



STATE OF MAINE
Department of Environmental Protection

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

December 30, 2009

Mr. Francis Edward Wood
P.O. Box 570
Shapleigh, ME 04076

RE: Maine Waste Discharge License (WDL) Application #W008129-5S-B-R

Dear Mr. Wood:

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 287-7693.

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: Matt Hight, DEP/SMRO
Sandy Mojica, USEPA



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

DEPARTMENT ORDER

IN THE MATTER OF

WATERWAYS, INC.)	PROTECTION AND IMPROVEMENT
WATERBORO, YORK COUNTY)	OF WATERS
COMMERCIAL CAR WASH)	WASTE DISCHARGE LICENSE
MEU508129)	
W008129-5S-B-R)	RENEWAL
APPROVAL)	

Pursuant to the provisions of Maine Law 38 M.R.S.A., Section 414-A et seq., and applicable regulations, the Department of Environmental Protection (Department hereinafter) has considered the application of WATERWAYS, INC., (licensee hereinafter) with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On September 22, 2006, the licensee submitted a timely application to the Department to renew Maine Waste Discharge License #W008129-5S-A-N that was issued by the Department on September 26, 2001 and expired on September 26, 2006. The 9/26/09 license authorized the construction and operation of a sub-surface waste water disposal system (SWDS) that was designed to treat up to 700 gallons per day of wastewater generated from a commercial car wash facility on a 4 acre parcel located on the east side of Route 202 in the Town of Waterboro.

As a result of the license violations during the five-year term of the previous license, the licensee shutdown the car washing activities in 2007 and sought the assistance of consultants to re-design a new wash facility and treatment system and install a new sub-surface waste water disposal system. On September 12, 2009, the licensee submitted an amendment to the 9/22/06 application to the Department entitled, *Proposed Carwash Discharge License Renewal Information Package*, dated September 12, 2009 and then another amendment entitled, *Supplemental Carwash Discharge License Renewal Information Package*, dated December 11, 2009, both by HYDROTERRA Environmental Services.

LICENSE SUMMARY

The terms and conditions of this licensing action are similar to the previous licensing action except that this permitting action is: 1) replacing the monitoring of diesel range organics (DRO) and gasoline range organics (GRO) with extractable petroleum hydrocarbons (EPH) and volatile petroleum hydrocarbons (VPH), 2) eliminating limitations and monitoring requirements for BOD5, zinc and arsenic from Outfall #001, and 3) eliminating limitations and monitoring requirements for phosphorus, chromium, zinc, arsenic and COD from ground water monitoring.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated November 30, 2009 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, 38 MRSA Section 464(4)(F), will be met, in that:
 - (a) Existing groundwater 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 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 discharge will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the above noted application of the WATERWAYS, INC. to discharge up to 2,500 gpd of treated waste waters to a subsurface waste water disposal system to the soil above groundwater, Class GW-A, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

1. *“Standard Conditions of Industrial Discharge Licenses,”* revised August 14, 1996, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This license expires five (5) years from the date of signature below.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application September 22, 2006.
Date of application acceptance: October 24, 2006.

This Order prepared by Gregg Wood, BUREAU OF LAND & WATER QUALITY
MEU508129 2009 12/30/09

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Beginning the effective date of this license, the licensee is authorized to discharge treated process waste water from **Outfall #001** to a sub-surface waste water disposal (leachfield) system. Limitations are applicable and monitoring shall be **conducted at a sampling port located after carbon filtration** but before the distribution box for the leachfield. Limitations and monitoring by the licensee will be as specified below:

