

TABLE
Comprehensive Site Summary Evaluation Sheets
750 Warren Ave., Portland, Maine

Required Actions:	
6 Accuracy of SWPPP and Related Records	
Required Actions:	

Certification:
I certify, under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based in my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledgeable and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.
Signature: _____

AI Mack, Manager
Date: _____

10.0 SPECIAL REQUIREMENTS

10.1 Discharges to Large Municipal Combined Sewer Systems

The Louis Mack facility does not discharge storm water to a municipal combined sewer system serving a population 100,000 or more; consequently, this special requirement is not applicable.

10.2 Facilities Under Construction

The Louis Mack facility is not under construction and the special requirements are not applicable.

10.3 Facilities with SPCC Plan

The Louis Mack facility does not have a Spill Prevention Control and Countermeasure Plan.

10.4 Facility Subject To SARA Title III Section 313 Requirements

The Louis Mack facility is not subject to SARA Title III Section 313 requirements since this facility does not handle toxic chemicals in amount exceeding threshold levels (as listed in 40 CFR 372.25).

Louis Mack Co. Inc.
750 Warren Ave., Portland, Maine

November 30, 2005

Appendix A
Completed Notice of Intent

**NOTICE OF INTENT TO COMPLY WITH MAINE MULTI-SECTOR GENERAL PERMIT FOR
STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY**

Submission of this Notice of Intent (NOI) constitutes the expressed intent of the entity in Section E to be authorized to discharge pollutants to waters of the State, from the facility or site identified in Section C, under DEP's Stormwater Multi-Sector General Permit (MSGP). Submission of the NOI also constitutes certification that the responsible official understands and meets the eligibility conditions of Part 1 of the MSGP, agrees to comply with all applicable terms and conditions of the MSGP, and understands that continued authorization under the MSGP is contingent on maintaining eligibility for coverage. In order to be granted coverage, all information required on this form must be completed and a \$500 check made payable to "Treasurer, State of Maine" is submitted with the NOI. Please read the instructions on the back of this NOI prior to completing this form.

A. Permit Selection
If a renewal Permit number assigned to your facility under the previous EPA Multi-Sector General Permit: Not Applicable

B. Facility Contact Information

Applicant Name: (Operator)	Mr. Alvin Mack	Applicant Mailing Address:	750 Warren Avenue
Town/City:	Portland	State:	ME
Unorganized Twp		Zip Code:	04103
Daytime phone: (with area code)	(207) 773-0273	Email if available:	A.G.Mack@art.net

C. Facility/Site Information

Facility/Site Name:	Louis Mack Co., Inc.	Latitude: (if known)		Longitude: (if known)	
Location Address:	750 Warren Avenue	Town/City:	Portland		
Street/P.O. Box:		State:	Maine	Zip Code:	04103
County:	Cumberland				

Permit Applicant: Private Tribal Federal State Other public entity

Does the facility discharge stormwater directly or indirectly into:
 Receiving water(s)? Name(s) of receiving waters: Presumpscot River
 A municipal separate stormwater sewer system (MS4)? Name(s) of MS4 operator:

The 4-digit Standard Industrial Classification (SIC) Code(s) or the 2-letter Activity Code(s) that best represent the primary products produced or services rendered by your facility and major co-located activities	Primary #:	5093	Secondary # (if applicable):	
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Applicable sector(s) of industrial activity, as designated in Part III (D)(5) of the MSGP, that include associated discharges that you seek to have covered under this permit (choose all that apply):

<input type="checkbox"/> Sector A	<input type="checkbox"/> Sector B	<input type="checkbox"/> Sector C	<input type="checkbox"/> Sector D	<input type="checkbox"/> Sector E	<input type="checkbox"/> Sector F
<input type="checkbox"/> Sector G	<input type="checkbox"/> Sector H	<input type="checkbox"/> Sector I	<input type="checkbox"/> Sector J	<input type="checkbox"/> Sector K	<input type="checkbox"/> Sector L
<input type="checkbox"/> Sector M	<input checked="" type="checkbox"/> Sector N	<input type="checkbox"/> Sector O	<input type="checkbox"/> Sector P	<input type="checkbox"/> Sector Q	<input type="checkbox"/> Sector R
<input type="checkbox"/> Sector S	<input type="checkbox"/> Sector T	<input type="checkbox"/> Sector U	<input type="checkbox"/> Sector V	<input type="checkbox"/> Sector W	<input type="checkbox"/> Sector X
<input type="checkbox"/> Sector Y	<input type="checkbox"/> Sector Z	<input type="checkbox"/> Sector AA	<input type="checkbox"/> Sector AB	<input type="checkbox"/> Sector AC	<input type="checkbox"/> Sector AD

D. Certification
By my signature below as a responsible official for the entity identified in Section C of this NOI, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted, that the information submitted is, to the best of my knowledge and belief, after inquiry with all other necessary individuals, true, accurate, and complete.

Printed Name:	Date:
Title:	Date:
Signature:	

Send the NOI form, with a check for \$300 made payable to "Treasurer, State of Maine" to Maine Dept. of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017.

OFFICE USE ONLY	CE#	Date Received	NOI #

Instructions for Completing the NOI Form

To complete this form, type or print, in the appropriate areas only. If printing, use uppercase letters. Make sure you have addressed all applicable questions and have made a photocopy for your records before sending the completed form to **Maine Dept. of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017.**

Section A: Permit Selection

If a renewal enter the permit number assigned to your facility under the October 30, 2000, EPA Multi-Sector General Permit. (this number begins with MER05...) **If you are a new permittee, leave this section blank.**

Section B: Facility Operator Information

1. Provide the legal name of the person, partnership, co-partnership, firm, company, corporation, association, trust, estate, governmental entity or other legal entity that operates the facility or site described in this application. The name of the operator may or may not be the same as the name of the facility. The responsible party is the legal entity that controls the facility's operations, rather than the plant or site manager.
2. Provide the telephone number of the facility operator.
3. Provide the mailing address of the facility operator. Include the street address or P. O. Box, city, state and zip code. All correspondence regarding the permit will be sent to this address, not the facility address in Section C.

