

DEPARTMENT ORDER

IN THE MATTER OF

GLOBAL TOWER PARTNERS	)	STORMWATER MANAGEMENT LAW
Waterford, Oxford County	)	
TOWER ACCESS ROAD	)	
L-24344-NB-A-N (Approval)	)	FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Section 420-D, and Chapters 500 and 502 of the Department's Regulations, the Department of Environmental Protection has considered the application of GLOBAL TOWER PARTNERS with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicant proposes to construct a stormwater management system for a wireless communications tower site and its 2,065 linear-foot gravel access road. Construction of the access road and tower site will create 1.55 acres of developed area and 0.55 acres of impervious area. The project is shown on a set of plans, the first of which is entitled "Global Tower Partners — Rural Cellular Corporation — Site ME 5164 - Waterford," prepared by OEST Associates, Inc, and dated July 16, 2008 with a latest revision date on any of the sheets of December 16, 2008. The project site is located off the southerly side of Rice Road in the Town of Waterford.

B. Current Use of the Site: The lower section of the proposed access road crosses an open field and from there ascends through woodland, crossing several existing tote roads, to the partially-cleared tower site. There are no structures on the property.

2. STORMWATER STANDARDS:

The proposed project includes approximately 0.55 acres of impervious area and 1.55 acres of developed area. It lies within the watershed of Keoka Lake, a lake most at risk from new development. The applicant submitted a stormwater management plan based on the basic and phosphorus standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of a grassed underdrained soil filter to achieve 63% of the required treatment and a payment to the Lake Phosphorus Compensation Fund.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicant submitted an Erosion and Sedimentation Control Plan that is based on the performance standards contained in

Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPS, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of the Division of Watershed Management (DWM) of the Bureau of Land and Water Quality (BLWQ). As part of the project, the applicant proposes to loam and seed sections of the existing tote road network and to install level spreaders and stone check dams along the proposed road, all as shown on Sheets C-103, C-104 and C-105 of the plan set referenced in Finding 1. Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor. Given the size of the project and the steep slopes present on the site, the applicant must retain the services of a third party inspector in accordance with the Special Condition for Third Party Inspection Program, which is attached to this Order.

(2) Inspection and Maintenance: The applicant submitted a maintenance plan that addresses both short and long-term maintenance requirements. This plan was reviewed by, and revised in response to the comments of DWM. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. The applicant will be responsible for the maintenance of all common facilities including the stormwater management system.

Storm sewer grit and sediment materials removed from stormwater control structures during maintenance activities must be disposed of in compliance with the Department's Solid Waste Management Rules.

(3) Housekeeping: The proposed project will comply with the performance standards outlined in Appendix C of Chapter 500.

Based on DWM's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500(4)(A).

B. Phosphorus Standard: Because of the proposed project's location in the watershed of Keoka Lake, stormwater runoff from the project site will be treated to meet the phosphorus standard outlined in Chapter 500(4)(C). The applicant's phosphorus control plan was developed using methodology developed by the Department and outlined in "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development". For this project, the Permitted Phosphorus Export is 0.122 pounds of phosphorus per year. The applicant propose to remove phosphorus from the project's stormwater runoff by utilizing a grassed underdrained soil filter, as shown on the set of plans referenced in Finding 1. The predicted phosphorus export for the project site based on the applicant's model is 0.277 pounds per year. The proposed stormwater treatment will not be able to reduce the export of phosphorus in the stormwater runoff below the maximum permitted phosphorus export for the site.

The applicant indicated that it is unable to meet the phosphorus standard because of site constraints. Therefore, the applicant is addressing the remaining phosphorus reduction requirements of Chapter 500 through the payment of a compensation fee. To utilize the compensation fee, the applicant must demonstrate that the stormwater management system provides a minimum of 50 percent removal of phosphorus. The proposed stormwater management system for this site will provide a phosphorus treatment and removal rate of approximately 63 percent. In order to compensate for the excess phosphorus export of 0.155 pounds per year, the applicant submitted a payment of \$3,875 to the Department's Lake Phosphorus Compensation Fund, c/o the Lakes Environmental Association, to be utilized at other sites in the Keoka Lake watershed to reduce phosphorus exports to the lake.