Effluent Characteristic	Discharge Limitations	Monitoring Requirements	
		Measurement Frequency (as specified)	Sample Type (as specified)
Flow [50050]	2,500 gpd ⁽¹⁾ [03]	1/Day [01/01]	Metered [MT]
Specific Conductance [00095]	Report, uhmos/cm [11]	1/Month ⁽²⁾ [01/30]	Measure [MS]
Temperature [00011]	Report, degree Fahrenheit [15]	1/Month ⁽²⁾ [01/30]	Measure [MS]
TDS [00530]	Report, mg/l [19]	1/Month ⁽²⁾ [01/30]	Grab [GR]
MTBE ⁽³⁾ [22417]	Report, mg/l [19]	1/Month ⁽²⁾ [01/30]	Grab [GR]
BTEX ⁽³⁾ [49491]	Report, mg/l [19]	1/Month ⁽²⁾ [01/30]	Grab [GR]
EPH ⁽³⁾ [no code available]	Report, mg/l [19]	1/Month ⁽²⁾ [01/30]	Grab [GR]
VPH ⁽³⁾ [no code available]	Report, mg/l [19]	1/Month ⁽²⁾ [01/30]	Grab [GR]
pH [00400]	Report, S.U. [12]	1/Month ⁽²⁾ [01/30]	Grab [GR]
Oil & Grease [03582]	Report, mg/L [19]	1/Month ⁽²⁾ [01/30]	Grab [GR]
Lead [01051]	0.015 mg/L [19]	1/Month ⁽²⁾ [01/30]	Grab [GR]
Chlorides [00940]	250 mg/L [19]	1/Month ⁽²⁾ [01/30]	Grab [GR]

The italicized numeric values bracketed in the table above and the table that follows are code numbers that Department personnel utilized to code the monthly Discharge Monitoring Reports.

Footnotes:

1. Flow shall be calculated as follows: The total discharge by liquid (gallons) measure during the calendar month divided by the number of days in the month that the facility was operating.
2. The licensee shall monitor Outfall #001 and report results on a monthly basis during the first 12 months of operation. With the exception of flow, after the initial 12 months of operation, the measurement frequency of monitoring at Outfall #001 may be reduced to once per quarter upon written request by the licensee unless the Department finds that more frequent monitoring is warranted based on the initial 12 months of data from the operation of the system.
3. MTBE, BTEX, EPH, and VPH are possible constituents in the wastewater flow treated by the system and are compounds that are defined respectively as “Methyl-Tertiary-Butyl-Ether, Benzene-Toluene-Ethylene-Xylene, Extractable Petroleum Hydrocarbons and Volatile Petroleum Hydrocarbons”.

SPECIAL CONDITIONS

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

2. Beginning the effective date of this license, the licensee is required to monitor groundwater quality at **Groundwater Monitoring Well #1 (GW-1) and Groundwater Monitoring Well #2 (GW-2)**⁽¹⁾ as specified below. **GW-1 (HT-2** on Attachment C of the Fact Sheet of this license) an up-gradient well will be considered representative of background conditions and **GW-2 (GW-2** on Attachment C of the Fact Sheet of this license) a down-gradient well will serve to determine potential impacts to ground water from the leachfield.

Effluent Characteristic	Discharge Limitations	Monitoring Requirements	
		Measurement Frequency ⁽¹⁾	Sample Type
	Daily Maximum (as specified)		
Specific Conductance [00095]	Report, uhmos/cm [11]	1/Quarter [01/90]	Measure [MS]
TSS [00530]	Report, mg/l [19]	1/Quarter [01/90]	Grab [GR]
Depth to Water from Ground Surface [72019]	Report, inches (to the nearest 1/10" below ground surface) [61]	1/Quarter [01/90]	Measure [MS]
Temperature [00011]	Report, degree Fahrenheit [15]	1/Quarter [01/90]	Measure [MS]
Lead [01051]	0.015 mg/l [19]	1/Quarter [01/90]	Grab [GR]
Chlorides [00940]	250 mg/l [19]	1/Quarter [01/90]	Grab [GR]
EPH ⁽²⁾	Report, mg/l [19]	1/Quarter [01/90]	Grab [GR]
VPH ⁽²⁾	Report, mg/l [19]	1/Quarter [01/90]	Grab [GR]
MTBE ⁽²⁾ [22417]	Report, mg/l [19]	1/Quarter [01/90]	Grab [GR]
BTEX ⁽²⁾ [49491]	Report, mg/l [19]	1/Quarter [01/90]	Grab [GR]
pH [00400]	6.0-8.5, S.U. [12]	1/Quarter [01/90]	Grab [GR]

Footnotes:

1. The licensee shall monitor GW-2 monthly during the first three consecutive months following the installation of well GW-2 (See Special Condition E, *Ground Water Monitoring Well Installation*, of this permit). After the initial 3 months of operation, the measurement frequency of monitoring at GW-2 may be reduced at the request of the licensee to once per calendar quarter unless the Department finds that more frequent monitoring is warranted. GW-1 (HT-3) shall be monitored on a 1/Quarter basis beginning upon issuance of this license.
2. EPH, VPH, MTBE and BTEX are Extractable Petroleum Hydrocarbons and Volatile Petroleum Hydrocarbons Methyl-Tertiary-Butyl-Ether, and Benzene-Toluene-Ethylene-Xylene, respectively.

