

December 30, 2008

Mr. David Errington
Road Commissioner
Town of Mexico
134 Main Street
Mexico, Maine 04257

**RE: *Maine Waste Discharge License (WDL) Application #W009029-5V-B-N
FINAL WDL***

Dear Mr. Errington:

Enclosed, please find a copy of your **final** Maine WDL, which was approved by the Department of Environmental Protection. Please read the license and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

If you have any questions regarding the matter, please feel free to call me at 287-7659.

Sincerely,

Bill Hinkel
Division of Water Quality Management
Bureau of Land and Water Quality

Enc.

ec/pc: Sterling Pierce, DEP (via e-mail without attachment)
Lori Mitchell, DEP (via e-mail without attachment)
Sandy Mojica (via e-mail without attachment)
File #9029

IN THE MATTER OF

TOWN OF MEXICO)	PROTECTION AND IMPROVEMENT
WASTE SNOW DUMP)	OF WATERS
MEXICO, OXFORD COUNTY)	
#MEU509029)	WASTE DISCHARGE LICENSE
#W009029-5V-B-N APPROVAL)	NEW

Pursuant to *Conditions of licenses*, 38 M.R.S.A. § 414-A, and applicable regulations, the Department of Environmental Protection (Department) has considered the application of the TOWN OF MEXICO (Town), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The Town has applied to the Department for a new Waste Discharge License (WDL) to place snow collected from town streets and parking lots onto land owned by Archie’s, Inc. on River Road in Mexico, Maine. The disposal site is located over a mapped sand and gravel aquifer. The Town of Mexico operates the snow dump.

LICENSE SUMMARY

This licensing action is establishing a new requirement to implement best management practices (BMPs) for the discharge of waste snow to the land surface at the Archie’s, Inc. site, which is situated over a mapped sand and gravel aquifer. The licensee is required to employ BMPs to minimize contamination of waste snow with street litter and sand or sand-salt mixtures. This license does not authorize the discharge of waste snow that is contaminated with oil, petroleum products, chemicals, hazardous wastes or substances, or solid waste (other than incidental street litter). This licensing action is establishing a Permit Compliance System (PCS) tracking number of MEU509029 for data management purposes.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated December 30, 2008, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with State law.
3. The provisions of the State's antidegradation policy, *Classification of Maine waters*, 38 M.R.S.A. § 464(4)(F), will be met, in that:
 - (a) Existing water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).
5. The Town will only deposit waste snow at the authorized snow dump that has been collected from areas where the use of sand or sand-salt mixtures is minimized or restricted, and only snow which has been collected and removed within 72 hours following the end of a snow event from areas subject to vehicular traffic movement.
6. The Town will employ best management practices to minimize contamination of waste snow by litter and vehicular traffic.
7. The Town will not discharge waste snow that is contaminated with oil, chemicals, hazardous wastes or substances, or solid waste (other than incidental street litter) such that the discharge violates Conditions 1 through 3 of this section.

ACTION

THEREFORE, the Department APPROVES the above noted application of the TOWN OF MEXICO to place an unspecified quantity of waste snow at the Archie's, Inc. site located at 360 River Road in Mexico, Maine ,SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. *Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits*, revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. The expiration date of this permit is five (5) years from the date of signature below.

DONE AND DATED AT AUGUSTA, MAINE, THIS 29 DAY OF December, 2008.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAVID P. LITTELL, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: November 24, 2008
Date of application acceptance: November 24, 2008

Date filed with Board of Environmental Protection: _____.

This Order prepared by William F. Hinkel, BUREAU OF LAND & WATER QUALITY
#MEU509029 / #W009029-5V-B-N December 30, 2008

SPECIAL CONDITIONS

A. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the licensee shall notify the Department of the following.

1. Substantial expansion of the areas from which snow is collected for disposal.
2. Substantial increases in development in the areas from which snow is collected for disposal, including new commercial or industrial developments.
3. Any substantial change in the volume of waste snow or snow dump area. For the purposes of this section, notice regarding substantial change shall include information on:
 - (a) the quality and quantity of waste snow introduced to the snow dump; and
 - (b) any anticipated impact caused by the change in the quantity or quality of the waste snow to be discharged from the snow dump area.
4. Any substantial change in snow dumping activities that may affect the designated uses for Class GW-A waters.

