. sheet flow, concentrated flow, etc.)	No Changes	
	3. Location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers	No Changes	
	4. Engineering calculations used to determine drainage requirements based on the 25-year, 24-hour storm frequency.	No Changes	
	5. Methods of minimizing erosion and controlling sedimentation during and after construction.	No Changes	
c.	A groundwater impact analysis prepared by a groundwater hydrologist for projects involving on-site water supply or sewage disposal facilities with a capacity of 2,000 gallons or more per day	No Changes	
d.	Name, registration number, and seal of the Maine Licensed Professional Architect, Engineer, Surveyor, Landscape Architect and/or similar professional who prepared the plan	No Changes	
e.	A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, cable TV, and any other utility services to be installed on the site	No Changes	
f.	A planting schedule keyed to the site plan indicating the general varieties and sizes of trees, shrubs, and other vegetation to be planted on the site, as well as information pertaining to provisions that will be made to retain and protect existing trees, shrubs, and other vegetation	No Changes	
g.	Digital transfer of any site plan data to the town (GIS format)	No Changes	
h.	A traffic impact study if the project expansion will generate 50 or more trips during the AM or PM peak hour, or if required by the Planning Board	Included	
Electronic Submission			

APPENDIX 1

DEP PERMIT – REVISED GROUNDWATER MONITORING



DEPARTMENT ORDER

IN THE MATTER OF

SHAW BROTHERS CONSTRUCTION, INC.) PERFORMANCE STANDARDS FOR EXCAVATIONS
Windham, Cumberland County) VARIANCE
MODIFICATION OF MONITORING PLAN) MINOR REVISION
L-25038-80-F-M (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. § 490-E, and Chapter 378 (06-096 C.M.R. ch. 378, effective June 8, 2012), of Department Rules, the Department of Environmental Protection has considered the application of SHAW BROTHERS CONSTRUCTION, INC. with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History of Project: On March 15, 2012, a "Notice of Intent to Comply" (NOITC) was filed to transfer a 75.5-acre quarry from Windham Properties, LLC to Shaw Brothers Construction, Inc. The Department approved the NOITC on March 21, 2012. The quarry is located on Nash Road in the Town of Windham. In Department Order #L-25038-80-A-N and #L-/25038-TB-B-N, dated December 16, 2010, the Department approved a variance to excavate rock from below the seasonal high groundwater table and to operate an externally-drained rock quarry.

B. Summary: The applicant proposes to suspend both ground water level monitoring and groundwater quality monitoring until one year prior to excavation reaching the existing seasonal high groundwater table.

C. Current Use of Site: The site is currently used as a rock quarry.

2. GROUNDWATER:

Based on data collected over several years, and that the quarry floor is well above the seasonal high water table, the applicant requests to suspend both groundwater levels and groundwater quality monitoring at the site. Historical data reveals that quarrying activity has not impacted ground water levels or quality. Groundwater monitoring will resume at least one year prior to excavation going below the water table.

The Department's Mining Unit reviewed the submitted groundwater data and concluded that it provides sufficient evidence to allow the proposed suspension in groundwater monitoring. The Department may require resumption of the current monitoring program at some or all wells, and may require additional parameters, different sampling

frequencies, or installation of additional sampling locations based on its interpretation of the data and observations at the site.

Once excavation is within two feet of the seasonally high water table, the applicant will return to the previously existing schedule of quarterly monitoring for groundwater levels at MW-1, MW-2, MW-10 through MW-13 and quarterly monitoring for groundwater quality at MW-1 and MW-12. The proposed project is a minor change and will not significantly affect any issues identified during previous Department reviews of the project site.

Based on its review of the application, the Department finds the requested minor revision to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Department Order #L25038-80-A-N, and subsequent orders.

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. § 490-E and Chapter 378 of Department Rules:

- A. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- B. The proposed activity will not unreasonably interfere with the natural flow of groundwater provided that applicant conducts all quarrying activity above the seasonal high groundwater table.
- C. The proposed activity will not unreasonably interfere with existing uses.
- D. The activity will not adversely affect the health, safety and general welfare of the public.
- E. The proposed activity will not unreasonably cause or increase the flooding of the alteration adjacent properties or create an unreasonable flood hazard to any structure.
- F. The proposed activity will not cause unreasonable erosion of soil or sediment.
- G. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.

THEREFORE, the Department APPROVES the application of SHAW BROTHERS CONSTRUCTION, INC. to suspend groundwater monitoring as described in Finding 2, 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. Once excavation is within two feet of the seasonally high water table, the applicant will return to the previously existing schedule of quarterly monitoring for groundwater levels at MW-1, MW-2, MW-10 through MW-13 and quarterly monitoring for groundwater quality at MW-1 and MW-12.
5. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-25038-80-A-N, and subsequent Orders, and are incorporated herein.

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.

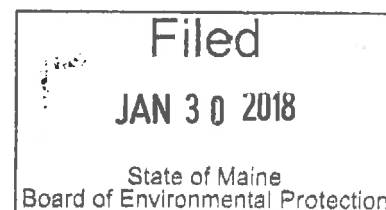
DONE AND DATED IN AUGUSTA, MAINE, THIS 30TH DAY OF JANUARY, 2018.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
For: Paul Mercer, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

MS/L25038FM/ATS#82560



Department of Environmental Protection
VARIANCE 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 variance 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. Any such variation undertaken without approval of the department is in violation of 38 M.R.S.A §483-A and is subject to penalties under 38 M.R.S.A. §349.
- B. Initiation of Development Within Two (2) Years.** If the construction or operation of the activity is not begun within two years, this variance approval shall lapse and the applicant may reapply to the Department. The applicant may not begin construction or operation of the development until a new variance approval is granted. Re-applications must state the reasons why the development was not begun within 2 years from the granting, and may include information submitted in the initial variance application by reference.
- C. Approval Shown to Contractors and Agents.** Work done by a contractor or agent of the applicant may not begin before the contractor or agent has been provided with a copy of this variance approval
- D. Compliance with All Terms and Conditions of Approval.** The applicant shall submit all reports and information requested by the Department to demonstrate compliance with the terms and conditions of this approval.

Revised June 8, 2012



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.

APPENDIX 2

2017 GROUNDWATER REPORT



December 18, 2017

Tom Biegel
Shaw Brothers Construction, Inc.
PO Box 69
Gorham, Maine 04038

Re: Annual Groundwater Monitoring Report- 2017
Shaw Brothers Construction, Inc., O-Pit
Nash Road, Windham, Maine
St.Germain Collins File No.: 3548

Dear Tom:

St.Germain Collins is providing you with this report documenting the results for the 2017 groundwater monitoring program at the Shaw Brothers Construction, Inc. (Shaw) O-Pit, in Windham, Maine. Monitoring was performed in accordance with Maine Department of Environmental Protection (MEDEP) Variance Condition Compliance L-25038-80-C-C, dated April, 2011.

SITE DESCRIPTION

The Site is located northeast of the intersection of Route 302 and Nash Road in Windham, Maine (see Figure 1, Site Location Map). The existing quarry, associated operational areas, and the approximate location of the monitoring wells are shown on Figure 2, Site Plan.

METHODS

Groundwater elevations were monitored in six groundwater monitoring wells (MW-1, MW-2, and MW-10 through MW-13) in April, June, September, and December.

St.Germain Collins collected groundwater quality data from two monitoring wells (MW-1 and MW-12) in April 2017. Groundwater samples were collected following standard low-flow sampling procedures, and analyzed for total iron and total manganese by Alpha Analytical (Alpha) of Westborough, Massachusetts. In addition to laboratory analysis the samples were analyzed in the field for pH and specific conductivity (SC).

RESULTS

Groundwater Elevations

Table 1, Groundwater Data, presents groundwater level measurements from the six monitoring wells gauged in 2017. Figure 3, Historical Groundwater Elevations, plots the groundwater levels for each well from 2012 to 2017 on a single graph. The majority of monitoring points show little variation since 2012, with the exception of seasonal fluctuations.

Groundwater Quality

Table 1 summarizes groundwater quality results from two wells (MW-1 and MW-12) that were sampled from 2012 to 2017. Monitoring well MW-1 was reported with very consistent specific conductivity since 2012. The pH reading at MW-1 has increased back to historical levels after an all-time low pH reading of 4.82 in 2016. Iron levels have returned to historical concentrations from a high of 8.5 mg/l in April 2014 (Trend Plot 1). Specific conductivity, pH, iron and manganese concentrations at MW-12 have remained consistent since 2012 (see Trend Plot 2). Laboratory results are provided as Attachment A.

CONCLUSIONS

Groundwater elevations and groundwater quality have not significantly changed between 2012 and 2017. Groundwater monitoring will resume in April 2018.

If you should have any questions or comments, please feel free to contact us at (207) 591-7000.