SPECIAL CONDITIONS

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

Sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services. Samples that are sent to a POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 or laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended 2/13/00).

All detectable analytical test results shall be reported to the Department including results which are detected below the respective reporting limits (RLs) specified by the Department. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the actual detection limit achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL is not acceptable and will be rejected by the Department. For mass, if the analytical result is reported as <Y or if a detectable result is less than a RL, report a <X lbs/day, where X is the parameter specific limitation established in the permit. Compliance with this license will be evaluated based on whether or not a compound is detected at or above the Department's RL.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usage designated by the classification of the groundwater.
2. Notwithstanding specific conditions of this license the effluent must not lower the quality of any classified body of groundwater below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. UNAUTHORIZED DISCHARGES

The licensee is authorized to discharge only: 1) in accordance with the licensee's General Application for Waste Discharge License, accepted for processing on October 24, 2006; 2) in accordance with the terms and conditions of this license; and, 3) via Outfall #001. Discharges of wastewater from any other point source are not authorized under this license, and shall be reported in accordance with Standard Condition B(5), *Bypasses*, of this license.

SPECIAL CONDITIONS

D. NOTIFICATION REQUIREMENT

The licensee shall notify the Department of the following.

1. Any increase of volume above the 2,500 gpd flow to the system or any substantial change in the character of pollutants being introduced into the wastewater collection and treatment system.
2. For the purposes of this section, adequate notice shall include information on:
 - (a) the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
 - (b) any anticipated impact of the change in the quantity or quality of the wastewater to be discharged from the treatment system.

E. GROUND WATER MONITORING WELL INSTALLATION

On or before December 31, 2009, the licensee shall install ground water monitoring well GW-2 down gradient of the newly constructed sub-surface waste water disposal (leachfield) system. The well shall be located no greater than 30 feet from the toe of slope or limits of excavation of the leachfield. See Attachment C of the Fact Sheet attached to this license for an approximately located of the well location. The installation of the well shall be overseen by a certified geologist.

Once the installation of the well is complete, the licensee shall notify the Department's compliance inspector of such completion and shall provide said inspector with written documentation that the well was installed under the supervision of a certified geologist. The first of three months of consecutive sampling events required by Special Condition A(2) footnote #1, shall begin in January 2010.

F. OPERATIONS AND MAINTENANCE (O & M) PLAN

On or before February 1, 2010, the licensee shall submit to the Department for review and comment, a written comprehensive Operation & Maintenance (O & M) Plan for the waste water treatment system. The plan shall provide a systematic approach by which the licensee shall at all times, properly operate and maintain all facilities and the systems of treatment and control (and related appurtenances) which are installed or used by the licensee to achieve compliance with the conditions of this license.

SPECIAL CONDITIONS

F. OPERATIONS AND MAINTENANCE (O & M) PLAN (cont'd)

By December 31 of each year, or within 90 days of any process changes or minor equipment upgrades, the licensee shall evaluate and modify the O& M Plan including site plan(s) and schematic(s) for the wastewater treatment facility to ensure that it is up-to-date. The O& M Plan shall be kept on-site at all times and made available to the Department personnel upon request.

Within 90 days of completion of new and substantial upgrades of the waste water treatment facility, the licensee shall submit the updated O&M Plan to their Department inspector for review and comment.

G. MONITORING AND REPORTING

Monitoring results shall be summarized for each calendar quarter and reported on separate Discharge Monitoring Report Forms provide by the Department and **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to a Department Regional Office such that the DMR's are received by the Department on or before the fifteenth (15th) day of the month** following the completed reporting period. A signed copy of the Discharge Monitoring Report and all other reports required herein shall be submitted to the following address:

Maine Department of Environmental Protection
Southern Maine Regional Office
Bureau of Land & Water Quality
Division of Water Quality Management
312 Canco Road
Portland, ME. 04103

Alternatively, if you are submitting an electronic Discharge Monitoring Report (eDMR), the completed eDMR must be electronically submitted to the Department by a facility authorized DMR Signatory **not later than close of business on the 15th day of the month** following the completed reporting period. **Hard Copy documentation** submitted in support of the eDMR must be **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to the Department's Regional Office such that it is received by the Department on or before the fifteenth (15th) day of the month** following the completed reporting period. **Electronic documentation** in support of the eDMR must be submitted **not later than close of business on the 15th day of the month** following the completed reporting period.

