

PURPOSE

The purpose of this ordinance is to prevent materials and pathogens that pose a hazard to people and the natural environment, including ground and surface waters in and around the town of Pittston, from being introduced through the process of spreading, storing or dumping of septage.

PROHIBITION

The residential and/or commercial spreading, or storing, or dumping of septage in the Town of Pittston is prohibited.

OPERATIONAL REQUIREMENTS FOR FACILITIES LICENSED UNDER PRIOR ORDINANCES

For any operator that receives a DEP license and a permit from the Town of Pittston to spread, store or dump septage in the Town of Pittston under rules in effect prior to this ordinance, the following operating requirements must be complied with:

1. The site operator will develop and implement an environmental monitoring plan. This shall include, at a minimum:
 - a. Soil sampling and analysis. Baseline and annual soil analysis shall include: the analytes in 06-096 CMR Chapter 420 "Septage Management Rules", sec. 6.C; the metals listed in 06-069 CMR Chapter 419 Table 419.5; and fecal coliform by method SM 9221 D and E.
 - b. Ground and surface water sampling and analysis. This shall be done in accordance with the standards in the Maine Dept. of Environmental Protection Chapter 405, "Water Quality Monitoring, Leachate Monitoring and Waste Characterization". Monitoring wells for the purpose of testing migration of materials and pathogens that pose a hazard to the watershed will be installed in accordance with the standards in Department of Environmental Protection rule Chapter 405, section 2.A and Chapter 405, section 5. The site operator is responsible for the monitoring of all surface water bodies located on or adjacent to the parcel of land where septage is spread in accordance with 06-096 CMR Chapter 405, section 2.B.

All sampling and analysis shall be performed annually and must be done by an independent state certified laboratory at the operator's expense. The site operator must present a copy of all data to the Town of Pittston's Planning Board and to the Planning Board of any potentially affected adjacent town immediately upon receipt of results from the independent lab.

2. The site operator shall develop and implement a septage sampling and analytical work plan. This plan shall include, at a minimum, testing of all treated septage for all the analytes listed in 06-096 CMR Chapter 405 Section 6.D and shall also include assay testing for pathogens of concern as identified by the Town of Pittston Planning Board.

All septage test results must be reviewed and approved by the Town of Pittston's Planning Board before spreading. Monthly reports of the testing results shall be delivered to the town office and an annual summary of the testing results shall be prepared by a certified professional and shall appear in the annual town report. The testing and reporting will be at the operator's expense.

This septage sampling and analytical work plan must be approved by the Town of Pittston Planning Board before the site operator can spread septage.

ATTEST: A TRUE COPY OF AN ORDINANCE ENTITLED "TOWN OF PITTSTON SEPTAGE ORDINANCE" as certified to me by the Municipal Officers of Pittston on 12/10/99

Revised Septage Ordinance

December 14, 1999

Signature

Ann D. Chadwick
Pittston Town Clerk

3. The site operator shall ensure that the facility is operated in accordance with the operational standards in 06-096 CMR Chapter 419 Section 4.K and the applicable operational standards in 06-096 CMR Chapter 420.
4. The site operator will surround the entire site with a six-foot high chain-link fence.
5. The site operator will post a bond for corrective action. The bond will be large enough to cover total cleanup of the site in the event of an accidental spreading/dumping of anything that will harm the watershed.
6. The site operator will escrow ten dollars per one thousand gallons of spread/dump septage for site closing costs.
7. Septage spreading will not be allowed if anyone of the following standards is exceeded:
 - a. ground or surface water monitoring shows a significant increase in any testing parameters;
 - b. any parameter in treated septage exceeds the 06-096 CMR Table 419.5 Column A screening standards, or concentrations of e-coli concentrations greater than two million most probable number per gram of total solids (dry weight basis) or two million colony forming units per gram of total solids (dry weight basis);
 - c. any parameter in soil exceeds the 06-096 CMR Table 419.5, column B., Ceiling concentrations or the e-coli standards in 7.b above.
8. The permit from the Town of Pittston to spread, store or dump septage in the Town of Pittston shall be valid for a two year period.
9. Violation of any of the above requirements will result in immediate and permanent loss of license/permit to operate in the Town of Pittston.