Section C: Facility/Site Information

1. Enter the official or legal name of the facility or site.
2. Enter the complete street address (E911 in Maine), if no street address exists, provide a geographic description (e.g., Intersection of Routes 9 and 55), city/town, county, state and zip code. Do not use a P. O. Box.
3. Enter the latitude and longitude (if **known**) of the approximate center of the facility or site in **degrees/minutes/seconds**. Latitude and longitude can be obtained by using a GPS unit, or by searching for your facility's address on several commercial "map" sites on the Internet.
4. Place an 'X' in a box to indicate whether the facility is operated by a private, tribal federal, state, , or other public entity such as a city, town or county.
5. Indicate whether the facility or site discharges stormwater directly or indirectly into a receiving water(s) and/or a municipal separate storm sewer system (MS4). Enter the name(s) of the closest receiving water(s) which include but are not limited to a river, stream, brook, pond, lake, wetland, coastal wetland, ocean; i.e. unnamed tributary of Cold Brook or it may flow into an unnamed wetland. A MS4 is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are owned or operated by a state, city, town, county, district, association or other public body and is designed or used for collecting or conveying stormwater).
6. List your primary and secondary 4-digit Standard Industrial Classification (SIC) codes or 2-character Activity Codes that best describes the principal products or services provided at the facility or site identified in Section C of this application. See Table One Sectors of Industrial Activity in the MSGP.

Section D: Certification

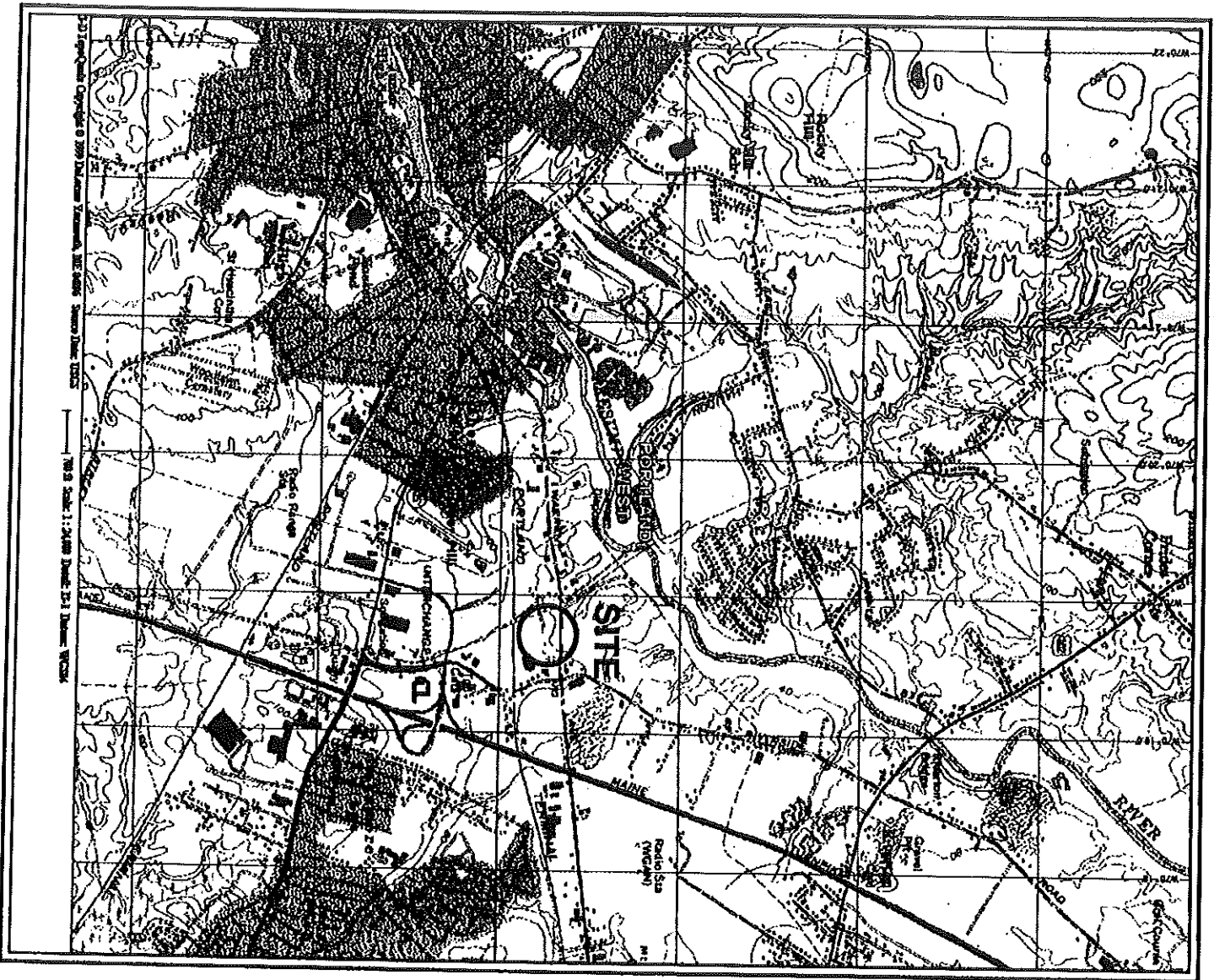
Enter printed name, date, title of position and signature. This application must be signed by:

- For a corporation: a responsible corporate officer
- For a partnership or sole proprietorship: a general partner or the proprietor
- For a municipal, State, Federal, or other public facility: either a principal executive or ranking elected official

Louis Mack Co. Inc.
750 Warren Ave., Portland, Maine

November 30, 2005

Appendix B
Figures



Louis Mack Co., Inc.
750 Warren Ave.
Portland Maine

Louis Mack Co. Inc
750 Warren Ave., Portland, Maine

November 30, 2005

Appendix C

Spill Leak Forms

Spills and Leaks

Clearly identify areas where potential spills and leaks, which can contribute pollutants to stormwater discharges can occur and their accompanying drainage points.

Provide a list of spills and leaks of toxic or hazardous pollutants that occurred during the three year period prior to the date of the submission of a Notice of Intent (NOI). Spills and leaks include but are not limited to oil or hazardous substances. Include any pollutant which might impair a receiving body.

Spill ID:	Spill Location:	Spill Date:	Material Spilled:	Volume Spilled:	Spill Description:
<p>Circumstance of Discharge:</p>					
<p>Response/Cleanup Measures Taken:</p>					
<p>Method to determine cleanup was successful:</p>					
<p>List permanent changes made to prevent repeat occurrence:</p>					

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Clearly identify areas where potential spills and leaks, which can contribute pollutants to stormwater discharges can occur and their accompanying drainage points.