H. REOPENING OF LICENSE FOR MODIFICATIONS

Upon evaluation of any required test results, results of inspections and/or reporting required by the Special Conditions of this licensing action, additional site specific or any other pertinent information or test results obtained during the term of this license, the Department may, at anytime and with notice to the licensee, modify this license to require additional monitoring, inspections and/or reporting based on the new information.

SPECIAL CONDITIONS

I. 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 respects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: November 30, 2009

PERMIT COMPLIANCE SYSTEM TRACKING NUMBER: **MEU508129**
LICENSE NUMBER: **W-008129-5S-B-R**

NAME AND MAILING ADDRESS OF APPLICANT:

**WATERWAYS, INC.
P.O. Box 570
Shapleigh, Maine 04076**

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

**WATERWAYS, INC.
State Route 202/Hamilton Road
Waterboro, Maine**

COUNTY WHERE FACILITY DISCHARGE OCCURS: **York County**

RECEIVING WATER/ CLASSIFICATION: **Groundwater/Class GW-A**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Francis Edward Wood
(207) 247-4023 or 247-2266**

1. APPLICATION SUMMARY

- a. Application: On September 22, 2006, the licensee submitted a timely application to the Department to renew Maine Waste Discharge License #W008129-5S-A-N that was issued by the Department on September 26, 2001 and expired on September 26, 2006. The 9/26/09 license authorized the construction and operation of a sub-surface waste water disposal system (SWDS) that was designed to treat up to 700 gallons per day of wastewater generated from a commercial car wash facility on a 4 acre parcel located on the east side of Route 202 in the Town of Waterboro. See **Attachment A** of this Fact Sheet for a location map.

As a result of the license violations during the five-year term of the previous license, the licensee shutdown the car washing activities in 2007 and sought the assistance of consultants to re-design a new wash facility and treatment system and install a new

1. APPLICATION SUMMARY (cont'd)

sub-surface waste water disposal system. On September 12, 2009, the licensee submitted an amendment to the 9/22/06 application to the Department entitled, *Proposed Carwash Discharge License Renewal Information Package*, dated September 12, 2009 and then another amendment entitled, *Supplemental Carwash Discharge License Renewal Information Package*, dated December 11, 2009, both by HYDROTERRA Environmental Services.

During the five-year term of the previous licensing action, monitoring of ground water by the licensee resulted in numerous violation of numeric limitations for gasoline range organic (GRO) compounds, diesel range organic (DRO) compounds, chloride, lead and p-isopropyltoluene. In a letter dated May 1, 2006 to the licensee, the Department cited partially treated or untreated waste streams not accounted for in the original design being conveyed to the septic tank or "D" box, lack of flow measurement and poor maintenance of the treatment system components as being contributing factors to the licensee violations.

As a result of the license violations, the licensee shutdown the car washing activities and sought the assistance of consultants to re-design a new wash facility and treatment system and install a new sub-surface waste water disposal system. On September 12, 2009, and December 11, 2009, the licensee submitted application amendments by HYDROTERRA Environmental Services to the Department. The amendment describes the new wash facility as a facility that will "...wash standard over the road vehicles using a "fully automated" wash process. This process uses application of detergents and soft gloss rotating brush material to clean a vehicle. A variety of water treatments and processes are employed and presented for use throughout the operation. Additionally, the facility will offer a single bay "self service" wash bay with limited access and a custom "dog wash." These bays will be designed in such a fashion to allow an individual the opportunity to independently conduct wash operations using a spray wand that will disperse a soap solution or fresh water.

- b. Source Description: The wash facility will consist of an automated wash, a single bay "self service" wash bay with limited access and a custom "dog wash." The daily maximum throughput on the automated wash bay is 120 cars which will generate 60 gallons of waste water a day, the self service bay will operate approximately 295 minutes/day and generate approximately 945 gallons of waste water per day and the dog will operate approximately 380 minutes per day and generate 1,450 gallons/day for a total of 2,450 gallons/day.