The stormwater management system proposed by the applicant was reviewed by, and revised in response to, comments from DWM. After a final review, DWM commented that the proposed stormwater management system is designed in accordance with the Chapter 500 Phosphorus Standard and recommended that the applicant retain the services of a professional engineer to inspect the preparation, construction and stabilization of the underdrained vegetated soil filter. Inspections must consist of weekly visits, at a minimum, to the site by the engineer to inspect the subgrade preparation, embankment construction, pipe bedding placement, underdrain pipe installation, soil filter placement, overflow installation and soil filter stabilization from initial ground disturbance to completion. Upon completion of the installation, the applicant must notify the Department in writing within 30 days and include an engineer's certification that the system was installed in accordance with the approved plans. The notification must also include the engineer's inspection log giving the date of each inspection and the items inspected on each visit.

Based on the stormwater system's design and DWM's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500, Basic and Phosphorus Standards. The Department further finds that the proposed project will meet the Chapter 500 standards for management of stormwater discharges.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Section 420-D, and Chapters 500 and 502 of the Department's Regulations:

- A. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 Basic Standards for: (1) erosion and sediment control, provided that the applicant retains the services of a third party inspector in accordance with the Special Condition for Third Party Inspection Program, which is attached to this Order; (2) inspection and maintenance; (3) housekeeping; and (4) grading and construction activity, provided that grit removed from the stormwater system is properly disposed of as outlined in Finding 2.

- B. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 Phosphorus Standard provided that provided that the construction inspections are performed and reports submitted as outlined in Finding 2.
- C. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 standards for management of stormwater discharges.

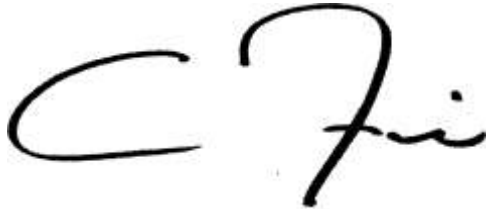
THEREFORE, the Department APPROVES the above noted application of GLOBAL TOWER PARTNERS to construct a stormwater management system to serve a communications tower pad and access road as described above, in Waterford, Maine, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this order, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. The applicant or other responsible party shall, within three months of the expiration of each five-year interval from the date of this Order, submit a report certifying that the items listed in Department Rules, Chapter 500, Appendix B(4) have been completed in accordance with the approved plans.
5. The applicant shall retain the services of a third party inspector in accordance with the Special Condition for Third Party Inspection Program, which is attached to this Order.
6. The applicant shall retain the services of a professional engineer to inspect the preparation, construction and stabilization of the underdrained vegetated soil filter. Inspections shall consist of weekly visits, at a minimum, to the site by the engineer to inspect the subgrade preparation, embankment construction, pipe bedding placement, underdrain pipe installation, soil filter placement, overflow installation and soil filter stabilization from initial ground disturbance to completion. Upon completion of the installation, the applicant shall notify the Department in writing within 30 days and include an engineer's certification that the system was installed in accordance with the approved plans. The notification shall also include the engineer's inspection log giving the date of each inspection and the items inspected on each visit.

7. Storm sewer grit and sediment materials removed from stormwater control structures during maintenance activities shall be disposed of in compliance with the Department's Solid Waste Management Rules.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

A handwritten signature in black ink, appearing to read 'A. Fisk', is positioned to the left of the digital signature text.

This permit has been digitally signed by Andrew C. Fisk on behalf of Commissioner David P. Littell. It is digitally signed pursuant to authority under 10 M. R.S.A. § 9418. It has been filed with the Board of Environmental Protection as of the signature date 2009.01.20 07:57:54 -05'00'

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

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