SEVERABILITY

If, in the future, any part of this ordinance is found to be invalid in a court of law, all other parts survive.

Ann N. Chadwick

TOWN OF PITTSTON SEPTAGE ORDINANCE - 2

EFFECTIVE DATE

All parts of this Septage Ordinance will be effective from January 10, 2000. Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, the more restrictive provision will control. The intent of the overlapping and extended provisions of this Septage Ordinance is to provide continuous protection/regulation.

PURPOSE

The purpose of this ordinance is to prevent materials and pathogens that pose a hazard to people and the natural environment, including ground and surface waters in and around the town of Pittston, from being introduced through the process of spreading, storing or dumping of septage.

This ordinance provides Municipal Operational Monitoring to ensure that state and municipal septage land application requirements are followed by private operators, if any are approved in the Town of Pittston.

PROHIBITION

The commercial spreading, or storing, or dumping of septage in the Town of Pittston is prohibited, until approval of the voters of the Town of Pittston is obtained. Approval of the voters of the Town of Pittston can only occur by placing the request for approval on the Town Warrant at a Regular Town Meeting.

OPERATIONAL REQUIREMENTS FOR FACILITIES LICENSED UNDER PRIOR ORDINANCES AND OR BY PERMIT OBTAINED FROM THE TOWN OF PITTSTON

For any operator that receives a DEP license and a permit from the Town of Pittston to spread, store or dump septage in the Town of Pittston under rules in effect prior to this ordinance, the following operating requirements must be complied with:

1. Operations at any Septage Land Application Site will be monitored by the Pittston Septage Monitoring Board. This ordinance creates the Pittston Septage Monitoring Board. The Pittston Septage Monitoring Board will, within 180 days; draft a "septage monitoring procedure", adopt by-laws, and is authorized to create such regulations that may be necessary to implement this ordinance. This Board will consist of no less than five and not more than seven members, nominated from the floor and elected by popular vote at the Town Meeting when this ordinance is voted upon. Board members will serve three year terms and hereafter will be elected at Annual Town Meetings.

2. The site operator will notify the Town Clerk 24 hours in advance of all testing, treating and land application of septage. The Town Clerk will then notify the Chairperson of the Pittston Septage Monitoring Board of these intended activities so that the Septage Monitoring Board may at any time view and monitor these activities without restriction. The purpose for access to any Land Application Site by the Pittston Septage Monitoring Board is to allow monitoring of all activities regulated by Town Ordinance. Such entry onto Septage Land Application Sites may take place during normal business hours (i.e., when septage delivery or land application or septage treatment is being conducted, or between 8:00 a.m. and 4:00 p.m., Monday – Saturday)
3. Fees: The applicant shall pay an initial application fee of \$1,000 to the Town to cover the direct costs of reviewing the application and administering town oversight for the first year of site utilization. Beginning in the second year of site utilization, the applicant shall pay \$500 per year to the Town to cover these same direct costs, for as long as site utilization is ongoing.
4. The Code Enforcement Officer or his/her agent shall have the right to enter all land application and storage sites for the purpose of inspecting the site for compliance with Town Ordinances and for the purpose of conducting the ongoing monitoring and testing programs required by Town Ordinances. Such entry onto Septage Land Application sites may take place during normal business hours (i.e., when septage delivery or land application or septage treatment is being conducted, or between 8:00 a.m. and 4:00 p.m., Monday – Saturday) to ascertain whether conditions of the Town permit or DEP license are being met at the site.
5. The operator of any Septage Land Application Site shall maintain records which describe the weight, volume and contents of objects filtered from septage before land spreading. The correct disposal of material filtered from septage prior to land application shall be documented and this disposal record shall be available for inspection by the Pittston Septage Monitoring Board and the Pittston Code Enforcement Officer. The Pittston Septage Monitoring Board shall determine the methods and reporting criteria documenting proper disposal.