Sincerely,
ST.GERMAIN COLLINS



Kristopher Plante
Environmental Scientist



Brian Bachmann, C.G.
Certified Geologist #528

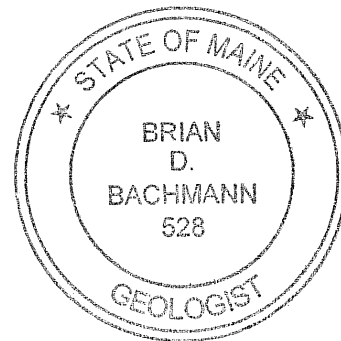
Attachments

Figure 1 Site Location Map
Figure 2 Site Plan
Figure 3 Historical Groundwater Elevations

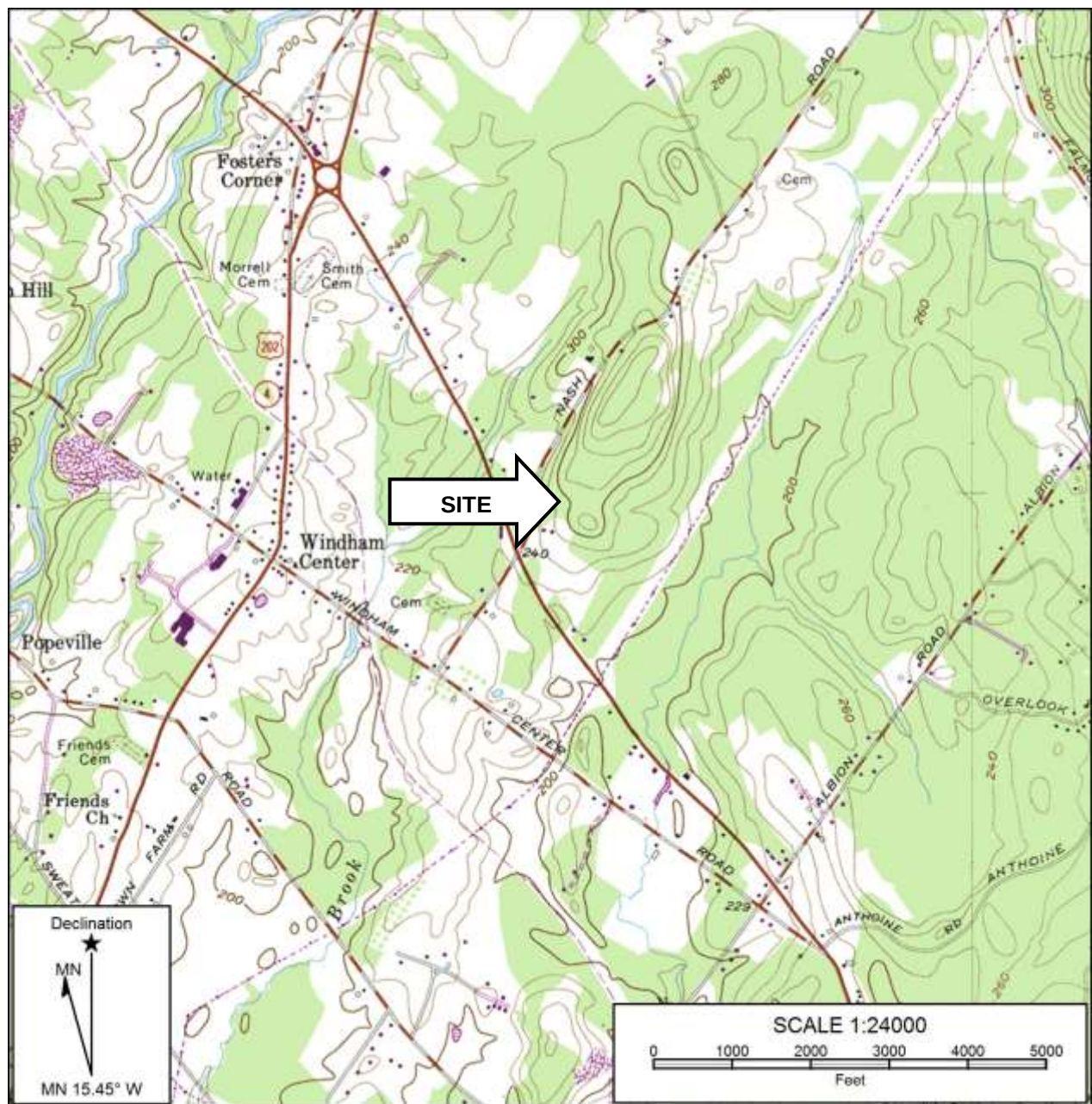
Table 1 Groundwater Data

Trend Plot 1 MW-1 Groundwater Data
Trend Plot 2 MW-12 Groundwater Data

Attachment A 2017 Laboratory Reports



FIGURES/TABLE(S)



SOURCE: USGS, NORTH WINDHAM, MAINE 1977.

SITE LOCATION MAP

SHAW BROTHERS CONSTRUCTION- O-PIT
NASH ROAD
WINDHAM, MAINE

SHAW BROTHERS CONSTRUCTION, INC.
PO BOX 69
GORHAM, MAINE 04038



**FIGURE
1**



LEGEND ● MONITORING WELL LOCATION (MW 1) --- SITE BOUNDARY (APPROXIMATE)	SOURCE: GOOGLE EARTH 2013	SITE PLAN SHAW BROTHERS CONSTRUCTION- O-PIT NASH ROAD WINDHAM, MAINE	SHAW BROTHERS CONSTRUCTION, INC. PO BOX 69 GORHAM, MAINE 04038 FIGURE 2
	DATE: 12/18/17	SCALE: SEE ABOVE	PROJECT NO.: 3548 FILE: FIGURE 2 846 MAIN STREET, WESTBROOK, ME 04092 207-591-7000 WWW.STGERMAINCOLLINS.COM

Figure 3
Historical Groundwater Elevations
Shaw Brothers Construction- O-Pit
Nash Road
Windham, ME

