



STATE OF MAINE
Department of Environmental Protection

JOHN ELIAS BALDACCI
GOVERNOR

David P. Littell
COMMISSIONER

June 12, 2009

Mr. David Keith
Superintendent
Carrabassett Valley Sanitary District
Village West #35
Carrabassett Valley, Maine 04947

RE: Maine Waste Discharge License (WDL) Application #W002781-5L-G-M
Permit Compliance System #MEU502781
Minor Revision

Dear David:

Enclosed please find a copy of your **final** Maine WDL **minor revision** which was approved by the Department of Environmental Protection. You must follow the conditions in the license 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 287-7693.

Sincerely,

A handwritten signature in cursive script, appearing to read "G. Wood".

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality

Enc.

cc: Beth DeHaas, DEP/CMRO
Sandy Mojica, USEPA



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

DEPARTMENT ORDER

IN THE MATTER OF

CARRABASSETT VALLEY SANITARY DISTRICT)	PROTECTION AND IMPROVEMENT
CARRABASSETT VALLEY, FRANKLIN COUNTY)	OF WATERS
PUBLICLY OWNED TREATMENT WORKS)	
#W002781-5L-G-M)	WASTE DISCHARGE LICENSE
APPROVAL)	MINOR REVISION

Pursuant to the provisions of 38 M.R.S.A., Section 414-A et seq., the Department of Environmental Protection (Department hereinafter) has considered the request by the CARRABASSETT VALLEY SANITARY DISTRICT (CVSD) to increase the quantity of transported waste accepted at the waste water treatment facility along with supportive data, agency review comments and other related materials on file and FINDS THE FOLLOWING FACTS:

MINOR REVISION SUMMARY:

The CVSD operates a surface waste water disposal system (combination spray irrigation and snowmaking) to treat and dispose of up to 105 million gallons per year of sanitary waste water generated by entities within the boundaries of the CVSD in Carrabassett Valley, Maine. The Department issued the most current WDL renewal #W002781-5L-E-R on December 22, 2006 for a five-year term. Special Condition K, *Disposal of Septage In Waste Water Treatment Facility*, of said WDL authorized the CVSD to receive and treat up to 4,000 gallons per month (48,000 gallons per year) of septage from local septage haulers.

The CVSD has requested the Department modify the WDL to authorize the District to receive and treat up to 120,000 gallons per year and up to 25,000 gallons per month (September – November) of transported waste from local septage haulers servicing entities within the Town of Carrabassett Valley.

As an exhibit to the application for the 12/22/06 WDL renewal, the CVSD submitted a septage management plan in accordance with the criteria outlined in Department regulation, Chapter 555, *Standards For The Addition of Septage To Wastewater Treatment Facilities*, for the receipt and treatment of septage into the waste water treatment facility. The Department reviewed and approved the management plan prior to issuance of the 12/22/06 WDL.

CONCLUSIONS

1. The disposal of transported wastes into the waste water treatment facility will be conducted in a safe, efficient manner which protects the physical facilities and assures proper operation and effluent quality.
2. The addition of transported wastes into the waste water treatment facility will not cause or contribute to the failure of the waste water treatment facility to comply with the terms and conditions established in WDL #W002781-5L-E-R issued on December 22, 2006.

ACTION

THEREFORE, the Department APPROVES the above noted application of the CARRABASSETT VALLEY SANITARY DISTRICT, to receive and treat up to 120,000 gallons per year and up to 25,000 gallons per month (September – November) of transported waste at its waste water treatment facility, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. Standard Conditions of Approval for POTW Waste Discharge Licenses dated July 16, 1996, copy attached to WDL #W002781-5L-E-R issued on December 22, 2006.
2. The attached Special Condition.
3. All terms and conditions of WDL #W002781-5L-E-R issued on December 22, 2006, not modified by this minor revision remain in effect and enforceable.
4. This license expires on December 22, 2010, concurrent with WDL #W002781-5L-E-R.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of the request June 4, 2009.

Date of acceptance of the request June 10, 2009.

This Order prepared by GREGG WOOD, BUREAU OF LAND & WATER QUALITY

SPECIAL CONDITIONS

K. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

During the effective period of this license, the licensee is authorized to receive and introduce into the treatment process or solids handling stream up to a **daily maximum of 5,000 gallons per day and a monthly total of 25,000 gallons from September - November, a daily maximum of 5,000 gallons per day and a monthly total of 5,000 gallons from December - August** subject to the following terms and conditions.