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Spills	Spills	Spills	Spills
Spill and Leak Reporting Form Oregon Department of Environmental Quality			
Circumstance of Discharge:			
Response/Cleanup Measures Taken:			
Method to determine cleanup was successful:			
List permanent changes made to prevent repeat occurrence:			

Louis Mack Co. Inc.
750 Warren Ave., Portland, Maine

November 30, 2005

Appendix D
Annual Training Record

Louis Mack Co. Inc.
750 Warren Ave., Portland, Maine

November 30, 2005

Appendix E

Comprehensive Site Compliance Evaluation

Comprehensive Stormwater Management Record
Water Management Department

Date of Evaluation		No Action Required	Action Required	Not Apples-able
Inspectors:				
1	Verification Site Mapping			
	Identification/location of outfalls			
	Watershed boundaries			
	Direction runoff flows			
	Required Actions:			
2	Accuracy of Significant Material Inventory			
	Required Actions:			
3	Accuracy of Significant Spills or Leaks Record			
	Required Actions:			
4	Accuracy of Identification of Risk Pollutants			
	Equipment maintenance and cleaning areas			
	Loading/unloading areas			
	Required Actions:			
5	Effectiveness of Storm Water Management Controls			
	Pollution Prevention Team			
	Good Housekeeping			
	Preventative maintenance			
	Spill Prevention and Response			
	Sediment and erosion areas-visual inspection			
	Employee training and training records			
	Non-storm discharges-visual inspections			
	Inspections and inspection records			

Compliance with Compliance Evaluation Checklist
FOR SWPPPs AND Related Records

Required Actions:

6 Accuracy of SWPPP and Related Records

Required Actions:

Certification:
 I certify, under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based in my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: _____
 Al Mack, Manager

Date: _____

Chapter 31 SCRAP METAL RECYCLING FACILITIES

Sec. 31-1. Purpose.

The purpose of this ordinance is to protect the public's health, safety, and general welfare by controlling scrap metal recycling facilities.
(Ord. No. 255-03/04, 9-8-04)

Sec. 31-2. Authority.

This ordinance is enacted pursuant to the Home Rule Authority conferred on Maine municipalities by Art. VIII, Part Second., Sec.1 of the Maine Constitution and the Statutory Authority conferred by 30-A M.R.S.A. § 3001 and 30-A M.R.S.A. §§ 3751-3760.
(Ord. No. 255-03/04, 9-8-04)

31637

Sec. 31-3. Applicability.

This ordinance shall apply to the licensing and relicensing of all scrap metal recycling facilities, as defined in this ordinance.
(Ord. No. 255-03/04, 9-8-04)

Sec. 31-4. Definitions.

Department: means the Department of Planning and Development or its designee.

Scrap metal recycling facility: means an area used to receive, process, or store any form of metal that is already scrap for recycling or reuse and which handles, removes, or disposes of waste as part of the processing. The definition shall include an automobile recycling facility as defined in 30-A M.R.S.A. § 3752 (1-A). The definition shall not include a transfer station licensed by the State.

Motor vehicle: shall mean any self-propelled vehicle originally manufactured to include an engine of any kind which propels the vehicle across the ground on wheels, tracks or any combination thereof.

Ordinary view: means the unaided visual access from any point within six feet of ground level that a person has of a scrap metal recycling facility from the side that is furthest away from the facility of any immediately adjacent public road or 50 feet from an abutting property line. Recycled metal or metal awaiting processing or recycling shall be construed to not be in ordinary view from a

public road or abutting property line when it is located more than 1000 feet from the abutting property lines or the applicant has constructed a screen between the storage area and the public road or property line in accordance with regulations promulgated by the department.

Public road: shall mean a road, street, highway, easement or way over which the public has a legal right to travel. The term shall not include roads that are part of the federal interstate highway system.

Waste: means hazardous waste as defined or identified in Chapter 850, oily waste, as defined or identified in Chapter 405, Sec. 6(c) (3), special waste as defined or identified in Chapter 405, Sec. 6, and universal waste as defined in Chapter 850, Sec. 3A (13) of the Regulations of the Maine Department of Environmental Protection and shall include any amendment to those regulations after the effective date of this ordinance or regulations promulgated hereunder.

Waterbody: is any lake, pond, or reservoir of standing water one acre or more in surface area, but not including any man-made waterbodies where the entire perimeter is owned by the same landowner.

Watercourse: is any river, stream or brook which acts as the drainage mechanism for watershed areas of 100 acres or more.

Wetland: is any land area of five or more acres characterized by wetland soils (Vassalboro, Togus, Rifle or Biddeford Fibrous or Mucky Peats; Ridgebury, Scantic or Limerick V.S.T.F. sandy loams or silts; or Saco soils); wetland vegetation (plum grass, cutgrass, carex, cattails, arrowheads, pickerel weeds, cranberries, wild rice, pond weeds, coontail, spatterdock, wild celery, water milfoil, water lilies, sphagnum moss, etc.); a high water table less than 6" from surface; or any land area mapped as wetlands by the Maine Department of Environmental Protection, the Maine Department of Conservation, or the Maine Department of Inland Fisheries and Wildlife. (Ord. No. 255-03/04, 9-8-04)

Sec. 31-5. License Required.

No person may establish, operate or maintain a scrap metal recycling facility without first obtaining a nontransferable license from the city council. Any scrap metal recycling facility established in the city after the effective date of this ordinance

must also receive site plan review approval by the planning board pursuant to the site plan review ordinance prior to receiving a license from the city council.
(Ord. No. 255-03/04, 9-8-04)

Sec. 31-6. Administration.

(a) This ordinance shall be administered by the department of planning and development, which department shall have the authority to promulgate rules to implement this ordinance utilizing the rulemaking procedure described in section 25-117 of the city code. No scrap metal recycling facility license shall be issued unless the provisions of this ordinance are met.

(b) Before approving an application, the city council shall hold a public hearing regarding the licensing or relicensing of a scrap metal recycling facility. The city shall post a notice of the hearing at least seven and not more than 14 days before the hearing in at least two public places in the municipality or unorganized territory and publish a notice in one newspaper having general circulation in the municipality or unorganized territory in which the scrap metal recycling facility is located or to be located. The city shall give written notice of the application to the Department of Transportation and abutters by mailing a copy of the application at least seven and not more than 14 days before the hearing.

