

NOTE TO PLANNING BOARD
December 11, 2020
From Wayne Marshall, Project Planner

The Planning Board, at your December 9 meeting, reviewed and provided direction on the updated Conditions of Approval that I prepared. In your review of Condition 17 regarding Hazardous Wastes and Management of Hazardous or Special Wastes, Hugh Townsend asked about the City including a Condition that required Nordic to prepare an overview Emergency Response Plan. I replied that this language was essentially included in other Conditions.

I went back and reviewed all of the Conditions that I recommended to the Board. I was somewhat surprised that I had not included language similar to a DEP SLODA/NRPA Permit Condition(s), Conditions 17 and 18 in their permit, that I had flagged to include in the Board's Conditions based on past direction provided by the Board.

I have provided the language that is in the DEP Conditions 17 and 18 below, and have followed such with how I would propose this language be included in the Planning Board's Conditions. I would recommend that the Board consider this change at your meeting of December 16. That said, at present, I doubt that I will have the complete text of the Findings of Fact for the Site Plan Permit until your meeting of December 21.

EXCERPT FROM DEP NRPA/SLODA FINAL PERMIT CONDITIONS

17. The applicant shall develop an emergency response and facility closure plan that identifies worst case scenarios, including unanticipated disease outbreak and spread, unanticipated fish die-off, and unanticipated closure of the wastewater treatment facility or the facility as a whole. The plan may be a standalone document or incorporated into an overall operations and maintenance plan for the facility. The emergency response and facility closure plan must establish thresholds that trigger implementation of the plan. For the scenarios accounted for in the plan, the plan must identify all possible solid waste types and potential volumes associated with each phase of operation, including those types of solid waste identified by Nordic in its application and additional waste types associated with closure of the wastewater treatment facility and facility as a whole, if any. The plan also must address how each type of solid waste will be handled and disposed. The plan, which may be developed sequentially with each phase, must be submitted to the Department for review and approval prior to construction of the corresponding phase of development.
18. The applicant shall implement the emergency response and facility closure plan should a triggering event occur.

PROPOSED LANGUAGE FOR PLANNING BOARD CONDITION

18. Emergency Response Plan.

18.1 Requirement to Prepare and Submit Plan to City. The Maine Department of Environmental Protection (DEP), in the Site Location of Development Act/Natural Resources Protection Act (NRPA/SLODA) Permit that it issued to Nordic, reference Conditions 17 and 18 in the DEP NRPA/SLODA Permit, requires Nordic to develop an emergency response and facility closure plan that identifies worst case scenarios, including unanticipated disease outbreak and spread, unanticipated fish die-off, and unanticipated closure of the wastewater treatment facility or the facility as a whole. The DEP stipulated that this plan may be a standalone document or incorporated into an overall operations and maintenance plan for the facility, and that the emergency response and facility closure plan must establish thresholds that trigger implementation of the plan. Continuing, for the scenarios accounted for in the plan, Nordic must identify all possible solid waste types and potential volumes associated with each phase of operation, including those types of solid waste identified by Nordic in its application and additional waste types associated with closure of the wastewater treatment facility and facility as a whole, if any, and must address how each type of solid waste will be handled and disposed. Lastly, the DEP determined that the plan may be developed sequentially with each phase, and that it must be submitted to the DEP for review and approval prior to construction of the corresponding phase of development.

The Planning Board requires Nordic to concurrently submit to the Code and Planning Department the above referenced Emergency Response Plan that will be presented to the DEP. The Code and Planning Department shall have an opportunity to review the Emergency Response Plan and to identify additional specific measures, if any, that Nordic shall be required to incorporate into a similar Plan to address concerns identified in this Site Plan Permit, or other Permits issued by the Planning Board or the Code Enforcement Officer. This Plan will be considered Nordic's Emergency Response and Closure Plan for the City of Belfast. The Code and Planning Department must accept this Plan prior to the start of any construction on Phase I and Phase II.

18.2 Requirement to Implement Plan. Nordic shall implement the emergency response and facility closure plan should a triggering event occur, and shall immediately contact the Code and Planning Department to inform the Code Enforcement Officer that they have implemented the emergency response and facility closure plan and shall regularly inform the Code Enforcement Officer of their implementation efforts. Post the duration and response to the event, Nordic shall provide a report to the Code Enforcement Officer that identifies the following: what caused the triggering event, the steps that Nordic implemented to address the event, how all wastes were properly disposed, overall adverse impacts,

if any, on Nordic's operations, and the measures that Nordic implemented to resume operations.