PENALTIES

An applicant who violates this Ordinance or any other Town of Pittston Ordinance dealing with Septage Land Application, as well as a landowner who knowingly permits such violations to occur, shall be guilty of a civil violation and shall be subject to a civil penalty as prescribed in Title 30-A MRSA, Section 4452. Each day a violation continues after notification shall constitute a separate offence.

SEVERABILITY

If, in the future, any part of this ordinance is found to be invalid in a court of law, all other parts survive.

Ann D. Chadwick

TOWN OF PITTSTON SEPTAGE ORDINANCE

EFFECTIVE DATE

This Septage Ordinance shall take effect immediately upon passage by the Town and shall supercede Town of Pittston septage ordinances adopted on December 22, 1999 and March 18, 2000. Those ordinances are hereby specifically repealed and replaced by this Ordinance.

PURPOSE

The purpose of this Ordinance is to prevent materials and pathogens that pose a hazard to people and the natural environment, including ground and surface waters in and around the Town of Pittston, from being introduced through the process of spreading, storing or dumping of septage.

This ordinance provides municipal operational monitoring to ensure that state and municipal septage land application requirements are followed by any and all private operators approved by the Town of Pittston.

PROHIBITION

The residential and/or commercial spreading, or storing, or dumping of septage in the Town of Pittston is prohibited. This prohibition shall apply, notwithstanding the provisions of 1 M.R.S.A. § 302, to all proceedings, application, and petitions except those which were pending prior to June 23, 1999.

I. SEPTAGE PERMIT APPLICATION PROCEDURE FOR PRE-EXISTING APPLICATIONS

The following procedure shall govern all applications for septage land application sites pending prior to June 23, 1999.

A. Application Procedure.

1. An applicant wishing to be permitted to deliver, store, or spread septage at a septage land application site shall complete a 'Septage Application Form' provided by the Town of Pittston.
2. The applicant shall file ten (10) copies of the application, supporting documentation, application fees and escrow monies required by Section I(4) with the Pittston Code Enforcement Officer at least thirty (30) days in advance of the Septage Monitoring Board meeting at which the applicant wishes to be on the agenda.
3. The application shall be accompanied by a non-refundable application fee of thirty-five dollars (\$35.00) payable to the Town of Pittston.

4. The application shall be accompanied by a check in the amount of forty thousand dollars (\$40,000), payable to the Town of Pittston, which shall be deposited in an account dedicated to expenses incurred in the review of this application. The funds in this account shall allow the Town of Pittston to:

provide necessary expertise in reviewing the application and conducting additional studies that the Pittston Septage Monitoring Board may require to ensure that the public health and natural resources of Pittston would not be at risk by the spreading or storage of septage. Funds shall be withdrawn from this account by the Treasurer of the Town of Pittston only at the Municipal Officers' request. Any interest earned and any remaining balance in the account shall be returned to applicant following approval or denial of the application. If, during the review process, the escrow funds are not sufficient to cover expenses incurred, the Septage Monitoring Board shall determine what additional funds are necessary and shall notify the applicant. The Applicant shall deposit the funds requested with the Town of Pittston within fourteen (14) business days of written notification.

5. The Septage Monitoring Board shall hold a preliminary meeting to determine if the application is complete. If the application is found to be incomplete, the Septage Monitoring Board shall notify the applicant, in writing, within fourteen (14) days of any additional information required.
6. The applicant shall provide the additional information within thirty (30) days of receiving a written request for more information from the Septage Monitoring Board. If the additional information requested is not received, the Board may recommend to the Municipal Officers that the application be denied for lack of sufficient information.
7. Upon receiving all required information, the Septage Monitoring Board shall deem the application complete and shall transmit a complete copy of the application and the entire record applicable to that application, including but not limited to all submissions from the applicant, interested parties and any consultants to the Municipal Officers.
8. The Municipal Officers and the Septage Monitoring Board shall hold a joint 'public hearing' within (30) days of determining that an application is 'complete'.
9. The Septage Monitoring Board shall require notification of the public hearing to be sent by certified mail, return receipt requested, to all owners, of property located within 2,800 feet of the proposed septage spreading site, at least ten (10) days before the scheduled public hearing.
10. Notice shall also be published in newspapers of general circulation in the Town of Pittston at least ten (10) days prior to the public hearing.
11. Notice shall also be posted in three (3) public places designated by the Septage Monitoring Board.