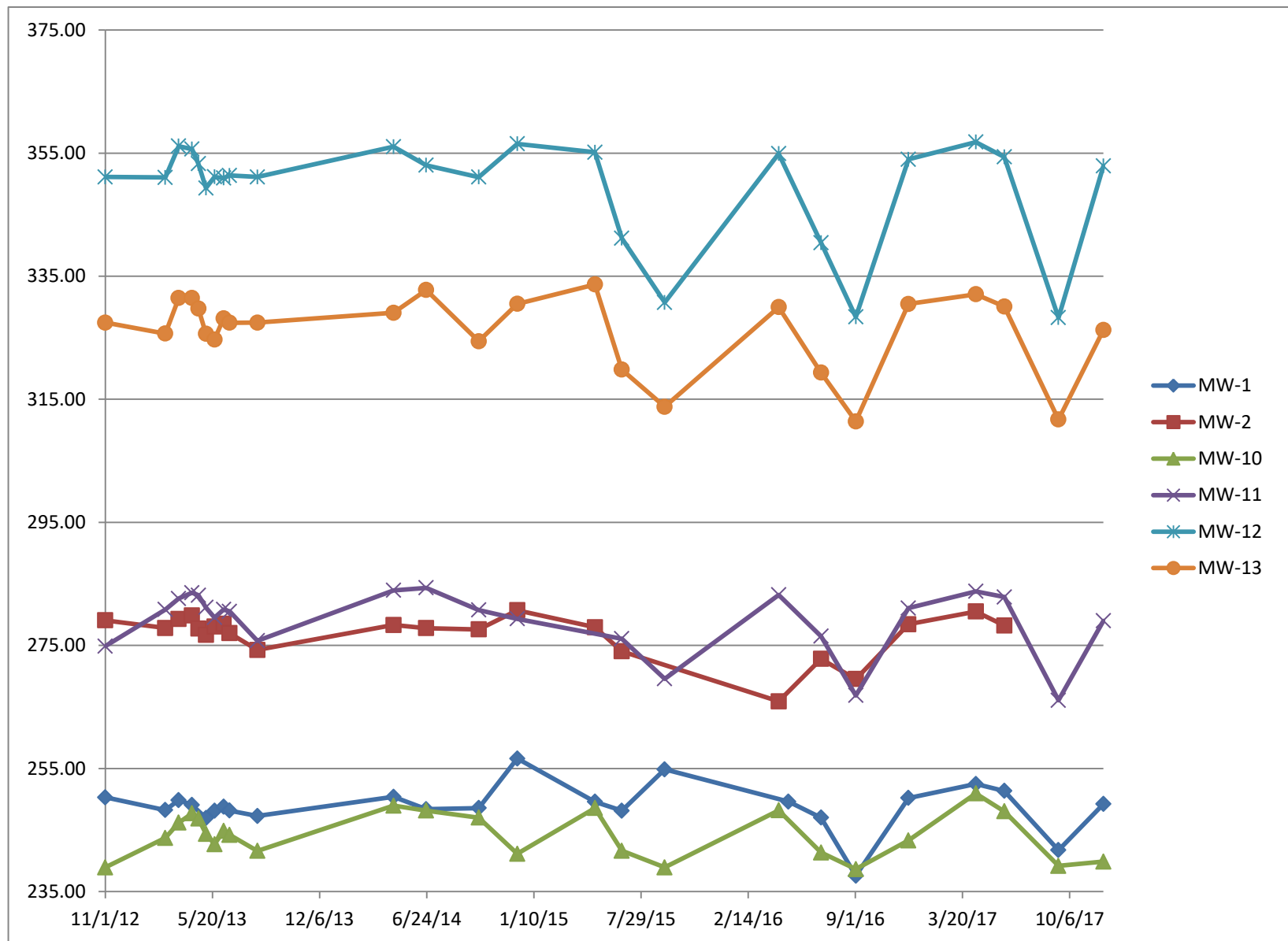


Table 1
Groundwater Data
Shaw Brothers Construction- O-Pit
Nash Road
Windham, ME

Monitoring Well ID	Sample Collection Date	Field Data							
		Well Elevation (feet above mean sea level)	Depth to Water (feet below top of casing)	Static Water Level (feet above mean sea level)	pH (standard units)	Specific Conductance (mS/cm)	Manganese (mg/L)	Iron (mg/L)	Nitrate (mg/L)
MW-1	11/1/12	271.99	21.68	250.31	5.72	0.08	0.12	0.32	0.3
	2/21/13		23.75	248.24	5.84	0.097	0.05	0.14	0.9
	3/18/13		22.13	249.86	--	--	--	--	--
	4/12/13		22.93	249.06	--	--	--	--	--
	4/24/13		NM	--	--	--	--	--	--
	5/8/13		25.04	246.95	--	--	--	--	--
	5/24/13		23.85	248.14	--	--	--	--	--
	6/10/13		23.21	248.78	--	--	--	--	--
	6/21/13		23.82	248.17	--	--	--	--	--
	8/12/13		24.70	247.29	5.80	0.103	0.07	0.23	0.5
	4/23/14		21.60	250.39	5.33	0.079	0.078	8.5	--
	6/23/14		23.60	248.39	--	--	--	--	--
	9/29/14		23.42	248.57	--	--	--	--	--
	12/10/14		15.38	256.61	--	--	--	--	--
	5/4/15		22.40	249.59	7.42	0.22	ND	0.36	--
	6/23/15		23.85	248.14	--	--	--	--	--
	9/11/15		17.13	254.86	--	--	--	--	--
	12/9/15		NM	--	--	--	--	--	--
	4/29/16		22.38	249.61	4.82	0.133	0.0241	0.74	--
	6/29/16		24.98	247.01	--	--	--	--	--
	9/2/16		34.42	237.57	--	--	--	--	--
	12/9/16		21.79	250.20	--	--	--	--	--
	4/14/17		19.51	252.48	5.34	0.195	0.104	0.10	--
	6/6/17		20.63	251.36	--	--	--	--	--
	9/15/17		30.25	241.74	--	--	--	--	--
	12/8/17		22.77	249.22	--	--	--	--	--
MW-2	11/1/12	287.17	8.10	279.07	--	--	--	--	--
	2/21/13		9.35	277.82	--	--	--	--	--
	3/18/13		7.88	279.29	--	--	--	--	--
	4/12/13		7.30	279.87	--	--	--	--	--
	4/24/13		9.42	277.75	--	--	--	--	--
	5/8/13		10.44	276.73	--	--	--	--	--
	5/24/13		9.09	278.08	--	--	--	--	--
	6/10/13		8.67	278.50	--	--	--	--	--
	6/21/13		10.18	276.99	--	--	--	--	--
	8/12/13		12.91	274.26	--	--	--	--	--
	4/23/14		8.85	278.32	--	--	--	--	--
	6/23/14		9.36	277.81	--	--	--	--	--
	9/29/14		9.56	277.61	--	--	--	--	--
	12/10/14		6.45	280.72	--	--	--	--	--
	5/4/15		9.22	277.95	--	--	--	--	--
	6/23/15		13.12	274.05	--	--	--	--	--
	9/11/15		NM	--	--	--	--	--	--
	12/9/15		NM	--	--	--	--	--	--
	4/11/16		21.25	265.92	--	--	--	--	--
	6/29/16		14.36	272.81	--	--	--	--	--
	9/2/16		17.64	269.53	--	--	--	--	--
	12/9/16		8.73	278.44	--	--	--	--	--
	4/14/17		6.65	280.52	--	--	--	--	--
	6/6/17		8.94	278.23	--	--	--	--	--
	9/15/17		Dry	--	--	--	--	--	--
	12/8/17		Dry	--	--	--	--	--	--

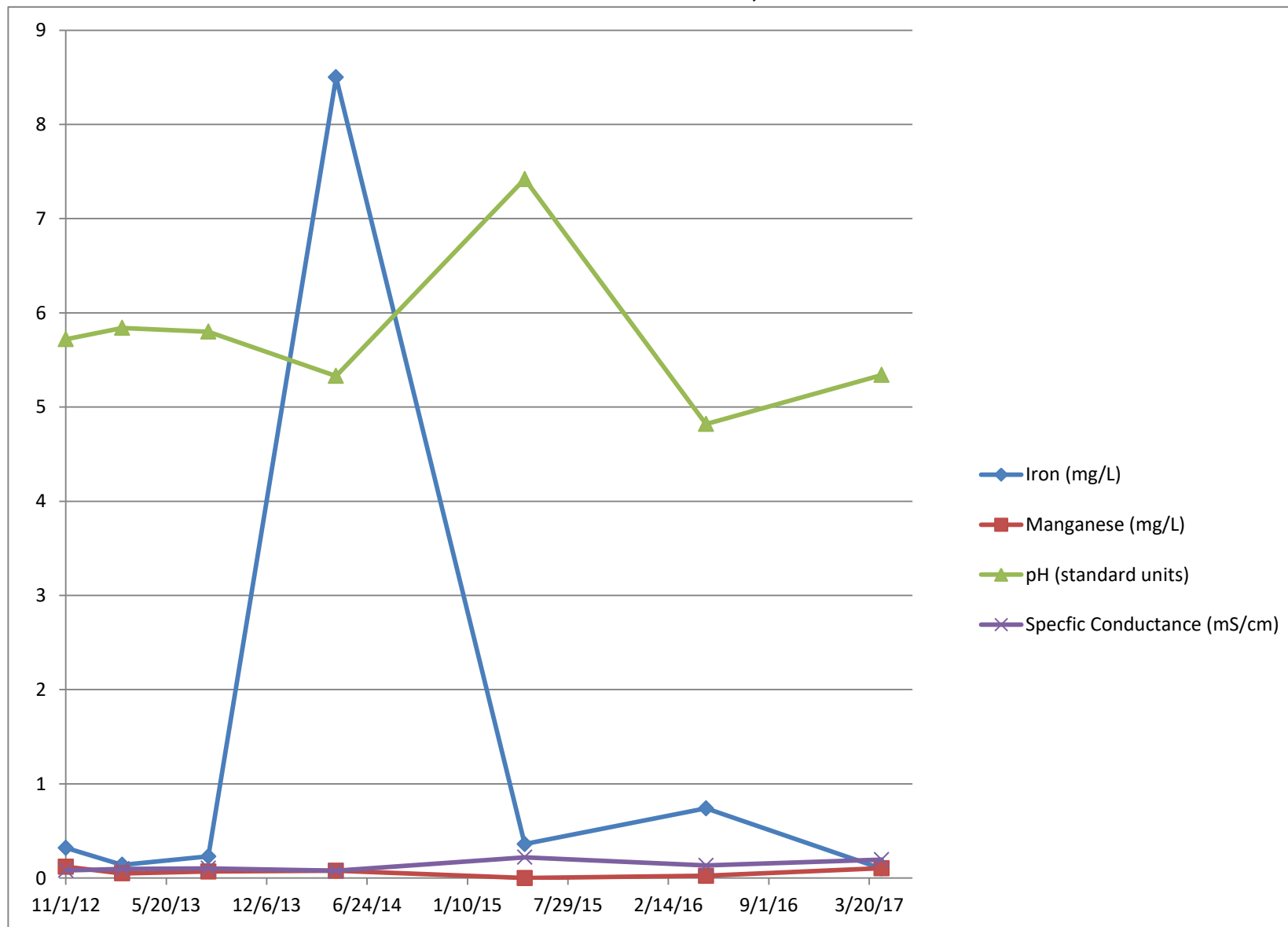
Table 1 (Continued)
Groundwater Data
Shaw Brothers Construction- O-Pit
Nash Road
Windham, ME