(c) Licenses must be renewed annually on or before January 1st of each year. In any calendar year, the city council may issue a temporary license to operate for less than the full calendar year if an applicant is making a good-faith effort to comply with the requirements of this ordinance.

(d) The applicant shall test the site of the facility for pollution annually pursuant to regulations promulgated by the department and provide the test results to the department. The department may also annually inspect and test an applicant's site for soil or groundwater pollution, or cause the site to be tested and inspected by a consultant hired by the department, all at the applicant's expense, to ensure compliance with the provisions of this ordinance and state law. The department, at its discretion, may also test, cause to be tested, or require the applicant to test abutting property for hazardous and special waste, at the applicant's expense, when on-site test results show levels of waste that exceed the limits of state law or the regulations promulgated hereunder, whichever are stricter.

(e) The department shall collect annually, in advance from the applicant, a \$500 fee for each license for a scrap metal recycling facility, plus all costs associated with posting or publishing notice of public hearing, plus all costs to conduct the inspecting or testing allowed by this ordinance and deemed necessary or appropriate by the department pursuant to its regulations and this ordinance.

The department shall charge an applicant's account for allowed costs and expenditures and to the extent an account has funds remaining after all costs have been paid, either credit or reimburse the balance to the applicant at the applicant's discretion.

The fee for a late application is \$1,500.

(f) A complete application for a scrap metal recycling facility license must be filed at least 90 days before January 1st. If the department determines that an application is not complete, it shall not process the application but shall inform the applicant in writing of the deficiencies. Any delays related to the filing of an incomplete application shall not extend the deadlines established in this ordinance or rules promulgated hereunder unless such deadlines are waived by the department for good cause shown.

The department may determine in its sole discretion that the lateness of a filing or an incomplete application makes it impossible to complete the inspection and testing required or allowed by the ordinance prior to the renewal date of the license and may issue a written order to the owner and operator of the facility that it must cease operation on the date on which the current license expires and remain out of operation until the new license is issued.
(Ord. No. 255-03/04, 9-8-04)

Sec. 31-7. Submission requirements.

Any application for a scrap metal recycling facility license shall contain the following information and any additional information required by rules promulgated by the department:

- (a) The property owner's name, address and telephone number and the name, address and telephone number of the person or entity who will operate the site. If the property is owned by more than one person or entity, the name, address and telephone number of each owner must be listed. If the property is owned in whole or in part by a corporation,

- the name, address and telephone number of the corporation's registered agent in Maine must be listed. The name, address and telephone number of the person or entity to whom the city should send official notices or correspondence must also be listed.
- (b) The maximum storage height of any piles of metal or other material.
 - (c) The location of any areas on the site used for processing, preparing or storage of materials.
 - (d) The location of any sand and/or gravel aquifer and/or any sand and gravel aquifer recharge area as described on the Maine Geological Survey significant aquifer map for the Portland West Quadrangle (GSM Map No. 99-11) or as mapped by a State of Maine certified geologist or other competent professional.
 - (e) The location of any residences, schools, public parks, public playgrounds, public bathing beaches, churches, or cemeteries within 500 feet of the area where metal and/or materials will be stored or processed.
 - (f) The boundaries of the 100-year floodplain.
 - (g) A site plan that complies with chapter 14, section 525(b) of the city code and also includes such other information as required by the rules promulgated by the department.
 - (h) *Soil tests.* Results and data from on-site and off-site soil sampling and testing will be required for licensing of scrap metal recycling facilities within the 90-day period prior to the end of the licensing period. Such testing shall comply with rules promulgated by the department.
 - (i) *Groundwater tests.* Results and data from on-site and off-site groundwater sampling and testing will be required for licensing of scrap metal recycling facilities within the 90-day period prior to the expiration of the licensing period. Such testing shall comply with rules promulgated by the department.
 - (j) *Other information.*

1. The types of metal processed on the site;
2. The types of waste handled and the average volume per year per material;
3. A description of the protocol for handling waste and the destination to which that waste is sent;
4. An operations manual as described in chapter 402 of the Maine Department of Environmental Protection regulations;
5. Operational records as described in chapter 402 of the Maine Department of Environmental Protection regulations;
6. An annual report as described in chapter 402 of the Maine Department of Environmental Protection regulations.
(Ord. No. 255-03/04, 9-8-04)

Sec. 31-8. Performance standards.

The city council shall not issue a license to operate a scrap metal recycling facility unless the applicant can demonstrate that all of the following performance standards have been and will be met:

- (a) *Operation.* The facility is operated so that it does not contaminate soil or groundwater or surface water to a level prohibited by state law or rules promulgated by the department, whichever is stricter.
- (b) *Approval and Coordination with site plan review.* For facilities established after the effective date of this ordinance, the facility has received site plan approval by the planning board, and the operation of the facility is in compliance with the approved site plan.

For facilities established prior to the effective date of this ordinance, the facility has received site plan approval by the department and the operation of the facility is in compliance with the approved site plan.
- (c) *Aquifer location prohibited.* No scrap metal recycling facility shall be located over a sand and gravel aquifer

- or aquifer recharge areas as mapped by the Maine Geological Survey or by a licensed geologist.
- (d) *Flood plain location prohibited.* No scrap metal recycling facility shall be located within a 100-year flood plain.
 - (e) *Dismantling motor vehicles.* All dismantling of motor vehicles shall be done in compliance with rules promulgated by the department.
 - (f) *Storage/handling of batteries and fluids from motor vehicles.* All batteries and fluids shall be handled as required by rules promulgated by the department.
 - (g) *Storage and handling of waste.* All waste shall be handled as required by rules promulgated by the department.
 - (h) *Noise impact.* To reduce the impact of noise, all mechanized sorting, baling or processing of metals shall be done after 7 a.m. and before 6 p.m. Mondays through Saturdays.
 - (i) *Setback from public areas.* No scrap metal recycling facility shall be located within 500 feet of any public park, public playground, and public bathing beach, school, church or cemetery.
 - (j) *Setback from waterways and water supplies.* No scrap metal recycling facility shall be located within 100 feet of any waterbody, watercourse or wetland, or within 300 feet of a well that serves as a public or private water supply.
 - (k) *Road/property line setbacks.* No scrap metal recycling facility shall be located within 1,000 feet of the right-of-way of any highway incorporated in both the interstate system and primary system or within 600 feet of the right-of-way of any other highway or within 1,000 feet of an abutting property line except for a scrap metal recycling facility entirely screened from ordinary view from that public road or abutting property line at all times in accordance with the screening standards in the rules promulgated by the department.