1. "Transported wastes" means any liquid non-hazardous waste delivered to a wastewater treatment facility by a truck or other similar conveyance that has different chemical constituents or a greater strength than the influent described on the facility's application for a waste discharge license. Such wastes may include, but are not limited to septage, industrial wastes or other wastes to which chemicals in quantities potentially harmful to the treatment facility or receiving water have been added.
2. The character and handling of all transported wastes received must be consistent with the information and management plans provided in application materials submitted to the Department.
3. At no time shall the addition of transported wastes cause or contribute to effluent quality violations. Transported wastes may not cause an upset of or pass through the treatment process or have any adverse impact on the sludge disposal practices of the wastewater treatment facility.

Wastes that contain heavy metals, toxic chemicals, extreme pH, flammable or corrosive materials in concentrations harmful to the treatment operation must be refused. Odors and traffic from the handling of transported wastes may not result in adverse impacts to the surrounding community. If any adverse effects exist, the receipt or introduction of transported wastes into the treatment process or solids handling stream shall be suspended until there is no further risk of adverse effects.

4. The licensee shall maintain records for each load of transported wastes in a daily log which shall include at a minimum the following.
 - (a) The date;
 - (b) The volume of transported wastes received;
 - (b) The source of the transported wastes;
 - (d) The person transporting the transported wastes;
 - (e) The results of inspections or testing conducted;
 - (f) The volumes of transported wastes added to each treatment stream; and
 - (g) The information in (a) through (d) for any transported wastes refused for acceptance.

These records shall be maintained at the treatment facility for a minimum of five years.

SPECIAL CONDITIONS

K. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY (cont'd)

5. The addition of transported wastes into the treatment process or solids handling stream shall not cause the treatment facility's design capacity to be exceeded. If, for any reason, the treatment process or solids handling facilities become overloaded, introduction of transported wastes into the treatment process or solids handling stream shall be reduced or terminated in order to eliminate the overload condition.
6. Holding tank wastewater from domestic sources to which no chemicals in quantities potentially harmful to the treatment process have been added shall not be recorded as transported wastes but should be reported in the treatment facility's influent flow.
7. In consultation with the Department, chemical analysis is required prior to receiving transported wastes from new sources that are not of the same nature as wastes previously received. The analysis must be specific to the type of source and designed to identify concentrations of pollutants that may pass through, upset or otherwise interfere with the facility's operation.
8. Access to transported waste receiving facilities may be permitted only during the times specified in the application materials and under the control and supervision of the person responsible for the wastewater treatment facility or his/her designated representative.
9. The authorization in the Special Condition is subject to annual review and, with notice to the permittee and other interested parties of record, may be suspended or reduced by the Department as necessary to ensure full compliance with Chapter 555 of the Department's rules and the terms and conditions of this license.

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: **June 15, 2009**

PERMIT COMPLIANCE SYSTEM NUMBER: **MEU502781**

LICENSE NUMBER: **W002781-5L-G-M**

NAME AND ADDRESS OF APPLICANT:

CARRABASSETT VALLEY SANITARY DISTRICT

Village West #35

Carrabassett Valley, Maine 04947

COUNTY: **Franklin County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

Route 27

Carrabassett Valley, Maine 04947

RECEIVING WATER/CLASSIFICATION: **Ground Water/Class GW-A**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. David Keith
Superintendent
(207) 237-3642**

1. MINOR REVISION REQUESTED

The CVSD has requested the Department modify WDL #W002781-5L-E-R issued on 12/22/06 to authorize the District to receive and treat up to 120,000 gallons per year and up to 25,000 gallons per month (September – November) of transported waste from local septage haulers servicing entities within the Town of Carrabassett Valley.

2. MODIFICATIONS APPROVED

This minor revision has granted the requested increase in transported wastes accepted and treated at the CVSD waste water treatment facility. To be consistent with a Department rule 06-096 CMR Chapter 555, *Standards For the Addition of Transported Wastes To Waste Water Treatment Facilities* (adopted March 9, 2009), Special Condition K, *Disposal of Transported Waste in Waste Water Treatment Facility*, of this minor revision replaces in its entirety, Special Condition K, *Disposal of Septage In Waste Water Treatment Facility*, of the 12/22/06 WDL.

3. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Department rule 06-096 CMR Chapter 555, *Standards For the Addition of Transported Wastes To Waste Water Treatment Facilities*, states in part;

7. *Criteria of approval,*

B. *Quantity of wastes.* *Except as provided in section 8(B), the amount of transported wastes may not, in combination with other current annual average influent loadings, cause a wastewater treatment facility's design capacity for flow, BOD, TSS or other relevant pollutants to be exceeded. The volume of transported wastes received per day at a wastewater treatment facility may not exceed the following volumes in comparison to the facility's design capacity.*

(1) Where the facility does not utilize side stream treatment or storage, the daily maximum volume received may not exceed 0.5% of the design capacity.

(2) Where the facility does utilize side stream treatment or storage for at least half of the transported waste, the daily maximum volume received may not exceed 1.0% of the design capacity.

C. *Expression of limits.* *The license limitations for transported wastes must be expressed as gallons per day and reflect the considerations in this rule. In addition to the daily amount, the Department shall establish a monthly total where necessary to prevent cumulative impacts to the treatment facility or receiving waters, or to reflect limitations in the capacity of side stream treatment methods.*

The 12/22/06 WDL authorized the facility to treat and dispose of up to 105 million gallons per year of waste water based on the treatment and storage capacity of the existing waste water treatment facility. According to the licensee, the current annual average influent received at the waste water treatment facility is only 58 million gallons. The facility does have a side stream treatment and storage facility for the transported waste. Therefore, according to Department rule Chapter 555, the Department could authorize the facility to accept and treat up to 1.0 million gallons of septage per year or 83,333 gallons per month or 3,000 gallons per day, assuming the facility is receiving transported waste 365 days per year and that such addition will not cause upset conditions at the waste water treatment facility. The licensee has requested to only receive up to 120,000 gallons per year, or 12% of what could be authorized by rule and no more than 25,000 gallons per month (September – November) 30% of what could be authorized by the rule.

As for the remainder of the year, the Department is establishing a nominal value of 5,000 gallons per day and 5,000 gallons per month to give the licensee the flexibility to be responsive to emergency situations and remain within the annual limit of 120,000 gallons per year as requested by the licensee.

3. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Being that the Carrabassett Valley area is predominately a winter sporting area, the licensee has indicated the bulk of transported waste received at the waste water treatment facility is in the late summer and more frequently in the fall as seasonal home and camp owners arrive to prepare their property for the ski season. Therefore, to accommodate the seasonality of the transported waste generated, this licensing action is establishing limits on transported waste as follows:

	<u>Daily Max.</u>	<u>Monthly Avg.</u>
September 1 st – November 30 th	5,000 gal.	25,000 gal.
December 1 st – July 31 st	5,000 gal.	5,000 gal.
Annual total – 120,000 gal.		

4. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has determined the existing and designated uses of the receiving water uses will be maintained and protected and the discharge will not cause or contribute to failure of the receiving water to meet the assigned Class GW-A classification.

5. DEPARTMENT CONTACTS

Additional information concerning this permitting action may be obtained from and written comments should be sent to:

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
E-mail: gregg.wood@maine.gov

Telephone: (207) 287-7693



DEP INFORMATION SHEET

Appealing a Commissioner's Licensing Decision

Dated: May 2004

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) in an administrative process before the Board of Environmental Protection (Board); or (2) in a judicial process before Maine's Superior Court. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

DEP's *General Laws*, 38 M.R.S.A. § 341-D(4), and its *Rules Concerning the Processing of Applications and Other Administrative Matters* (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner and the applicant a copy of the documents. All the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

The materials constituting an appeal must contain the following information at the time submitted:

1. *Aggrieved Status.* Standing to maintain an appeal requires the appellant to show they are particularly injured by the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.

5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence as part of an appeal only when the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or show that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2, Section 24(B)(5).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* An applicant proceeding with a project pending the outcome of an appeal runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision. The Board will notify parties to an appeal and interested persons of its decision.

II. APPEALS TO MAINE SUPERIOR COURT

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.