Monitoring Well ID	Sample Collection Date	Field Data							
		Well Elevation (feet above mean sea level)	Depth to Water (feet below top of casing)	Static Water Level (feet above mean sea level)	pH (standard units)	Specific Conductance (mS/cm)	Manganese (mg/L)	Iron (mg/L)	Nitrate (mg/L)
MW-10	11/1/12	254.36	15.43	238.93	--	--	--	--	--
	2/21/13		10.65	243.71	--	--	--	--	--
	3/18/13		8.16	246.20	--	--	--	--	--
	4/12/13		6.64	247.72	--	--	--	--	--
	4/24/13		7.50	246.86	--	--	--	--	--
	5/8/13		9.98	244.38	--	--	--	--	--
	5/24/13		11.67	242.69	--	--	--	--	--
	6/10/13		9.51	244.85	--	--	--	--	--
	6/21/13		10.15	244.21	--	--	--	--	--
	8/12/13		12.75	241.61	--	--	--	--	--
	4/23/14		5.40	248.96	--	--	--	--	--
	6/23/14		6.20	248.16	--	--	--	--	--
	9/29/14		7.34	247.02	--	--	--	--	--
	12/10/14		13.22	241.14	--	--	--	--	--
	5/4/15		5.80	248.56	--	--	--	--	--
	6/23/15		12.74	241.62	--	--	--	--	--
	9/11/15		15.44	238.92	--	--	--	--	--
	12/9/15		NM	--	--	--	--	--	--
	4/11/16		6.15	248.21	--	--	--	--	--
	6/29/16		13.01	241.35	--	--	--	--	--
	9/2/16		15.71	238.65	--	--	--	--	--
	12/9/16		11.05	243.31	--	--	--	--	--
	4/14/17		3.42	250.94	--	--	--	--	--
	6/6/17		6.33	248.03	--	--	--	--	--
	9/15/17		15.18	239.18	--	--	--	--	--
	12/8/17		14.50	239.86	--	--	--	--	--
MW-11	11/1/12	326.15	51.28	274.87	--	--	--	--	--
	2/21/13		45.31	280.84	--	--	--	--	--
	3/18/13		43.54	282.61	--	--	--	--	--
	4/12/13		42.59	283.56	--	--	--	--	--
	4/24/13		42.99	283.16	--	--	--	--	--
	5/8/13		44.98	281.17	--	--	--	--	--
	5/24/13		46.62	279.53	--	--	--	--	--
	6/10/13		45.31	280.84	--	--	--	--	--
	6/21/13		45.62	280.53	--	--	--	--	--
	8/12/13		50.40	275.75	--	--	--	--	--
	4/23/14		42.20	283.95	--	--	--	--	--
	6/23/14		41.80	284.35	--	--	--	--	--
	9/29/14		45.39	280.76	--	--	--	--	--
	12/10/14		46.82	279.33	--	--	--	--	--
	5/4/15		NM	--	--	--	--	--	--
	6/23/15		50.06	276.09	--	--	--	--	--
	9/11/15		56.58	269.57	--	--	--	--	--
	12/9/15		NM	--	--	--	--	--	--
	4/11/16		42.93	283.22	--	--	--	--	--
	6/29/16		49.65	276.5	--	--	--	--	--
	9/2/16		59.28	266.87	--	--	--	--	--
	12/9/16		45.09	281.06	--	--	--	--	--
	4/14/17		42.37	283.78	--	--	--	--	--
	6/6/17		43.29	282.86	--	--	--	--	--
	9/15/17		60.07	266.08	--	--	--	--	--
	12/8/17		47.15	279	--	--	--	--	--

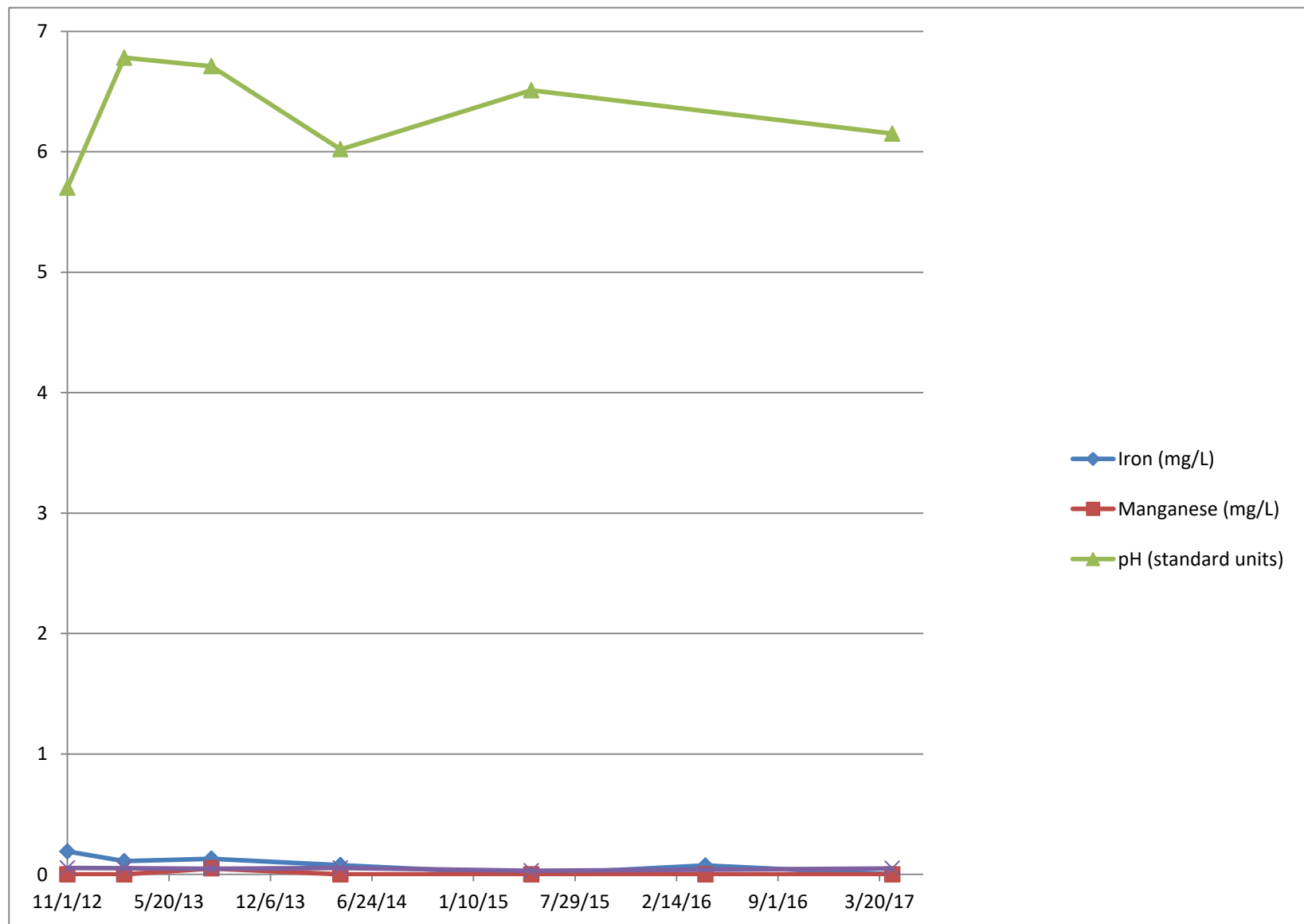
Table 1 (Continued)
Groundwater Data
Shaw Brothers Construction- O-Pit
Nash Road
Windham, ME