1. APPLICATION SUMMARY (cont'd)

- c. Wastewater Treatment: See **Attachment B** of this Fact Sheet for a schematic of the waste water treatment system. Approximately 85% of all the waste generated at the facility will be recycled in the washing process. The 12/11/09 report by Hydroterra describes the waste water treatment system as follows.

“All car washwater will be captured and recovered at the catch basins. The captured water will be directed through a collection main to the first compartment of tank 1 (sand and grease trap). The water will continue through the tank across each of the two equally spaced internal tank weirs. A submersible pump located in the last compartment of tank 2 will transfer through an in line basket strainer, mass air injection port and centrifugal separator for discharge to the first compartment of tank 2. This water stream will also be treated with a proprietary enzyme component. The solids removal port of the centrifugal separator will be directed to the automatic car wash bay catch basin. When the liquid level of tank 2 is at capacity, as determined by a liquid level float, the “clear water” discharge of the separator will be directed to tank 1(holding tank). The Conserve, Series 1, equipment platform will be used to continue to clean the water stored in tank 1. This process will include the addition of ozone to the water stream and continued process through an automatic back washing, self cleaning, filter element. The containment captured during the cleaning process will be returned to the catch basin located in the automatic car wash bay. The Series 1 equipment platform will also pressure the treated water for use in the automatic car wash operation. When the primary holding tank is filled to capacity and the high float is raised, a portion of the processed and treated waste water is diverted to the carbon polishing filters and presented to the sub-surface retention and discharge system. A pressurized sampling valve will be provided at the carbon filter outflow.”

2. LICENSE SUMMARY (cont'd)

- a. Terms and Conditions: The 9/26/01 licensing action contained the following text; *“This licensing action establishes effluent limitations and/or monitoring requirements for flow, biochemical oxygen demand (BOD), total suspended solids (TSS), pH, oils & grease, certain petroleum compounds, and specific elements at the SWDS leachfield. This action also establishes limitations and monitoring at two groundwater monitoring wells downgradient from the SWDS for conductivity, depth to groundwater, pH, chemical oxygen demand (COD), and certain petroleum compounds and specific elements identified in the special conditions section of this license. The applicant may reduce the frequency of outfall monitoring after 18 months of operations and reduce frequency of groundwater monitoring after three months of operations in accordance with the provisions in the Special Conditions section of this license.”*

This licensing action is carrying the limitations and monitoring requirements from the 9/26/01 licensing action except that this license is;

1. Replacing the parameters diesel range organics (DRO) and gasoline range organics GRO) with extractable petroleum hydrocarbons (EPH) and volatile petroleum hydrocarbons (VPH).
 2. Eliminating limitations and monitoring requirements for BOD5, zinc and arsenic from Outfall #001.
 - 3) Eliminating limitations and monitoring requirements for phosphorus, chromium, zinc, arsenic and COD from ground water monitoring.
- b. History: The most recent licensing actions include the following:

March 23, 2001 – The applicant submitted an application for approval under the Waste Discharge License (WDL) program for the disposal of wastewater generated by the proposed car wash facility that was accepted for processing on April 3, 2001.

April 26, 2001 – The Department of Human Services, Division of Health Engineering submitted comments to the Department indicating that the soils in the area proposed for the WDL licensed system are suitable for the hydraulic load from the planned on-site disposal of wastewater.

September 26, 2001 – The Department issued WDL #008129-5S-A-N for a five-year term.

September 22, 2006 – The licensee submitted a complete application to the Department for the renewal of WDL #W008129-5S-A-N.

3. CONDITIONS OF PERMITS

Maine law, 38 M.R.S.A. Section 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 Water Classification System.

5. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A., Section 470 indicates that groundwater at the point of discharge is classified as Class GW-A receiving waters. Maine law, 38 M.R.S.A., Section 465-C, describes the standards for waters classified as Class GW-A as the highest classification of groundwater 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 usage of these waters, other than that occurring from natural phenomena.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001

- a. Monitoring frequency – Because the licensee is installing a new waste water treatment facility, this licensing action requires the licensee to monitor the effluent from Outfall #001 on a 1/Month basis for 12 consecutive months. Upon review of the data, the Department will consider reducing the monitoring frequency to 1/Quarter to be consistent with the monitoring frequency for the ground water monitoring wells.
- b. Flow: The monthly average flow limitation of 2,500 gallons per day is being established in this licensing action based on the design of the system.
- c. Specific conductance, temperature, total dissolved solids (TDS) and pH – These parameters are being monitored in this (and the previous) licensing action as they are indicators of pollutant loading to the sub-surface waste water disposal system. The greater the pollutant loading the greater the potential for ground water contamination. It is noted there are secondary drinking water standards for TDS and pH.
- d. Methyl-Tertiary-Butyl-Ether (MTBE), Benzene-Toluene-Ethylene-Xylene (BTEX), Extractable Petroleum Hydrocarbons (EPH), Volatile Petroleum Hydrocarbons (EPH), Lead, Oil & grease are all constituents of petroleum products that are washed from vehicles and could be in the waste waters at levels of concern. It is noted EPH and VPH are replacing the DRO and GRO monitoring requirements as monitoring for EPH and VPH is a more precise method for identifying contaminants and eliminates the spike and retention time associated with the all inclusive DRO and GRO methods.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)

- e. Chlorides – Chlorides are washed from vehicles during the winter season and present in the waste water. Monitoring for this parameter from Outfall #001 will provide data on concentrations being introduced into the sub-surface waste water disposal system and provide valuable information as to the cause of elevated levels of chlorides in the ground water monitoring wells if detected.

Groundwater Monitoring Wells GW-1 (up-gradient) and GW-2 (down gradient)

- f. Monitoring: The applicant proposes to install two ground water monitoring wells; one well, GW-1, located upgradient of the leachfield and one well, GW-2 located downgradient of the leachfield area. See Attachment C of this Fact Sheet for a map depicting the location of the monitoring wells. The monitoring well locations are designed to obtain background levels of pollutants (or lack thereof) in the ground water and intercept any migration of a leachate plume from the subsurface wastewater disposal system. In the event that monitoring detects groundwater contamination, the licensee may be required to conduct additional testing, evaluate other parameters, develop and sample additional monitoring wells upgradient of the system, or other measures in the event that the Department determines that the system is or may be causing or contributing to the failure of the groundwater to meet drinking water standards.

The applicant is required to initially evaluate groundwater quality with three samples from GW-2 to determine downgradient ground water conditions prior to operation of the system. The initial three background samples from GW-2 shall be collected one per month for three consecutive months. Monitoring of the upgradient well GW-1 shall be conducted on a 1/Quarter basis. Sampling of GW-1 shall be initiated at the same time as sampling for GW-2 is initiated.

- g. Specific conductance, pH and temperature – These parameters are considered to be “field” parameters, meaning they are measured directly in the field via instrumentation and does not require laboratory analysis. They are considered surveillance level monitoring parameters and are early-warning indicators of potential ground water or surface water contamination and is being carried forward from the previous licensing action.
- h. Total Suspended Solids (TSS) - TSS in the ground water yields an indication of the integrity of the monitoring wells.
- i. Lead - This licensing action is carrying forward a daily maximum limit of 0.015 mg/L for lead. The limit is based on the National Primary Drinking Water Standards.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)

- j. Chlorides – This licensing action is carrying forward a daily maximum limit of 250 mg/L for chlorides based on the National Secondary Drinking Water Standards.
- k. Methyl-Tertiary-Butyl-Ether (MTBE), Benzene-Toluene-Ethylene-Xylene (BTEX), Extractable Petroleum Hydrocarbons (EPH), Volatile Petroleum Hydrocarbons (EPH), Lead, Oil & grease are all constituents of petroleum products that are washed from vehicles and could be in the waste waters at levels of concern. It is noted EPH and VPH are replacing the DRO and GRO monitoring requirements as monitoring for EPH and VPH is a more precise method for identifying contaminants and eliminates the spike and retention time associated with the all inclusive DRO and GRO methods.

7. 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 groundwater to meet standards for Class GW-A classification.