B. AUTHORIZED DISCHARGES

The licensee is authorized to discharge (deposit) waste snow at 360 River Road only: 1) in accordance with the licensee's General Application for Waste Discharge License, accepted for processing on November 24, 2008, including the written agreement between Archie's, Inc. and the Town of Mexico; and 2) in accordance with the terms and conditions of this license.

C. CONDITIONS FOR THE DISCHARGE OF WASTE SNOW

1. The deposited snow shall not contain materials in concentrations or combinations which would impair the usages designated by the classification of the receiving waters.
2. The discharge shall not impart color, taste, turbidity, toxicity, radioactivity or other properties which cause those waters to be unsuitable for the designated uses and characteristics ascribed to their class.
3. Notwithstanding specific conditions of this license, the deposited snow must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.
4. The discharge (deposit) of waste snow shall only occur at the Archie's, Inc. site, so called, located at 360 River Road in Mexico, Maine, except that waste snow may be disposed of at any other site that does not require a waste discharge license from the Department.

SPECIAL CONDITIONS

C. CONDITIONS FOR THE DISCHARGE OF WASTE SNOW (cont'd)

5. Only snow which is removed from areas where the use of sand or sand/salt mixtures is minimized or restricted may be discharged (deposited) at the authorized snow dump. All waste snow collected for disposal at the Archie's, Inc. site must be removed from the collection area **within 72 hours** following the end of a snow event. Waste snow that has been located on areas subject to vehicular traffic for more than 72 hours following the end of a snow event may not be disposed of at the authorized snow dump. This license only authorizes the Town and contractors working for the Town to deposit waste snow at the authorized snow dump.
6. The licensee shall install and maintain a **silt barrier** along the down-gradient edge of the snow dump.
7. **Prior to July 1** of each year, trash and refuse incidental to snow removal shall be removed from the surface of the snow dump area.
8. Snow which is visibly contaminated with oil, chemicals, hazardous wastes or substances, or solid waste (other than incidental street litter) shall not be discharged (deposited at the authorized snow dump). Snow collected from areas affected by chemical spills or other circumstances which may result in the presence of toxic compounds in toxic amounts shall not be discharged (deposited at authorized snow dump).
9. The licensee shall employ a litter removal program for the areas from which snow is collected for disposal at the authorized snow dump.

D. RECORD OF ACTIVITIES FOR WASTE SNOW DUMPS

The licensee shall maintain a record (daily log) for snow removal and disposal activities which includes information on:

1. The identity of all entities depositing waste snow at the authorized snow dump. Special Condition C of this license prohibits any entity other than the Town or contractors working for the Town from depositing waste snow at the authorized snow dump.
2. Changes in development or snow removal practices that may affect the quality or quantity of waste snow discharged.
3. The approximate quantity (gallons, cubic yards or other measure) of waste snow discharged (deposited at the authorized snow dump) each day.
4. Best Management Practices (BMPs) conducted to minimize the discharge of pollutants, such as implementation of street litter and debris removal, and formal or informal agreements with contractors working for the Town and contributing snow to the authorized snow dump.

The Record Log and copies of the BMPs shall be kept on-site at all times and made available to Department personnel upon request.

SPECIAL CONDITIONS

E. REOPENING OF LICENSE FOR MODIFICATION

Upon evaluation of the tests results in the Special Conditions of this licensing action, new site specific information, or any other pertinent test results or information obtained during the term of this license, the Department may, at anytime and with notice to the licensee, modify this license to: (1) include effluent limits necessary to control specific pollutants where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

F. SEVERABILITY

In the event that any provision, or part thereof, of this license is declared to be unlawful by a reviewing court, the remainder of the license shall remain in full force and effect, and shall be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: **DECEMBER 30, 2008**

PERMIT COMPLIANCE SYSTEM: **#MEU509029**
WASTE DISCHARGE LICENSE: **#W009029-5V-B-N**

NAME AND ADDRESS OF APPLICANT:

**TOWN OF MEXICO
134 MAIN STREET
MEXICO, ME 04257**

COUNTY: **OXFORD**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**ARCHIE'S, INC.
360 RIVER ROAD
MEXICO, MAINE 04257**

RECEIVING WATER/CLASSIFICATION: **GROUND WATER/CLASS GW-A**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **MR. DAVID ERRINGTON
ROAD COMMISSIONER
TOWN OF MEXICO
(207) 364-7971**

1. APPLICATION SUMMARY

The Town of Mexico (Town) has applied to the Department of Environmental Protection (Department) for a new Waste Discharge License (WDL) to place snow collected from town streets and parking lots onto land owned by Archie's, Inc. on River Road in Mexico, Maine. The disposal site is located over a mapped sand and gravel aquifer. The Town of Mexico operates the snow dump.