12. The Septage Monitoring Board, after due deliberation, shall render a written recommendation to the Municipal Officers of whether the application should be approved, approved with conditions or denied. The Septage Monitoring Board shall transmit this written recommendation to the Municipal Officers within ten (10) days of its determination. The Municipal Officers, after due deliberation, shall determine whether the application should be approved, approved with conditions or denied. Upon approval of an application by the Municipal Officers, the applicant shall record a copy of that approval, together with any conditions attached thereto, in the Kennebec County Registry of Deeds to be indexed under the name of the property owners with reference to book and page of all proposed sites.

B. Submission Requirements.

1. An application for a septage land application site shall include the following:
 - (a) A complete Septage Application for the Town of Pittston;
 - (b) A complete application for septage land application prepared for DEP;
 - (c) An application fee of \$35.00 and an escrow fee of \$40,000;
 - (d) A map to scale of the proposed site that clearly indicates property lines, abutters, owners of property within 2,800 feet, existing water wells located within 1,250 feet, primary sand and gravel recharge areas, and groundwater aquifers with twenty (20) foot contours.
 - (e) A baseline soil analysis of each site conducted in a manner recommended by the Natural Resource Conservation Service and including testing as per Section II.A.1.a of this Ordinance;
 - (f) A baseline test of all water wells within 1,250 feet of the proposed site. To the extent that an applicant is denied access to any such well, applicant must present the Septage Monitoring Board with a copy of a certified letter sent to the well owner requesting access, and documentation that the well owner has denied access.
 - (g) A hydrogeologic analysis conducted by an individual(s) qualified by education and experience to conduct such an analysis. This analysis shall be sufficient to determine that the application of septage would meet the standards set forth in this Ordinance and shall include, but not be limited to, the following:
 - (i) A site-specific geologic literature search.
 - (ii) Aerial photo interpretation, including a photo lineament analysis to identify potential high-yield aquifers and their recharge areas.

- (iii) Documentation of type, depth, yield, status water level and length of casing of any water wells within 1,250 feet of a proposed spreading site.
 - (iv) Reconnaissance field mapping by a certified geologist of the surficial and bedrock geology of the proposed site and all areas within 1,250 feet, which field mapping shall relate any observed bedrock outcrop fracture orientation and spacing data to the photo lineament analysis.
 - (v) Documentation of the hydrogeologic setting of the site including, but not limited to, a general description of the depth and expected seasonal variations in depth to the first groundwater table encountered below ground surface, a description of the general direction of groundwater flow up to the point where discharge to surface water occurs, a description of the relationship of the site to any significant aquifers including bedrock aquifers or inferred bedrock aquifers.
 - (vi) A description of the background groundwater quality at the up gradient edges of the proposed site. This shall include background levels for any constituent regulated by this Ordinance as set forth in Section II.
 - (vii) A proposed groundwater monitoring plan providing for sampling analysis, and monitoring during operations, and for twenty (20) years following the closure of the site, consistent with Section II.A.1.b. This proposed plan must include proposed horizontal and vertical monitoring wells provisions for monitoring of domestic wells within 1,250 feet of the site, frequency of monitoring, and precision of measurement for each parameter to be measured.
- h. A plan for an independent weekly sampling and analysis of the septage as per Section II.A.2 of this Ordinance. The sampling and analysis shall be performed on all septage by a state-certified laboratory chosen by the Septage Monitoring Board.
 - i. A plan for the submission of all test results required by this Ordinance.
 - j. The Septage Monitoring Board and Municipal Officers may require such other information, including but not limited to additional testing, as it may deem necessary and appropriate for the evaluation of the application; where the site location is under heavy agricultural use, where there is a potential for leaching of heavy metals, pathogens (including but not limited to e-coli, Hepatitis A, B and C and HIV) and radioactive isotopes from medical and nuclear facilities and chemicals from industries, where the site has previously been used as a waste site, where there are general site conditions including but not limited to slope and proximity to aquatic or wetland resources which warrant such additional testing.