Monitoring Well ID	Sample Collection Date	Field Data							
		Well Elevation (feet above mean sea level)	Depth to Water (feet below top of casing)	Static Water Level (feet above mean sea level)	pH (standard units)	Specific Conductance (mS/cm)	Manganese (mg/L)	Iron (mg/L)	Nitrate (mg/L)
MW-12	11/1/12	379.83	28.70	351.13	5.70	0.053	0.04J	0.19	ND
	2/21/13		28.78	351.05	6.78	0.052	0.03J	0.11	0.1J
	3/18/13		23.68	356.15	--	--	--	--	--
	4/12/13		24.17	355.66	--	--	--	--	--
	4/24/13		26.56	353.27	--	--	--	--	--
	5/8/13		30.50	349.33	--	--	--	--	--
	5/24/13		28.68	351.15	--	--	--	--	--
	6/10/13		28.89	350.94	--	--	--	--	--
	6/21/13		28.45	351.38	--	--	--	--	--
	8/12/13		28.70	351.13	6.71	0.048	0.05	0.13	0.5
	4/23/14		23.80	356.03	6.02	0.053	ND	0.077	--
	6/23/14		26.80	353.03	--	--	--	--	--
	9/29/14		28.73	351.10	--	--	--	--	--
	12/10/14		23.32	356.51	--	--	--	--	--
	5/4/15		24.70	355.13	6.51	0.030	ND	ND	--
	6/23/15		38.68	341.15	--	--	--	--	--
	9/11/15		49.09	330.74	--	--	--	--	--
	12/9/15		NM	--	--	--	--	--	--
	4/11/16		24.91	354.92	--	--	ND	0.074	--
	6/29/16		39.40	340.43	--	--	--	--	--
	9/2/16		51.45	328.38	--	--	--	--	--
	12/9/16		25.83	354.00	--	--	--	--	--
	4/14/17		23.04	356.79	6.15	0.050	ND	ND	--
	6/6/17		25.45	354.38	--	--	--	--	--
	9/15/17		51.58	328.25	--	--	--	--	--
	12/8/17		26.93	352.90	--	--	--	--	--
MW-13	11/1/12	353.96	26.50	327.46	--	--	--	--	--
	2/21/13		28.29	325.67	--	--	--	--	--
	3/18/13		22.51	331.45	--	--	--	--	--
	4/12/13		22.50	331.46	--	--	--	--	--
	4/24/13		24.21	329.75	--	--	--	--	--
	5/8/13		28.32	325.64	--	--	--	--	--
	5/24/13		29.25	324.71	--	--	--	--	--
	6/10/13		25.81	328.15	--	--	--	--	--
	6/21/13		26.52	327.44	--	--	--	--	--
	8/12/13		26.50	327.46	--	--	--	--	--
	4/23/14		24.90	329.06	--	--	--	--	--
	6/23/14		21.20	332.76	--	--	--	--	--
	9/29/14		29.54	324.42	--	--	--	--	--
	12/10/14		23.45	330.51	--	--	--	--	--
	5/4/15		20.30	333.66	--	--	--	--	--
	6/23/15		34.14	319.82	--	--	--	--	--
	9/11/15		40.17	313.79	--	--	--	--	--
	12/9/15		NM	--	--	--	--	--	--
	4/11/16		23.98	329.98	--	--	--	--	--
	6/29/16		34.64	319.32	--	--	--	--	--
	9/2/16		42.56	311.40	--	--	--	--	--
	12/9/16		23.48	330.48	--	--	--	--	--
	4/14/17		21.90	332.06	--	--	--	--	--
	6/6/17		23.89	330.07	--	--	--	--	--
	9/15/17		42.24	311.72	--	--	--	--	--
	12/8/17		27.71	326.25	--	--	--	--	--

Trend Plot 1
MW-1 Groundwater Data
Shaw Brothers Construction- O-Pit
Nash Road
Windham, ME



Trend Plot 2
MW-12 Groundwater Data
Shaw Brothers Construction- O-Pit
Nash Road
Windham, ME



ATTACHMENT A
2017 Laboratory Report



ANALYTICAL REPORT

Lab Number:	L1711922
Client:	St.Germain Collins 846 Main Street Westbrook, ME 04092-2847
ATTN:	Brian Bachmann
Phone:	(207) 591-7000
Project Name:	SHAW O-PIT
Project Number:	3548
Report Date:	04/20/17

The original project report/data package is held by Alpha Analytical. This report/data package is paginated and should be reproduced only in its entirety. Alpha Analytical holds no responsibility for results and/or data that are not consistent with the original.

Certifications & Approvals: MA (M-MA086), NH NELAP (2064), NJ NELAP (MA935), CT (PH-0574), IL (200077), ME (MA00086), MD (348), NY (11148), NC (25700/666), PA (68-03671), RI (LAO00065), TX (T104704476), VT (VT-0935), VA (460195), USDA (Permit #P330-14-00197).

Eight Walkup Drive, Westborough, MA 01581-1019
508-898-9220 (Fax) 508-898-9193 800-624-9220 - www.alphalab.com



Project Name: SHAW O-PIT
Project Number: 3548

Lab Number: L1711922
Report Date: 04/20/17

Alpha Sample ID	Client ID	Matrix	Sample Location	Collection Date/Time	Receive Date
L1711922-01	MW-1	WATER	WINDHAM, ME	04/14/17 08:42	04/14/17
L1711922-02	MW-12	WATER	WINDHAM, ME	04/14/17 09:27	04/14/17

Project Name: SHAW O-PIT
Project Number: 3548

Lab Number: L1711922
Report Date: 04/20/17

Case Narrative

The samples were received in accordance with the Chain of Custody and no significant deviations were encountered during the preparation or analysis unless otherwise noted. Sample Receipt, Container Information, and the Chain of Custody are located at the back of the report.

Results contained within this report relate only to the samples submitted under this Alpha Lab Number and meet NELAP requirements for all NELAP accredited parameters unless otherwise noted in the following narrative. The data presented in this report is organized by parameter (i.e. VOC, SVOC, etc.). Sample specific Quality Control data (i.e. Surrogate Spike Recovery) is reported at the end of the target analyte list for each individual sample, followed by the Laboratory Batch Quality Control at the end of each parameter. Tentatively Identified Compounds (TICs), if requested, are reported for compounds identified to be present and are not part of the method/program Target Compound List, even if only a subset of the TCL are being reported. If a sample was re-analyzed or re-extracted due to a required quality control corrective action and if both sets of data are reported, the Laboratory ID of the re-analysis or re-extraction is designated with an "R" or "RE", respectively. When multiple Batch Quality Control elements are reported (e.g. more than one LCS), the associated samples for each element are noted in the grey shaded header line of each data table. Any Laboratory Batch, Sample Specific % recovery or RPD value that is outside the listed Acceptance Criteria is bolded in the report. All specific QC information is also incorporated in the Data Usability format of our Data Merger tool where it can be reviewed along with any associated usability implications. Soil/sediments, solids and tissues are reported on a dry weight basis unless otherwise noted. Definitions of all data qualifiers and acronyms used in this report are provided in the Glossary located at the back of the report.

In reference to questions H (CAM) or 4 (RCP) when "NO" is checked, the performance criteria for CAM and RCP methods allow for some quality control failures to occur and still be within method compliance. In these instances the specific failure is not narrated but noted in the associated QC table. The information is also incorporated in the Data Usability format of our Data Merger tool where it can be reviewed along with any associated usability implications.

Please see the associated ADEx data file for a comparison of laboratory reporting limits that were achieved with the regulatory Numerical Standards requested on the Chain of Custody.

HOLD POLICY

For samples submitted on hold, Alpha's policy is to hold samples (with the exception of Air canisters) free of charge for 21 calendar days from the date the project is completed. After 21 calendar days, we will dispose of all samples submitted including those put on hold unless you have contacted your Client Service Representative and made arrangements for Alpha to continue to hold the samples. Air canisters will be disposed after 3 business days from the date the project is completed.

Please contact Client Services at 800-624-9220 with any questions.

I, the undersigned, attest under the pains and penalties of perjury that, to the best of my knowledge and belief and based upon my personal inquiry of those responsible for providing the information contained in this analytical report, such information is accurate and complete. This certificate of analysis is not complete unless this page accompanies any and all pages of this report.

Authorized Signature:

 Kara Lindquist

Title: Technical Director/Representative

Date: 04/20/17

METALS

Project Name: SHAW O-PIT

Lab Number: L1711922

Project Number: 3548

Report Date: 04/20/17

SAMPLE RESULTS

Lab ID: L1711922-01

Date Collected: 04/14/17 08:42

Client ID: MW-1

Date Received: 04/14/17

Sample Location: WINDHAM, ME

Field Prep: Not Specified

Matrix: Water

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Prep Method	Analytical Method	Analyst
Total Metals - Mansfield Lab											
Iron, Total	0.10		mg/l	0.05	--	1	04/18/17 12:17	04/19/17 13:16	EPA 3005A	1,6010C	PS
Manganese, Total	0.104		mg/l	0.010	--	1	04/18/17 12:17	04/19/17 13:16	EPA 3005A	1,6010C	PS



Project Name: SHAW O-PIT

Lab Number: L1711922

Project Number: 3548

Report Date: 04/20/17

SAMPLE RESULTS

Lab ID: L1711922-02

Date Collected: 04/14/17 09:27

Client ID: MW-12

Date Received: 04/14/17

Sample Location: WINDHAM, ME

Field Prep: Not Specified

Matrix: Water

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Prep Method	Analytical Method	Analyst
Total Metals - Mansfield Lab											
Iron, Total	ND		mg/l	0.05	--	1	04/18/17 12:17	04/19/17 13:20	EPA 3005A	1,6010C	PS
Manganese, Total	ND		mg/l	0.010	--	1	04/18/17 12:17	04/19/17 13:20	EPA 3005A	1,6010C	PS



Project Name: SHAW O-PIT

Lab Number: L1711922

Project Number: 3548

Report Date: 04/20/17

Method Blank Analysis Batch Quality Control

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Analytical Method	Analyst
Total Metals - Mansfield Lab for sample(s): 01-02 Batch: WG995197-1										
Iron, Total	ND		mg/l	0.05	--	1	04/18/17 12:17	04/19/17 11:37	1,6010C	PS
Manganese, Total	ND		mg/l	0.010	--	1	04/18/17 12:17	04/19/17 11:37	1,6010C	PS