2. LICENSE SUMMARY

a. Terms and Conditions - This licensing action is establishing a new requirement to implement best management practices (BMPs) for the discharge of waste snow to the land surface at the Archie's, Inc. site, which is situated over a sand and gravel aquifer. The licensee is required to employ BMPs to minimize contamination of waste snow with street litter and sand or sand-salt mixtures. This license does not authorize the discharge of waste snow that is contaminated with oil, petroleum products, chemicals, hazardous wastes or substances, or solid waste (other than incidental street litter). This licensing action is establishing a Permit Compliance System (PCS) tracking number of MEU509029 for data management purposes.

b. History: This section provides a summary of significant licensing actions and milestones that have been completed for the Town of Mexico Snow Dump.

October 15, 2008 – The Town submitted a General Application to the Department for a new Waste Discharge License for the proposed snow dump. The application was assigned WDL #W009029-5V-A-N. On November 3, 2008, the Department returned WDL Application #W009029-5V-A-N to the applicant due to deficiencies that prevented the Department from accepting it as complete for processing.

October 28, 2008 – Department licensing staff conducted a site visit with the Town of Mexico to review the proposed snow dump site and discuss the deficiencies identified in the 10/15/08 application.

November 24, 2008 – The Town resubmitted a General Application to the Department for a new Waste Discharge License for the proposed snow dump. The application was accepted for processing on November 24, 2008 and was assigned WDL #W009029-5V-B-N.

c. Source Description: The Town of Mexico collects snow from the downtown streets and roads of Mexico for disposal at a site referred to as Archie's, Inc. which is located at 360 River Road in Mexico. A map of the snow dump area is included as Attachment A of this license. The Town provided as an exhibit to their 11/24/08 General Application a written agreement between Archie's, Inc. and the Town authorizing use of Archie's, Inc.'s land for the disposal of waste snow. The Town reported that a total of approximately 1.8 miles of streets and roads are cleared and the snow collected for disposal at the snow dump. The Town indicated in its application that approximately 1,200 yards of sand and 400 tons of salt are anticipated to be applied to the roads and streets in the collection area annually.

d. Wastewater Treatment: The Town does not provide treatment of waste snow prior to discharge (disposal) at the authorized snow dump. The Town employs best management practices to minimize debris and sand in the waste snow collected for disposal.

3. CONDITIONS OF LICENSE

Conditions of licenses, 38 M.R.S.A. § 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System.

4. RECEIVING WATER QUALITY STANDARDS

Classification of ground water, 38 M.R.S.A § 470, indicates the ground water at the point of discharge is classified as Class GW-A receiving waters. *Standards of classification of ground water*, 38 M.R.S.A. § 465-C, describes the standards for Class GW-A waters as the highest classification of ground water and shall be of such quality that it can be used for public water supplies. These waters shall be free of radioactive matter or any matter that imparts color, turbidity, taste or odor which would impair the usage of these waters, other than occurring from natural phenomena.

5. RECEIVING WATER QUALITY CONDITIONS

The Department has no information as of the date of this licensing action that the ground water under and around the authorized snow dump area does not meet the standards of its assigned classification.

6. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As licensed, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the water body to meet standards for Class GW-A classification.

7. PUBLIC COMMENTS

Public notice of this application was made in the *Runford Falls Times* newspaper on or about November 19, 2008. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft licenses shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

8. DEPARTMENT CONTACTS

Additional information concerning this licensing action may be obtained from, and written comments sent to:

William F. Hinkel
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-7659

9. RESPONSE TO COMMENTS

During the period of November 25, 2008 through December 29, 2008, the Department solicited comments on the proposed draft Waste Discharge License to be issued to the Town of Mexico for the proposed discharge. The Department did not receive significant comments on the draft license; therefore, a response to comments was not prepared.