II. OPERATIONAL REQUIREMENTS

Any person or entity that receives a DEP license and a permit from the Town of Pittston to deliver, store or spread septage at a septage land application site in the Town of Pittston, shall comply with the operating requirements outlined herein.

Operations at any septage land application site will be monitored by the Pittston Septage Monitoring Board. The Pittston Septage Monitoring Board will draft a "septage monitoring procedure", adopt by-laws, and is authorized to create such procedural regulations that may be necessary to implement this Ordinance. All procedures or other regulatory provisions adopted by the Septage Monitoring Board shall be no less stringent than the provisions of this Ordinance. This Board will consist of no less than five and not more than seven members, nominated from the floor and elected by popular vote at the Annual Town Meeting. Board members will serve three year terms.

A. Monitoring and Record Keeping

1. The operator of a septage land application site shall develop and implement an environmental monitoring plan which must be submitted annually to the Septage Monitoring Board for review and approval prior to initiating operations at the site. This plan shall include, at a minimum:
 - (a) Baseline and annual soil sampling and analysis. Baseline and annual soil analysis of a minimum of one composite, representative topsoil sample per two (2) acres of septage land application area shall be performed for the characteristics listed in 06-696 CMR Chapter 420 "Septage Management Rules," sec. 6.C and any amendments thereto; the metals listed in 06-069 CMR Chapter 419, Table 419.5 and any amendments thereto, and fecal coliform by method SM 9221 D and E.
 - (b) Ground and surface water sampling and analysis. This shall be done in accordance with the standards in the Maine Dept. of Environmental Protection Chapter 405, "Water Quality Monitoring, Lechate Monitoring and Waste Characterization" and any amendments thereto. At least two monitoring wells shall be installed on each site, the number and location of said wells to be determined by an individual(s) appointed by the Septage Monitoring Board, who is qualified by education and experience to make that determination. At the discretion of the Septage Monitoring Board or at the request of the owner of an existing well located within one thousand (1,000) feet of any site proposed for spreading of septage, the Board may require baseline and annual water analysis of such well. The site operator is responsible for the monitoring of all surface water bodies located on or adjacent to the parcel of land where septage is spread in accordance with 06-096 CMR Chapter 405, Section 2.B and any amendments thereto. Sampling and analysis shall be performed annually prior to initiating operations at the site, and at intervals as required by the Septage Monitoring Board and must be done by an independent

state certified laboratory at the operator's expense. The site operator must present a copy of all data to the Town of Pittston's Septage Monitoring Board, the Pittston Municipal Officers and to the municipal officers of any potentially affected adjacent town immediately upon receipt of results from the independent lab.

2. The site operator shall develop and implement a work plan which provides for sampling and analyzing, by an independent state certified laboratory, of all septage prior to it being spread. This plan shall include, at a minimum, testing of all treated septage for all applicable characteristics listed in 06-096 CMR Chapter 405 Section 6.D and any amendments thereto and shall also include assay testing for pathogens of concern as identified by the Town of Pittston Septage Monitoring Board.

All septage test results must be reviewed and approved by the Town of Pittston's Septage Monitoring Board before spreading. Monthly reports of the testing results shall be delivered to the town office and an annual summary of the testing results shall be prepared by a certified professional and shall appear in the annual town report. The testing and reporting will be at the operator's expense.

This septage sampling and analytical work plan shall be submitted annually to the Septage Monitoring Board for review and approval prior to initiating operations at the site.