Prep Information

Digestion Method: EPA 3005A

Lab Control Sample Analysis

Batch Quality Control

Project Name: SHAW O-PIT

Project Number: 3548

Lab Number: L1711922

Report Date: 04/20/17

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Total Metals - Mansfield Lab Associated sample(s): 01-02 Batch: WG995197-2								
Iron, Total	110		-		80-120	-		
Manganese, Total	100		-		80-120	-		

Matrix Spike Analysis Batch Quality Control

Project Name: SHAW O-PIT
Project Number: 3548

Lab Number: L1711922
Report Date: 04/20/17

Parameter	Native Sample	MS Added	MS Found	MS %Recovery	Qual	MSD Found	MSD %Recovery	Qual	Recovery Limits	RPD	Qual	RPD Limits
Total Metals - Mansfield Lab Associated sample(s): 01-02 QC Batch ID: WG995197-3 QC Sample: L1711804-01 Client ID: MS Sample												
Iron, Total	ND	1	1.1	110		-	-		75-125	-		20
Manganese, Total	ND	0.5	0.518	104		-	-		75-125	-		20

Project Name: SHAW O-PIT

Project Number: 3548

Lab Number: L1711922

Report Date: 04/20/17

Sample Receipt and Container Information

Were project specific reporting limits specified? YES

Cooler Information Custody Seal**Cooler**

A Absent

Container Information

Container ID	Container Type	Cooler	pH	Temp deg C	Pres	Seal	Analysis(*)
L1711922-01A	Plastic 250ml HNO3 preserved	A	<2	2.6	Y	Absent	FE-TI(180),MN-TI(180)
L1711922-02A	Plastic 250ml HNO3 preserved	A	<2	2.6	Y	Absent	FE-TI(180),MN-TI(180)

*Values in parentheses indicate holding time in days

Project Name: SHAW O-PIT**Lab Number:** L1711922**Project Number:** 3548**Report Date:** 04/20/17

GLOSSARY

Acronyms

EDL	- Estimated Detection Limit: This value represents the level to which target analyte concentrations are reported as estimated values, when those target analyte concentrations are quantified below the reporting limit (RL). The EDL includes any adjustments from dilutions, concentrations or moisture content, where applicable. The use of EDLs is specific to the analysis of PAHs using Solid-Phase Microextraction (SPME).
EPA	- Environmental Protection Agency.
LCS	- Laboratory Control Sample: A sample matrix, free from the analytes of interest, spiked with verified known amounts of analytes or a material containing known and verified amounts of analytes.
LCSD	- Laboratory Control Sample Duplicate: Refer to LCS.
LFB	- Laboratory Fortified Blank: A sample matrix, free from the analytes of interest, spiked with verified known amounts of analytes or a material containing known and verified amounts of analytes.
MDL	- Method Detection Limit: This value represents the level to which target analyte concentrations are reported as estimated values, when those target analyte concentrations are quantified below the reporting limit (RL). The MDL includes any adjustments from dilutions, concentrations or moisture content, where applicable.
MS	- Matrix Spike Sample: A sample prepared by adding a known mass of target analyte to a specified amount of matrix sample for which an independent estimate of target analyte concentration is available.
MSD	- Matrix Spike Sample Duplicate: Refer to MS.
NA	- Not Applicable.
NC	- Not Calculated: Term is utilized when one or more of the results utilized in the calculation are non-detect at the parameter's reporting unit.
NDPA/DPA	- N-Nitrosodiphenylamine/Diphenylamine.
NI	- Not Ignitable.
NP	- Non-Plastic: Term is utilized for the analysis of Atterberg Limits in soil.
RL	- Reporting Limit: The value at which an instrument can accurately measure an analyte at a specific concentration. The RL includes any adjustments from dilutions, concentrations or moisture content, where applicable.
RPD	- Relative Percent Difference: The results from matrix and/or matrix spike duplicates are primarily designed to assess the precision of analytical results in a given matrix and are expressed as relative percent difference (RPD). Values which are less than five times the reporting limit for any individual parameter are evaluated by utilizing the absolute difference between the values; although the RPD value will be provided in the report.
SRM	- Standard Reference Material: A reference sample of a known or certified value that is of the same or similar matrix as the associated field samples.
STLP	- Semi-dynamic Tank Leaching Procedure per EPA Method 1315.
TIC	- Tentatively Identified Compound: A compound that has been identified to be present and is not part of the target compound list (TCL) for the method and/or program. All TICs are qualitatively identified and reported as estimated concentrations.

Footnotes

- 1 - The reference for this analyte should be considered modified since this analyte is absent from the target analyte list of the original method.

Terms

Total: With respect to Organic analyses, a 'Total' result is defined as the summation of results for individual isomers or Aroclors. If a 'Total' result is requested, the results of its individual components will also be reported. This is applicable to 'Total' results for methods 8260, 8081 and 8082.

Analytical Method: Both the document from which the method originates and the analytical reference method. (Example: EPA 8260B is shown as 1,8260B.) The codes for the reference method documents are provided in the References section of the Addendum.

Data Qualifiers

- A** - Spectra identified as "Aldol Condensation Product".
- B** - The analyte was detected above the reporting limit in the associated method blank. Flag only applies to associated field samples that have detectable concentrations of the analyte at less than ten times (10x) the concentration found in the blank. For MCP-related projects, flag only applies to associated field samples that have detectable concentrations of the analyte at less than ten times (10x) the concentration found in the blank. For DOD-related projects, flag only applies to associated field samples that have detectable concentrations of the analyte at less than ten times (10x) the concentration found in the blank AND the analyte was detected above one-half the reporting limit (or above the reporting limit for common lab contaminants) in the associated method blank. For NJ-Air-related projects, flag only applies to associated field samples that have detectable concentrations of the analyte above the reporting limit. For NJ-related projects (excluding Air), flag only applies to associated field samples that have detectable concentrations of the analyte, which was detected above the reporting limit in the associated method blank or above five times the

Report Format: Data Usability Report



Project Name: SHAW O-PIT**Lab Number:** L1711922**Project Number:** 3548**Report Date:** 04/20/17**Data Qualifiers**

- reporting limit for common lab contaminants (Phthalates, Acetone, Methylene Chloride, 2-Butanone).
- C** - Co-elution: The target analyte co-elutes with a known lab standard (i.e. surrogate, internal standards, etc.) for co-extracted analyses.
- D** - Concentration of analyte was quantified from diluted analysis. Flag only applies to field samples that have detectable concentrations of the analyte.
- E** - Concentration of analyte exceeds the range of the calibration curve and/or linear range of the instrument.
- G** - The concentration may be biased high due to matrix interferences (i.e. co-elution) with non-target compound(s). The result should be considered estimated.
- H** - The analysis of pH was performed beyond the regulatory-required holding time of 15 minutes from the time of sample collection.
- I** - The lower value for the two columns has been reported due to obvious interference.
- M** - Reporting Limit (RL) exceeds the MCP CAM Reporting Limit for this analyte.
- NJ** - Presumptive evidence of compound. This represents an estimated concentration for Tentatively Identified Compounds (TICs), where the identification is based on a mass spectral library search.
- P** - The RPD between the results for the two columns exceeds the method-specified criteria.
- Q** - The quality control sample exceeds the associated acceptance criteria. For DOD-related projects, LCS and/or Continuing Calibration Standard exceedences are also qualified on all associated sample results. Note: This flag is not applicable for matrix spike recoveries when the sample concentration is greater than 4x the spike added or for batch duplicate RPD when the sample concentrations are less than 5x the RL. (Metals only.)
- R** - Analytical results are from sample re-analysis.
- RE** - Analytical results are from sample re-extraction.
- S** - Analytical results are from modified screening analysis.
- J** - Estimated value. This represents an estimated concentration for Tentatively Identified Compounds (TICs).
- ND** - Not detected at the reporting limit (RL) for the sample.

Project Name: SHAW O-PIT
Project Number: 3548

Lab Number: L1711922
Report Date: 04/20/17

REFERENCES

- 1 Test Methods for Evaluating Solid Waste: Physical/Chemical Methods. EPA SW-846. Third Edition. Updates I - IV, 2007.

LIMITATION OF LIABILITIES

Alpha Analytical performs services with reasonable care and diligence normal to the analytical testing laboratory industry. In the event of an error, the sole and exclusive responsibility of Alpha Analytical shall be to re-perform the work at it's own expense. In no event shall Alpha Analytical be held liable for any incidental, consequential or special damages, including but not limited to, damages in any way connected with the use of, interpretation of, information or analysis provided by Alpha Analytical.