- (l) *Visual impact.* Metal or other material in a scrap metal recycling facility shall be located in such a way so as not to be in ordinary view.
- (m) *Screening.* Screening may be accomplished by natural or man-made objects, planting or properly constructed fences, or any combination thereof, any of which must completely screen the scrap metal recycling facility from ordinary view throughout the year. Screening shall be accomplished according to the standards prescribed by rules promulgated by the department.
- (n) *Remedial action plan required.* A remedial action plan will be required of the applicant or a licensee whenever the department determines that, based upon testing data or other information it has received and verified that the applicant or licensee is not in compliance with the requirements of this ordinance or regulations promulgated hereunder. Within 30 days after the department's written request to do so, the licensee shall submit a remedial action plan and schedule to the department, for its review and approval that removes or abates waste contamination or any other violation of this ordinance or the rules promulgated hereunder.

(o) *Implementation of remedial action plan.* Beginning thirty (30) days after the department's review and approval of the remedial action plan and schedule required by paragraph 31-8(n) of this article, implement the remedial action plan and schedule as modified and approved by the department.

(p) *Exemption from specific requirements.* The requirements in subparagraphs 8(c), (d), (i) and (j) above shall not apply to facilities existing on or before the effective date of this ordinance.

(Ord. No. 255-03/04, 9-8-04; Ord. No. 136-05/06, 12-19-05)

Sec. 31-9. Rulemaking authority.

The department shall have the authority to make any rules necessary to affect the purpose of this ordinance, including but not limited to, rules that remove or add substances or allowable limits for waste, as defined herein. The department shall follow the rulemaking procedure in chapter 12, section 12-105(b) and (b) (1) of the city code. Any proposed rules resulting from that process shall

be brought to the City Council for final review and action.
(Ord. No. 255-03/04, 9-8-04)

Sec. 31-10. Appeals.

(a) *Interpretation appeal.* An interpretation appeal may be taken by an applicant from an interpretation by the department of this ordinance or any rule promulgated hereunder to the board of appeals, but the board may only overturn the department's interpretation if it is clearly erroneous or without any basis in the record. The decision of the board of appeals on interpretation appeals is final and may not be appealed.

(b) *Appeals of license denial, suspension or revocation.* If the city council denies, suspends, or revokes a license, the applicant may appeal to the Maine Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure.
(Ord. No. 255-03/04, 9-8-04)

Sec. 31-11. Enforcement.

(a) This ordinance shall be enforced by the department. An applicant or licensee shall cooperate fully with the department and allow such site inspections, record review and testing as the department deems necessary to assure compliance with this ordinance. The department shall give an applicant or licensee written notice of a site inspection, record review or testing at least five (5) business days before the site inspection, record review or testing takes place.

(b) This ordinance shall be liberally construed to accomplish its purpose of preventing environmental contamination, visual impairment and unnecessary noise. Whenever this ordinance references existing state or federal regulations, the department shall have the same authority as the Maine Department of Environmental Protection or the Federal Environmental Protection Agency as is conferred on those agencies by the relevant state or federal regulations.
(Ord. No. 255-03/04, 9-8-04)

Sec. 31-12. Penalties.

Any violation of this ordinance shall also be deemed a nuisance within the meaning of 17 M.R.S.A. § 2802, and any violator shall be subject to the penalties set forth in 30-A M.R.S.A. § 4452 and any other remedy available at law. Violation of any condition, restriction or limitation inserted in a license by the city council

or imposed by this ordinance or the rules promulgated hereunder is cause for revocation or suspension of that license by the city council. The revocation process shall be conducted in accordance with the notice and hearing provisions found in 30-A M.R.S.A. § 3758(3).

(Ord. No. 255-03/04, 9-8-04)

Sec. 31-13. Transitional provision for calendar year 2005.

In calendar year 2005 only, the license required by this ordinance must be obtained on or before April 1, 2005. The submission requirements and application described in Sec. 31-7 must be filed on or before February 18, 2005.

(Ord. No. 134-04/05, 1-3-05, enacted as an emergency)

Proposed Scrap Metal Recycling Facilities Rules
To be Promulgated by the
Department of Planning and Urban Development
Pursuant to the
Scrap Metal/Recycling Facilities Ordinance

The following rules are promulgated pursuant to Section 31-9 of the Scrap Metal Facilities Ordinance and all terms, conditions and requirements in that ordinance are hereby incorporated by reference.

Rule #1 Baseline Testing:

- (a) An environmental waste baseline exploration and sampling plan is required which shall include the location of soil sampling and groundwater sampling locations to establish waste baseline environmental conditions at the site.
- (b) A minimum of three on-site surficial soil samples, on the upper six (6) inches and three Geoprobe-installed or conventionally-installed overburden monitoring wells are required for all sites.
- (c) The Department shall determine the number and location of soil samples and monitoring wells after reviewing the waste baseline exploration and sampling plan.
- (d) Initial waste baseline evaluation of the scrap metal recycling facility requires a waste management compliance audit of the facility by a qualified professional and the results of the audit shall be submitted to the City of Portland for evaluation prior to issuance of the license for the facility.

Rule #2 Soil Testing:

- (a) Initial waste baseline testing shall consist of three on-site and two off-site soil samples collected according to a sampling plan developed by a qualified environmental professional and submitted to the Department for review and approval as part of the application.
- (b) The three on-site samples shall be taken from soils in the principle outdoor work areas, i.e., in which metals to be recycled are received, processed and stored. The two off-site samples shall be taken in areas that are downgradient from the principal work areas with respect to surface runoff and/or are adjacent to property boundaries at which metals to be recycled are received, processed or stored. The soil samples shall represent a composite of the upper six-inches of soil at the sampling location.
- (c) The soil samples shall be analyzed for volatile organic compounds (EPA Method 8260), semivolatile organic compounds (EPA Method 8270), PCBs (EPA Method 8082),

the eight RCRA metals (EPA Methods 3010/6010), diesel-range organics (MDEP Method 4.1.25), and gasoline-range organics (MDEP Method 4.2.17).

(d) The criteria for evaluation of soil samples shall be the Maine DEP Remedial Action Guidelines for Soils (RAGS) of May 20, 1997.

(e) The City of Portland reserves the right to request split samples of soil taken as part of the licensing procedure. The split samples taken by the City of Portland shall be analyzed by an independent laboratory in order to provide corroboration of results.