3. The site operator will notify the Town Clerk three (3) working days in advance of all testing, treating and land application of septage. The Town Clerk will then notify the Chairperson of the Pittston Septage Monitoring Board or the Board's designee of these intended activities so that the Septage Monitoring Board may at any time view and monitor these activities without restriction. The purpose for access to any land application site by the Pittston Septage Monitoring Board is to allow monitoring of all activities regulated by Town Ordinance. Such entry onto septage land application sites may take place during normal business hours (i.e., when septage delivery or land application or septage treatment is being conducted, or between 8:00 a.m. and 4:00 p.m., Monday - Saturday).
4. The Code Enforcement Officer or his/her agent, as appointed by the Municipal Officers and sworn in by the Town Clerk/Deputy, shall have the right to enter all land application and storage sites for the purpose of inspecting the site for compliance with Town Ordinances and for the purpose of conducting the ongoing monitoring and testing programs required by Town Ordinances. Such entry onto septage land application sites may take place during normal business hours (i.e., when septage delivery or land application or septage treatment is being conducted, or between 8:00 a.m. and 4:00 p.m., Monday - Saturday) to ascertain whether conditions of the Town permit or DEP license are being met at the site.
5. The operator of any septage land application site shall maintain records which describe the weight, volume and contents of objects filtered from septage before land spreading. The correct disposal of material filtered from septage prior to land application shall be

documented. These records shall be provided to the Pittston Septage Monitoring Board and the Pittston Code Enforcement Officer on a monthly basis and shall be kept on file in the Pittston Town Office. The Pittston Septage Monitoring Board shall determine the methods and reporting criteria for documenting proper disposal.

6. Within 30 days of the issuance of a new permit or permit modification by the Town, the applicant shall cause to be filed with the Kennebec County Registry of Deeds the permit issued by the Town and the license issued by the Department of Environmental Protection for the subject land.

B. Performance Standards.

1. The site operator must ensure that the facility is operated in accordance with the operational standards in 06-096 CMR Chapter 419 Section 4.K, the applicable standards in 06-096 CMR Chapter 420 and any amendments thereto.
2. The site operator must surround the entire site with a six-foot high chain-link fence, sufficient to restrict access by animals or unauthorized individuals.
3. Spreading of septage shall be allowed only from June 1 to October 15 in any year. Spreading of septage shall not be allowed if it is raining, or if the ground is saturated, frozen or snow covered.
4. The site operator must post a bond for investigative and corrective action. The amount of the bond shall be determined by the Septage Monitoring Board. This bond must be large enough to cover all investigations undertaken by the Town in the event that data demonstrates that the storage and/or spreading of septage poses a potential hazard to the health and safety of the residents, their dependents, wildlife, soil, water, or air quality of the Town of Pittston or any adjacent town and for total cleanup of the site in the event the storage and/or spreading of septage proves to be hazardous to the health and safety of the residents, their dependents, wildlife, soil, water, or air quality of the Town of Pittston or any adjacent town.
5. The site operator must post a bond to cover site closure costs. The amount of the bond shall be determined by the Septage Monitoring Board; this bond must be large enough to cover all costs associated with closing the site.
6. Septage spreading will not be allowed at any site where one of the following standards is exceeded:
 - (a) ground or surface water monitoring shows a significant increase in any testing parameters;
 - (b) any parameter in treated septage exceeds the 06-096 CMR Table 419.5 Column A screening standards or amendments thereto, or concentrations of e-coli

concentrations greater than two million most probable number per gram of total solids (dry weight basis);

- (c) any parameter in soil exceeds the 06-096 CMR Table 419.5, Column B, ceiling concentrations and any amendments thereto, or the e-coli standards outlined in this Ordinance.

7. Any permit from the Town of Pittston to spread, store or dump septage in the Town of Pittston shall be subject to annual review by the Septage Monitoring Board and the Municipal Officers.

- (A) At least fourteen (14) days prior to annual review, but not more than thirty (30) days prior thereto, the Septage Monitoring Board shall notify the site operator of the review.