We strongly urge our clients to comply with EPA protocol regarding sample volume, preservation, cooling, containers, sampling procedures, holding time and splitting of samples in the field.



Alpha Analytical, Inc.

ID No.:17873

Facility: **Company-wide**

Revision 10

Department: **Quality Assurance**

Published Date: 1/16/2017 11:00:05 AM

Title: **Certificate/Approval Program Summary**

Page 1 of 1

Certification Information

The following analytes are not included in our Primary NELAP Scope of Accreditation:

Westborough Facility**EPA 624:** m/p-xylene, o-xylene**EPA 8260C:** NPW: 1,2,4,5-Tetramethylbenzene; 4-Ethyltoluene, Azobenzene; SCM: Iodomethane (methyl iodide), Methyl methacrylate, 1,2,4,5-Tetramethylbenzene; 4-Ethyltoluene.**EPA 8270D:** NPW: Dimethylnaphthalene,1,4-Diphenylhydrazine; SCM: Dimethylnaphthalene,1,4-Diphenylhydrazine.**EPA 300:** DW: Bromide**EPA 6860:** NPW and SCM: Perchlorate**EPA 9010:** NPW and SCM: Amenable Cyanide Distillation**EPA 9012B:** NPW: Total Cyanide**EPA 9050A:** NPW: Specific Conductance**SM3500:** NPW: Ferrous Iron**SM4500:** NPW: Amenable Cyanide, Dissolved Oxygen; SCM: Total Phosphorus, TKN, NO₂, NO₃.**SM5310C:** DW: Dissolved Organic Carbon**Mansfield Facility****SM 2540D:** TSS**EPA 3005A** NPW**EPA 8082A:** NPW: PCB: 1, 5, 31, 87,101, 110, 141, 151, 153, 180, 183, 187.**EPA TO-15:** Halothane, 2,4,4-Trimethyl-2-pentene, 2,4,4-Trimethyl-1-pentene, Thiophene, 2-Methylthiophene,

3-Methylthiophene, 2-Ethylthiophene, 1,2,3-Trimethylbenzene, Indan, Indene, 1,2,4,5-Tetramethylbenzene, Benzothiophene, 1-Methylnaphthalene.

Biological Tissue Matrix: EPA 3050B

The following analytes are included in our Massachusetts DEP Scope of Accreditation

Westborough Facility:**Drinking Water****EPA 300.0:** Nitrate-N, Fluoride, Sulfate; **EPA 353.2:** Nitrate-N, Nitrite-N; **SM4500NO3-F:** Nitrate-N, Nitrite-N; **SM4500F-C, SM4500CN-CE, EPA 180.1, SM2130B, SM4500CI-D, SM2320B, SM2540C, SM4500H-B****EPA 332:** Perchlorate; **EPA 524.2:** THMs and VOCs; **EPA 504.1:** EDB, DBCP.**Microbiology:** **SM9215B; SM9223-P/A, SM9223B-Colilert-QT, SM9222D.****Non-Potable Water****SM4500H,B, EPA 120.1, SM2510B, SM2540C, SM2320B, SM4500CL-E, SM4500F-BC, SM4500NH3-BH, EPA 350.1:** Ammonia-N, **LACHAT 10-107-06-1-B:** Ammonia-N, **SM4500NO3-F, EPA 353.2:** Nitrate-N, **EPA 351.1, SM4500P-E, SM4500P-B, E, SM4500SO4-E, SM5220D, EPA 410.4, SM5210B, SM5310C, SM4500CL-D, EPA 1664, EPA 420.1, SM4500-CN-CE, SM2540D.****EPA 624:** Volatile Halocarbons & Aromatics,**EPA 608:** Chlordane, Toxaphene, Aldrin, alpha-BHC, beta-BHC, gamma-BHC, delta-BHC, Dieldrin, DDD, DDE, DDT, Endosulfan I, Endosulfan II, Endosulfan sulfate, Endrin, Endrin Aldehyde, Heptachlor, Heptachlor Epoxide, PCBs**EPA 625:** SVOC (Acid/Base/Neutral Extractables), **EPA 600/4-81-045:** PCB-Oil.**Microbiology:** **SM9223B-Colilert-QT; Enterolert-QT, SM9221E.****Mansfield Facility:****Drinking Water****EPA 200.7:** Ba, Be, Cd, Cr, Cu, Ni, Na, Ca. **EPA 200.8:** Sb, As, Ba, Be, Cd, Cr, Cu, Pb, Ni, Se, TL. **EPA 245.1 Hg.****Non-Potable Water****EPA 200.7:** Al, Sb, As, Be, Cd, Ca, Cr, Co, Cu, Fe, Pb, Mg, Mn, Mo, Ni, K, Se, Ag, Na, Sr, TL, Ti, V, Zn.**EPA 200.8:** Al, Sb, As, Be, Cd, Cr, Cu, Pb, Mn, Ni, Se, Ag, TL, Zn.**EPA 245.1 Hg.****SM2340B**

For a complete listing of analytes and methods, please contact your Alpha Project Manager.

PAGE OF



320 Forbes Blvd
Mansfield, MA 02048
Tel: 508-822-9300

Client: St. Germain Collins

Address: 846 Main St.

Westbrook, ME

Phone: 207-591-7000

Email: brownb@germaincollins

Additional Project Information:

Project Name: Shaw O.- P.H

Project Location: Windham, ME

Project #: 3548

Project Manager: Brian Bachmann

ALPHA Quote #:

☒ Standard ☐ RUSH (only confirmed if pre-approved!)

Date Due:

Date Rec'd in Lab:

Report Information - Data Deliverables

☒ ADEx ☒ EMAIL

ALPHA Job #: 61711922

Billing Information

☐ Same as Client info PO #:

Regulatory Requirements & Project Information Requirements

☐ Yes ☐ No MA MCP Analytical Methods ☐ Yes ☐ No CT RCP Analytical Methods
☐ Yes ☐ No Matrix Spike Required on this SDG? (Required for MCP Inorganics)
☐ Yes ☐ No GW1 Standards (Info Required for Metals & EPH with Targets)
☐ Yes ☐ No NPDES RGP
☐ Other State /Fed. Program Criteria

[illegible]

BOOK #

[illegible]

Container Type

P= Plastic
 A= Amber glass
 V= Vial
 G= Glass
 B= Bacteria cup
 C= Cube
 O= Other
 E= Encore
 D= BOD Bottle

Preservative

A = None
B = HCl
C = HNO₃
D = H₂SO₄
E = NaOH
F = MeOH
G = NaHSO₄
H = Na₂S₂O₃
I = Ascorbic Acid
J = NH₄Cl
K = Zn Acetate
Q = Other

Container Type

Preservative

Relinquished By:

Date/Time

Received By:

Date/Time

All samples submitted are subject to Alpha's Terms and Conditions.
See reverse side.

FORM NO: 01-01 (rev. 12-Mar-2012)

APPENDIX 3

DEP PERMIT – WOODWASTE PROCESSING



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applicant



PAUL MERCER
COMMISSIONER

July 6, 2017

Mr. Parker Brown
S.B. Freeport, Inc.
341 Mosher Road
Gorham, Maine 04038

RE: PERMIT-BY-RULE WOODWASTE PROCESSING FACILITY
DEP # S-022491-WK-A-P

Dear Mr. Brown:

The Department has reviewed the application of S.B. Freeport, Inc. for a permit-by-rule woodwaste processing facility. The application is complete and complies with the application requirements in Chapter 409, Section 7 of the *Maine Solid Waste Management Rules* (last amended July 27, 2014). The woodwaste processing facility will be located at the Shaw Brothers "O-Pit" on Nash Road in Windham.

This permit-by-rule is subject to the following conditions:

1. The Standard Conditions of Approval, a copy attached.
2. The processing facility may only handle woodwaste. It may not accept for processing any painted wood, treated wood, chipboard, plastic, wood with fasteners, nails, paint or coatings, or wood that is otherwise contaminated.
3. Storage areas for stumps and grindings shall be limited to a total of one (1) acre. Individual storage piles may not exceed 10,000 square feet. The total waste handling area may not exceed three (3) acres. Processed wood wastes must be distributed for use or disposal within two years of receipt at the facility. The facility annual report must be submitted by February 28 of each year for the previous calendar year.
4. The facility must be operated in compliance with Chapter 409, Section 7 of the *Maine Solid Waste Management Rules*.

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

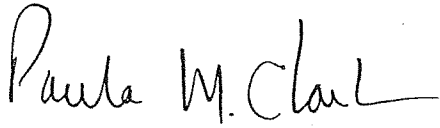
PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

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

S.B. Freeport, Inc.
Permit-by-Rule Wood Waste Processing Facility – “O-Pit”, Windham
DEP # S-022491-WK-A-P
Page 2 of 2

If you have any questions, please contact Randy McMullin in the Southern Maine Regional Office, at 822-6300.