Subsequent to receiving results of waste baseline soil sampling, the City may require additional sampling at the metal recycling facility or off-site and/or a plan for remediation of contaminated soils at on-site or off-site locations.

Rule #3 Groundwater Testing:

(a) Initial waste baseline testing shall consist of three on-site overburden monitoring wells installed by Geoprobe or conventional hollow-stem auger drilling methods. The location and the rationale for the location of the three monitoring wells shall be developed by a qualified environmental professional and submitted to the Department for review and approval as part of the application.

(b) The three monitoring wells shall be located so as to monitor groundwater emanating from the principle outdoor work areas, i.e., areas in which metals to be recycled are received, processed and stored. Ten-foot well screens in the monitoring wells shall be placed so as to intersect the groundwater table. Groundwater samples shall be taken from the three monitoring wells in according with MDEP Low-Flow Groundwater Sampling Guidance, June 1996.

(c) The water samples shall be analyzed for volatile organic compounds (EPA Method 8260), semi-volatile organic compounds (EPA Method 8270), PCBs (EPA Method 8082), the eight RCRA metals (EPA Methods 6010/7470), diesel-range organics (MDEP Method 4.1.25), and gasoline-range organics (MDEP Method 4.2.17).

(d) The criteria for evaluation of water samples shall be the Maine DEP Maximum Exposure Guidelines (MEGS) of January 20, 2000 and the Procedural Guidelines for Establishing Action Levels and Remediation Goals for the Remediation of Oil-Contaminated Soil and Groundwater in Maine, March 13, 2000.

(e) The City of Portland reserves the right to request split samples of groundwater taken as part of the licensing procedure. The split samples taken by the City of Portland shall be analyzed by an independent laboratory in order to provide corroboration of results.

3/4/97

Subsequent to receiving results of waste baseline groundwater sampling, the City may require additional sampling at the metal recycling facility or off-site and/or a plan for remediation of contaminated groundwater at on-site or off-site locations.

Rule #4 Dismantling Motor Vehicles and Other Items Containing Waste:

The dismantling of items containing waste shall take place in a building with an impervious floor and appropriate equipment and containers to properly extract and store waste and recover any spilled or escaped waste in compliance with state and federal laws.

Upon receiving a motor vehicle, the battery shall be removed and located in such a way as to ensure the battery's contents will not spill onto the ground.

When any engine lubricant, transmission fluid, brake fluid and/or engine coolant is removed from a vehicle, those fluids shall be drained into watertight containers which shall be kept covered and secured by containment in a storage building designed to contain spills. Any fluids from the motor vehicle shall be stored, recycled or disposed of according to all applicable federal and state laws. No discharge of any fluids from any motor vehicle shall be permitted into or onto the ground.

Rule #5 Storage and Handling of Waste:

Waste shall be stored and handled pursuant to and in compliance with state law and applicable regulations of the Maine Department of Environmental Protection and any amendments thereto.

Hazardous substances and hazardous waste, including PCBs, solvents, and degreasers, and mercury and special wastes, including petroleum-related products shall be received, handled, processed, stored and disposed of in accordance with State of Maine Hazardous Waste Management Rules (06-96 DEP, January 23, 2001) and Solid Waste Management Regulations (Chapter 405, September 1, 1999).

Rule #6 Setback Requirement; Visual Screening and Limitation on the Height of Piles of Metal or Other Material.

In no event shall the scrap metal recycling facility be located closer than 100 feet from a public road. The setback provision shall apply to temporary or permanent storage, weighing, or processing areas for any metal or material within the scrap metal recycling facility, but shall not apply to any driveways or administrative buildings, and shall not apply to the fences or screening which may be established to keep the facility screened from ordinary view, except such fences or screening must be outside the public road right-of-way. For the purposes of the Rules, the term "from a public road" shall mean from the far side of any immediately adjacent public road.

Visual impact standards can be met through storage, setback, or screening, or a combination thereof; however, the screening shall in no case exceed 15 feet in height and any piles of metal or other material shall not exceed 20 feet in height.

(a) *Fencing.* Fences shall be so located and of sufficient height to completely screen the metal recycling facility and any piles of material within the facility from ordinary view. The minimum height of any fence is six feet, although the actual height must be sufficient to accomplish the complete screening from ordinary view but in no case may the height of the fence exceed 15 feet. All fences shall be well constructed and maintained. All fences shall be uniform in appearance, erected in a workmanlike manner, and constructed of sound, undamaged material.

(b) *Plantings.* Screening may be accomplished through the planting and/or maintenance of trees, shrubs, or other vegetation of sufficient height, density and depth of planting or growth to completely screen the metal recycling facility from ordinary view throughout the calendar.

(c) *Natural or man-made screening.* Screening may be accomplished by use of the following natural or man-made screens provided the scrap metal recycling facility is completely screened from ordinary view.

- (1) *Hills, gullies, or embankments.* Where man-made, such screens must be constructed to blend with the landscape with loaming and seeding or other treatment as may be necessary to establish a natural appearance; or
- (2) Building or other installations; or
- (3) A combination of the above.

If buildings or other installations are used, they are not subject to the 15 foot height limitation on fences or other types of screening.

Rule #7 Exemption from Specific Requirements:

The following requirements shall not apply to facilities existing on or before the effective date of this Ordinance.

- (a) Rule 6, 100' setback requirement.

MEMORANDUM

TO: Rick Knowland, City of Portland Planner
FROM: Dan Goyette, PE – Development Review Coordinator, Woodard & Curran, Inc.
DATE: December 23, 2005
RE: Louis Mack Co., Inc., 750 Warren Avenue

Woodard & Curran has reviewed the Storm Water Pollution Prevention Plan (SWPPP) for Louis Mack Co., Inc. The SWPPP was reviewed for compliance with the City of Portland Scrap Metal Recycling Facilities Ordinance and Rules.

Documents Reviewed

- Storm Water Pollution Prevention Plan, dated November 30, 2005, prepared by Campbell Environmental Group.

I. Stormwater Management

- A.** The applicant has not supplied any of the base line testing required, nor any of the annual testing results required under the rules.
- B.** The applicant should install trash racks or screens on all culverts. Also, the applicant should install a floatables trap within any catch basins on the property. To ensure that the minimum amount of material leaves the site, the applicant should install a trash rack or other mechanism within the drainage swale to trap any material that has been washed off the pavement.