- (B) As part of the annual review, the site operator shall submit the following information to the Septage Monitoring Board in writing.

- (i) The names of the site operator and the landowner and the date of the original permit.

- (ii) A narrative describing the following:

- (a) The quantity of septage applied the previous year and the number of acres utilized.
 - (b) Any problems encountered the previous year.
 - (c) Any proposed changes in the upcoming years. (NOTE: new acreage requires a new application).
 - (d) Any physical or chemical changes in the septage.
 - (e) A septage analysis as required in the initial application.
 - (f) A soil Ph for each land acre to which the septage was applied.
 - (g) Such other analysis as DEP, the Septage Monitoring Board or Municipal Officers required in the initial approval.

- (C) The site operator shall submit an annual renewal fee in the amount of five thousand dollars (\$5,000) to the Treasurer of the Town of Pittston. These funds shall be placed in an interest bearing account by the Town of Pittston referenced to the applicant by social security or federal identification number. The funds in this

account shall allow the Town of Pittston to:

provide necessary expertise in reviewing the status of the site and conducting additional studies that the Pittston Septage Monitoring Board may require to ensure that the public health and natural resources of Pittston would not be at risk by the spreading or storage of septage. Funds shall be withdrawn from this account by the Treasurer of the Town of Pittston only at the Municipal Officers' request. Any interest earned and any remaining balance in the account shall be returned to applicant following completion of the annual review. If, during the review process, the escrow funds are not sufficient to cover expenses incurred, the Septage Monitoring Board shall determine what additional funds are necessary and shall notify the site operator. The site operator shall deposit the funds requested with the Town of Pittston within fourteen (14) business days of written notification.

- (D) The Septage Monitoring Board and the Municipal Officers shall review the information submitted by the site operator, the environmental monitoring plan for the previous and current operating year, water and septage sampling records for the previous year, records of disposal of material filtered from septage for the previous years and any other pertinent information relative to site conditions, spreading or dumping activities on the site and septage transport activities.
 - (E) If the Septage Monitoring Board determines that the conditions of the permit were met for the previous year, the Board shall recommend to the Municipal Officers whether the permit should continue in effect until the next annual review. The Septage Monitoring Board, may in its discretion, recommend modifications to or revocation of the permit, if actions by the operator were in violation of this Ordinance, or if the Board finds that continuation of the permit is harmful to the health and safety of humans, animals, or aquatic life and the preservation and safety of the natural environment. All final determinations on the status of the permit shall be made by the Municipal Officers. The Municipal Officers shall provide the site operator with notice and a hearing, at which the public may comment, prior to revoking the permit.
- 8. Reasonable measures shall be taken to transport septage to the site in a manner that reduces any odors or other nuisances to residents and businesses along the site access route. Whenever possible, an access route shall be found through the least populated area.
 - 9. If the operator of a septage land application site fails to renew its septage land application permit, a plan must be submitted within 60 days of the expiration of the permit to the Septage Monitoring Board for the removal of all appurtenances incidental to the septage spreading in order to restore the area as nearly as possible to its pre-septage spreading state. Failure to submit such a plan and to implement its agreed upon contents shall constitute a public nuisance and a violation of the Ordinance.

10. Violation of any of the above requirements will result in immediate and permanent loss of license/permit to operate in the Town of Pittston. An applicant who violates this Ordinance or any other Town of Pittston ordinance dealing with septage land application, as well as a landowner who knowingly permits such violations to occur, shall be guilty of a civil violation and shall be subject to a civil penalty as prescribed in Title 30-A M.R.S.A., Section 4452. Each day a violation continues shall constitute a separate offense.

SEVERABILITY AND CONFLICT

If any part of this Ordinance is found to be invalid in a court of law, all other parts shall survive.

Whenever the requirements of this Ordinance are inconsistent with the requirements of any other Town of Pittston ordinance, or state regulation or statute, the more restrictive requirements shall apply.