Sincerely,

A handwritten signature in black ink, reading "Paula M. Clark". The signature is fluid and cursive, with the first name "Paula" being the most prominent.

Paula M. Clark, Director
Division of Materials Management
Bureau of Remediation and Waste Management

cc: Randy McMullin, DEP (project file)
original order file

enclosure: Standard Conditions of Approval

STANDARD CONDITIONS TO ALL SOLID WASTE FACILITY LICENSES

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL. VIOLATIONS OF THE CONDITIONS UNDER WHICH A LICENSE IS ISSUED SHALL CONSTITUTE A VIOLATION OF THAT LICENSE AGAINST WHICH ENFORCEMENT ACTION MAY BE TAKEN, INCLUDING REVOCATION.

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 by the licensee. Any consequential variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
2. **Compliance with All Applicable Laws.** The licensee 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.
3. **Compliance with All Terms and Conditions of Approval.** The licensee shall submit all reports and information requested by the Department demonstrating that the licensee has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. **Transfer of License.** The licensee may not transfer the solid waste facility license or any portion thereof without approval of the Department.
5. **Initiation of Construction or Development Within Two Years.** If the construction or operation of the solid waste facility is not begun within two years of issuance of within 2 years after any administrative and judicial appeals have been resolved, the license lapses and the licensee must reapply to the Department for a new license unless otherwise approved by the Department.
6. **Approval Included in Contract Bids.** A copy of the approval must be included in or attached to all contract bid specifications for the solid waste facility.
7. **Approval Shown to Contractors.** Contractors must be shown the license by the licensee before commencing work on the solid waste facility.
8. **Background of key individuals.** A licensee may not knowingly hire as an officer, director or key solid waste facility employee, or knowingly acquire an equity interest or debt interest in, any person convicted of a felony or found to have violated a State or federal environmental law or rule without first obtaining the approval of the Department.
9. **Fees.** The licensee must comply with annual license and annual reporting fee requirements of the Department's rules.
10. **Recycling and Source Reduction Determination for Solid Waste Disposal Facilities.** This condition does not apply to the expansion of a commercial solid waste disposal facility that accepts only special waste for landfilling.

STANDARD CONDITIONS TO ALL SOLID WASTE FACILITY LICENSES

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

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



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION



PAUL MERCER
COMMISSIONER

**SOLID WASTE
ANNUAL LICENSE & ANNUAL REPORT FEE
INFORMATION SHEET
May 5, 2016**

ANNUAL LICENSE FEE (38 M.R.S. § 352)

All licensed solid waste facilities are required to pay an annual license fee. These fees assist in supporting the costs associated with the Department's ongoing license compliance activities. A facility's annual license fee is due on the anniversary date of the license (i.e. the date the license was signed).

To simplify the payment process for annual license fees, invoices will be sent out monthly to all facilities with an anniversary date falling within that month. The amount of the annual license fee is variable dependent upon the type of facility being operated. A current fee sheet is attached for your information. To determine the fee that your facility will be assessed on an annual basis, locate the type of facility for which you are licensed in the left-hand column. Follow across to the middle column headed "License Fee" to locate the amount of the fee. If you hold multiple solid waste licenses from the Department, you will be assessed the appropriate fee for each facility at the time of the license anniversary date.

Example: Facility X is issued a license (or renewal of a long-pending disposal facility license) on February 10, 2015. The fee will be due annually beginning March 31, 2016.

38 M.R.S. §1310-N(6-D) allows a license for a solid waste facility, except those for a landfill, to be surrendered with Department approval. The Department allows this when a facility is closed in accordance with the solid waste management rules for that type of facility, once the appropriate form is filed. Once the Department completes the surrender, future licensing fees will not be assessed. The statute does not allow the surrender of licenses for landfills. However, once Department staff confirm closure of a landfill is completed, a landfill will not be billed for future licensing fees. A facility that has been placed on inactive status at the owner/operator's request is not required to pay annual licensing fees while on inactive status.

ANNUAL REPORT FEE (38 M.R.S. § 1310-N(6-D))

Solid waste facilities which have been licensed or relicensed under applicable rules valid on or after May 24, 1989 remain in effect unless modified, revoked, or suspended under 38 M.R.S. § 341-D(3), or surrendered under 38 M.R.S. §1310-N(6-D). Instead of relicensing, facilities are

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04553-0017
(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) 760-5143

SOLID WASTE ANNUAL LICENSE & ANNUAL REPORT FEE INFORMATION SHEET

required, in part, to comply with annual facility reporting rules and, beginning 5 years after the license issue date, to pay the associated annual report fee. The annual report fee assists in supporting the solid waste program's licensing and compliance (including reviews of annual reports) activities.

The annual report fee is to be paid at the time the annual report is submitted. . A current fee sheet is attached for your information. To estimate the annual report fee that your facility will be assessed on an annual basis beginning 5 years after the license issuance date, locate the type of facility for which you are licensed in the left-hand column. Follow across to the far right-hand column headed "Report Fee" to locate the amount of the fee. If you hold multiple solid waste facility licenses from the Department, you will be required to submit the appropriate fee for each facility license with the annual report.

Example: Facility X is issued a license (or renewal of a long-pending disposal facility license) in 2015, in accordance with rules valid on or after May 24, 1989. Submission of the first annual report will be required in 2016, in accordance with the schedule in Chapter 400, Section 3(E) of the Solid Waste Management Rules. No fee is due with the report until 2020 – five years after the license issuance date.

38 M.R.S. §1310-N(6-D) allows a license for a solid waste facility, except those for a landfill, to be surrendered with Department approval. The Department allows this when a facility is closed in accordance with the solid waste management rules for that type of facility, once the appropriate form is filed. Once the Department completes the surrender, future annual reports are not required, and annual report fees will not be assessed. The statute does not allow the surrender of licenses for landfills, and landfills are required to continue post-closure care for a number of years. Until the Department confirms the end of the post-closure period, landfill owner/operators will remain responsible for filing annual reports and paying the annual report fees. A facility that has been placed on inactive status at the owner/operator's request is required to submit annual reports, and pay annual reporting fees, while on inactive status.

Please note that these fees are based on the Department's fee schedule. This schedule is adjusted in November of each year. The current fee schedule is available at <http://www.state.me.us/dep/feesched.pdf>. The annual license fee is found in the Licensing Fee column. The annual report fee will be 20% of the amount in the Licensing Fee column plus 50% of the amount in the Processing Fee column; this calculation is based on the annual report fees for 5 years being the same as the relicensing fee would have been.

APPENDIX 4

O-PIT TRAFFIC STUDY

Tom Biegel

From: Tom Biegel
Sent: Tuesday, May 28, 2013 4:12 PM
To: Ben Smith; hmcnally@town.windham.me.us
Cc: Dan Shaw
Subject: O pit requirements
Attachments: O pit noise readings.pdf

Ben & Heather,

Last February Steve Walton and I met with you out at our O Pit/Quarry on Nash Road for an inspection. During that inspection, you provided a list of requirements from the original approval. We have now completed all of these requirements as stated in my response below:

- Former entrance has been tiered, loamed and seeded.
- White pines have been planted.
- Quarry entrance has been paved.
- Security gate has been installed.
- Storm water detention pond is complete for phase 1 and working as designed.
- We (as well as the Town) maintain a complaint log.
- A sound/noise test has been performed by Willis of Northern New England, Inc. and the results are attached.
- A traffic count has been performed for the period between May 6, 2013 and May 10, 2013. The results were an average count of 17 trucks per day or 1.7 trucks per hour which is significantly less than the 36 trips per hour allowed.
- A temporary fence has been installed around the active portion of the quarry on the berm.

If you have any questions or need any additional information, please feel free to give me a call.

Sincerely,

Tom Biegel, CFO
Shaw Brothers Construction, Inc
Direct 207-222-8108
Office 207-839-2552 x113
Cell 207-671-2552

Plan signed May 14, 2012

APPENDIX 5

O-PIT NOISE SURVEY



Willis of Northern New England, Inc
Loss Control Services
30 Pineland Drive, Bldg 2
New Gloucester, Maine 04260
Phone: 207-688-1201

May 21, 2013

Tom Biegel
Shaw Brothers Construction, Inc.
P.O. Box 69
Gorham, Maine 04038

Dear Tom,

On May 14th we conducted a noise survey of the stone pit at the corner of Nash Road and Rte 302 in Windham using a Quest Micro-15 noise dosimeter. The boundary sound level readings are listed below:

Southwest corner—50.4 decibels
Southeast wet pond---50.4 decibels
West entrance---50.4 with no traffic; 64.4 when cars went by; 68.0 when a large truck passed

Please let me know if you have further questions.

Sincerely,

A handwritten signature in cursive script that reads "Don Stieg".

Don Stieg
Loss Control Manager, ext. 1020

pc: Larry Albee, Willis NNE
Michelle Thomas, Willis NNE