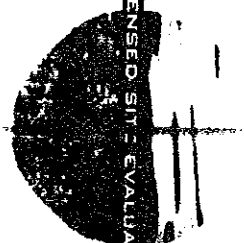
DRG
203848.

cc: File

Mark Cenci Geologic, Inc.

104 Front Street • Portland, Maine 04103 • Cell: 207.329.3524
Home: 207.772.8762 • Fax: 207.772.8702 • Info@markcenci.com
www.markcenci.com

CERTIFIED GEOLOGIST/LICENSED SITE EVALUATOR



September 30, 2005

To: City Clerk's Office
389 Congress Street
Portland, Maine 04101

Re: Scrap Metal Recycling Facilities Permit Application

Louis Mack Co. Inc.
750 Warren Avenue
Portland, ME 04103

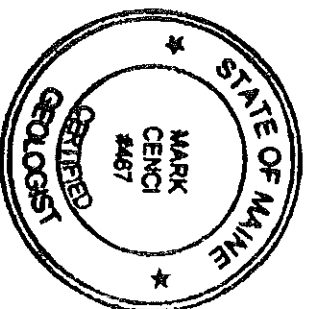
Purpose: The purpose of this information is to satisfy the permit application.

- 1) The maximum storage height of any piles of metal is 6 feet.
- 2) A map of the location of any areas on the site used for processing, preparing or storage of material is attached.
- 3) The facility is not located over a sand and gravel aquifer, nor is there one in the vicinity, as determined by Mark Cenci Geologic, Inc.
- 4) There are no residences, schools, public parks, public playgrounds, public bathing beaches, churches, or cemeteries within 500 feet of the area where metal and/or materials will be stored and processed.
- 5) The 100 year flood plain is along the Presumpscot River, approximately one-half mile from the property.
- 6) There is no sand and gravel aquifer adjacent to the property, as determined by Mark Cenci Geologic, Inc.
- 7) A wetland body on adjacent CMP land is depicted on the attached plan.
- 8) A site plan was submitted to the City in 1980.
- 9) Results from soil sampling done on September 30, 2005, by Northeast Labs is pending.

- 10) Results from groundwater sampling done on September 30, 2005, by Northeast Labs, is pending.
- 11) The facility is screened by topography, landscaping and the building itself.
- 12) The types of metals processed on the site are: copper, brass, aluminum, stainless steel, iron, lead and zinc
- 13) See the waste audit by Campbell Environmental Group, pending.
- 14) See report by Campbell Environmental Group, pending.
- 15) See the report of the Campbell Environmental Group, pending.
- 16) See the report of the Campbell Environmental Group, pending.

Mark Cenci

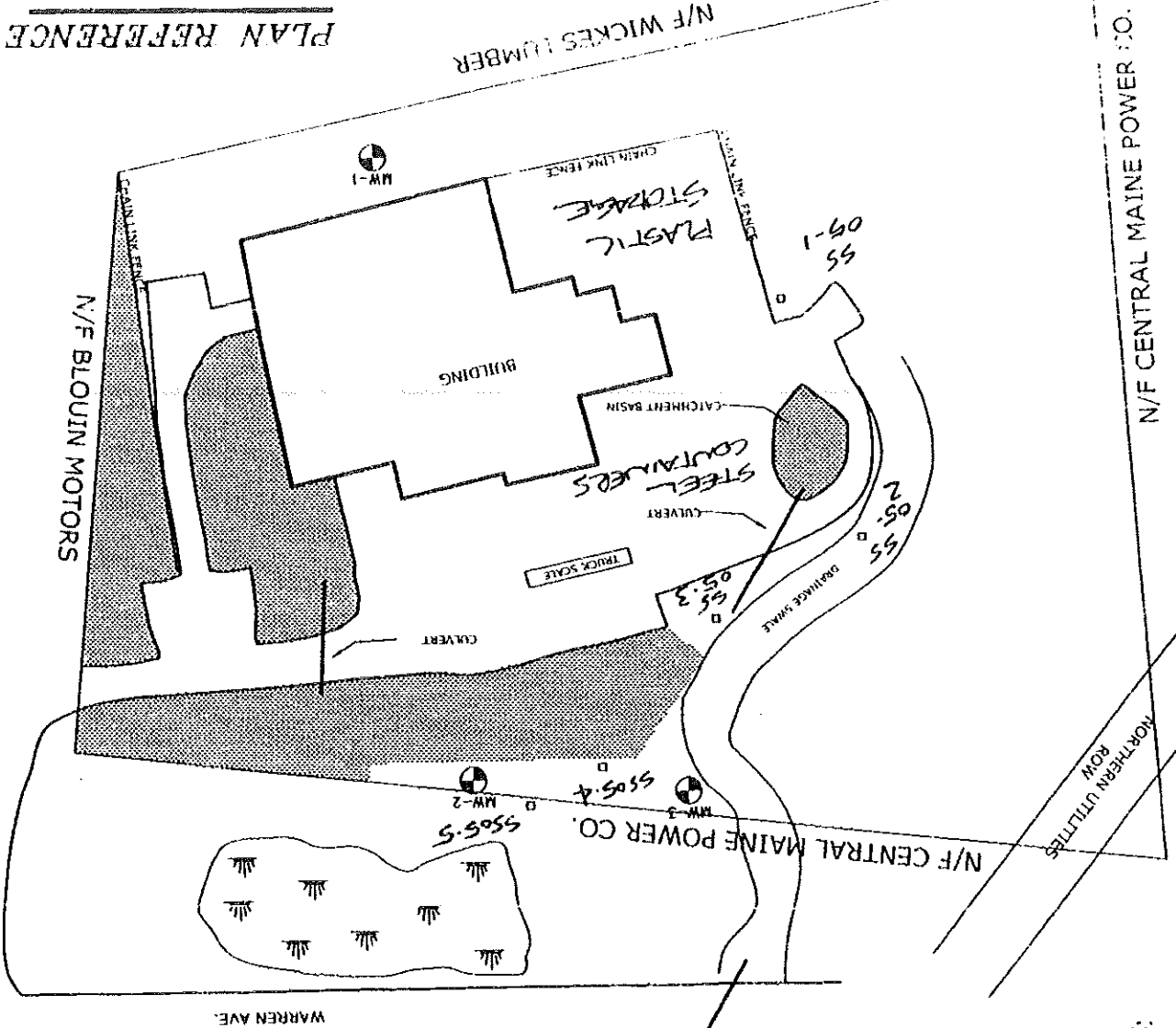
Mark Cenci
Maine Geologist #467





PLAT PLAN BY PHIPPS & ASSOC. FOR SHOW TO MAIN COMPANIES
 DATE: MAY 27, 1998
 CORRECTING WITH A SOIL SAMPLE AND LOCATION
 THROUGH BY MARK CONNOR GEOLOGIC, SEPTEMBER 2005

PLAN REFERENCE



LEGEND

- MONITORING WELL
- ROW OR EASEMENT
- WETLAND DEGRADATION
- SOIL SAMPLE
- GRASS AREA



ENVIRONMENTAL TESTING SITE PLAN

750 WARREN AVE. PORTLAND, ME 04103

LOUIS MACK CO., INC.

DATE	11/11/97
REVISION	
BY	
DATE	
BY	
DATE	
BY	
DATE	
BY	
DATE	
BY	
DATE	
BY	
DATE	
BY	

Mark Conn GeoLogic Inc.
 Certified Geologist, Licensed Site Auditor
 100 Route 104, Portland, ME 04103
 Phone: 781-875-2272, Fax: 781-875-2273
 www.markconn.com

Planning
PPD
Zone
Taxes
Fire

City Clerk's Office
389 Congress Street
Portland, Maine 04101
(207)-874-8557

New/Renewal License fee \$500.00 plus costs
After the Fact fee \$1500.00
Application fee \$30.00 new \$25.00 renewal
Total Due

SCRAP METAL RECYCLING FACILITIES PERMIT APPLICATION CHAPTER 31, PORTLAND CITY CODE §31-1 et. seq.

Please check one: (Corporation/LLC/Non-profit org.) (Sole Proprietor) (Partnership)

Property Owner's Name: LOUIS WACK CO, INC Phone: 773-0273

Property Owner's Address: 750 WARREN AVE Zip 04103
*If the property is owned by more than one entity please supplement above information on an additional sheet of paper.

Business Name: LOUIS WACK CO, INC Phone: 773-0273

Location Address: 750 WARREN AVE Zip 04103

Mailing Address: SAME Zip _____

Contact Person: ALVIN WACK Phone: SAME

Manager of Business: SAME Home Phone # _____

Does the issuance of this license benefit any City employee? Yes No
If yes, please list name(s) of employee(s) and City Department(s):

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, convicted or court martialled for any violation of law? NO If yes, please explain: _____

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Portland?
Yes No No. If yes, please list business name(s) and location(s): _____

Is any principal officer under the age of 18? Yes No

Please list items or general type of items for sale, if any: _____

SOLE PROPRIETOR / PARTNERSHIP INFORMATION: (if corporation, leave blank)
Name of Owner(s): _____ Date of Birth _____ Residence Zip Code _____
Name of Owner(s): _____ Date of Birth _____ Residence Zip Code _____
Name of Owner(s): _____ Date of Birth _____ Residence Zip Code _____

CORPORATE / LLC / NON-PROFIT ORGANIZATION APPLICANTS: (if sole proprietor, leave blank)
Corporation Name: LOUIS WACK CO, INC.
Corporation Mailing Address: 750 WARREN AVE ZIP 04103
Contact Person: ALVIN WACK Phone Number: 772-0273

PRINCIPAL OFFICERS: (if more space is needed, please attach a separate page)

Name	<u>LEVIN JACK</u>	Title	<u>W/C - REG</u>	Date of Birth	_____	Residence Zip Code	<u>04103</u>
Name	<u>S. RICHARD WATKINS</u>	Title	<u>REGS.</u>	Date of Birth	_____	Residence Zip Code	<u>04103</u>
Name	_____	Title	_____	Date of Birth	_____	Residence Zip Code	_____
Name	_____	Title	_____	Date of Birth	_____	Residence Zip Code	_____
Name	_____	Title	_____	Date of Birth	_____	Residence Zip Code	_____
Name	_____	Title	_____	Date of Birth	_____	Residence Zip Code	_____

Please provide the following information and check all items for which information has been submitted. **20 COPIES MUST BE SUBMITTED WITH THIS APPLICATION FOR DISTRIBUTION TO CITY DEPARTMENTS.**

SEE ATTACHED MEMO FROM JIMMY WARE CENIC GEOLGIC
The maximum storage height of any piles of metal or other material.

_____ A map of the location of any areas on the site used for processing, preparing or storage of materials.

_____ A map of the location of any sand and/or gravel aquifer and/or any sand and gravel aquifer recharge area as described on the Maine Geological Survey significant aquifer map for the Portland West Quadrangle (GSM Map No. 99-11) or as mapped by a State of Maine certified geologist or other competent professional.

_____ A map of the location of any residences, schools, public parks, public playgrounds, public bathing beaches, churches, or cemeteries within 500 feet of the area where metal and/or materials will be stored or processed.

_____ A map of the boundaries of the 100-year floodplain.

_____ A map of any sand or gravel aquifer on or adjacent to the site as mapped by the Maine Geological Survey or by a licensed geologist.

_____ A map of any waterbody, watercourse or wetland on or within 300 feet of the site.

_____ A site plan that complies with chapter 14, section 525(b) as files for approval by the Portland Planning Department/Board.

**Please note date of site plan submission at Planning Office, 4th floor, City Hall: _____, 200__

_____ Results and data from on-site and off-site soil sampling and testing, which testing complies with the Rules attached hereto.

_____ Results and data from on-site and off-site groundwater sampling and testing, which testing complies with the Rules attached hereto.

_____ A depiction of any and all screening of the site.

_____ *Other information.*

_____ 1. The types of metal processed on the site.

_____ 2. The types of waste handled and the average volume per year per material.

3. A description of the protocol for handling waste and the destination to which that waste is sent.
4. An operations manual as described in chapter 402 of the Maine Department of Environmental Protection regulations.
5. Operational records as described in chapter 402 of the Maine Department of Environmental Protection regulations.
6. An annual report as described in chapter 402 of the Maine Department of Environmental Protection regulations.

Renewal Application

_____ If this is a renewal application, please provide evidence of annual testing completed according to the Rules attached to this application.

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above license and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises, or otherwise owed to the City by the Applicant, will be paid prior to issuance of the license. It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby waive any rights to privacy with respect thereto.

Signature _____ Title VP Date 9/30/05