8. PUBLIC COMMENTS

Public notice of this application was made in the Biddeford Journal Tribune newspaper on or about September 25, 2006. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

9. DEPARTMENT CONTACTS

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

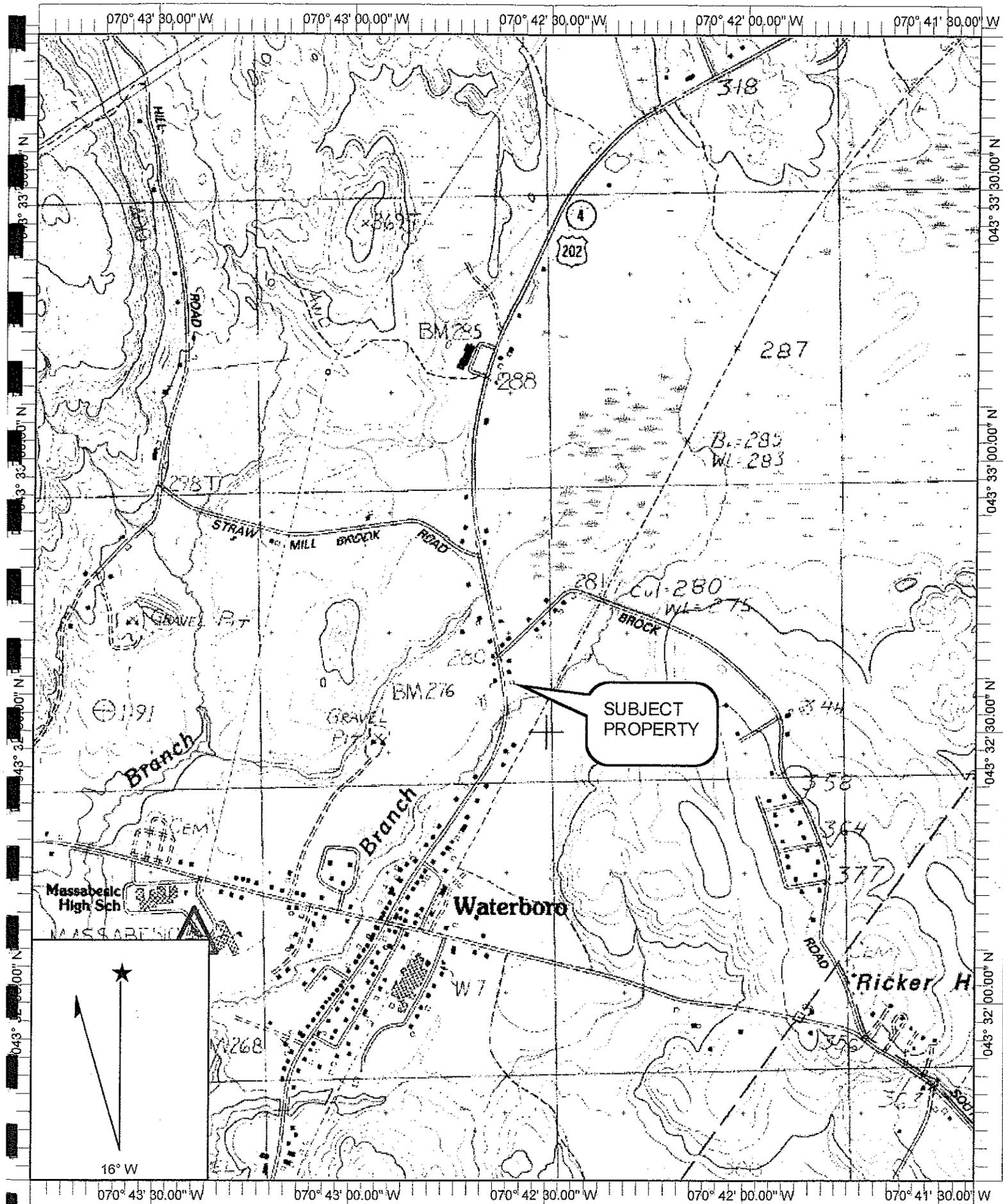
Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

Telephone (207) 287-7693

10. RESPONSE TO COMMENTS

During the period of November 30, 2009, through the issuance date of this license, the Department solicited comments on the proposed draft license to be issued for the discharge(s) from the licenses facility. The Department did not receive comments from the licensee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the license. Therefore, the Department has not prepared a Response to Comments.

ATTACHMENT A

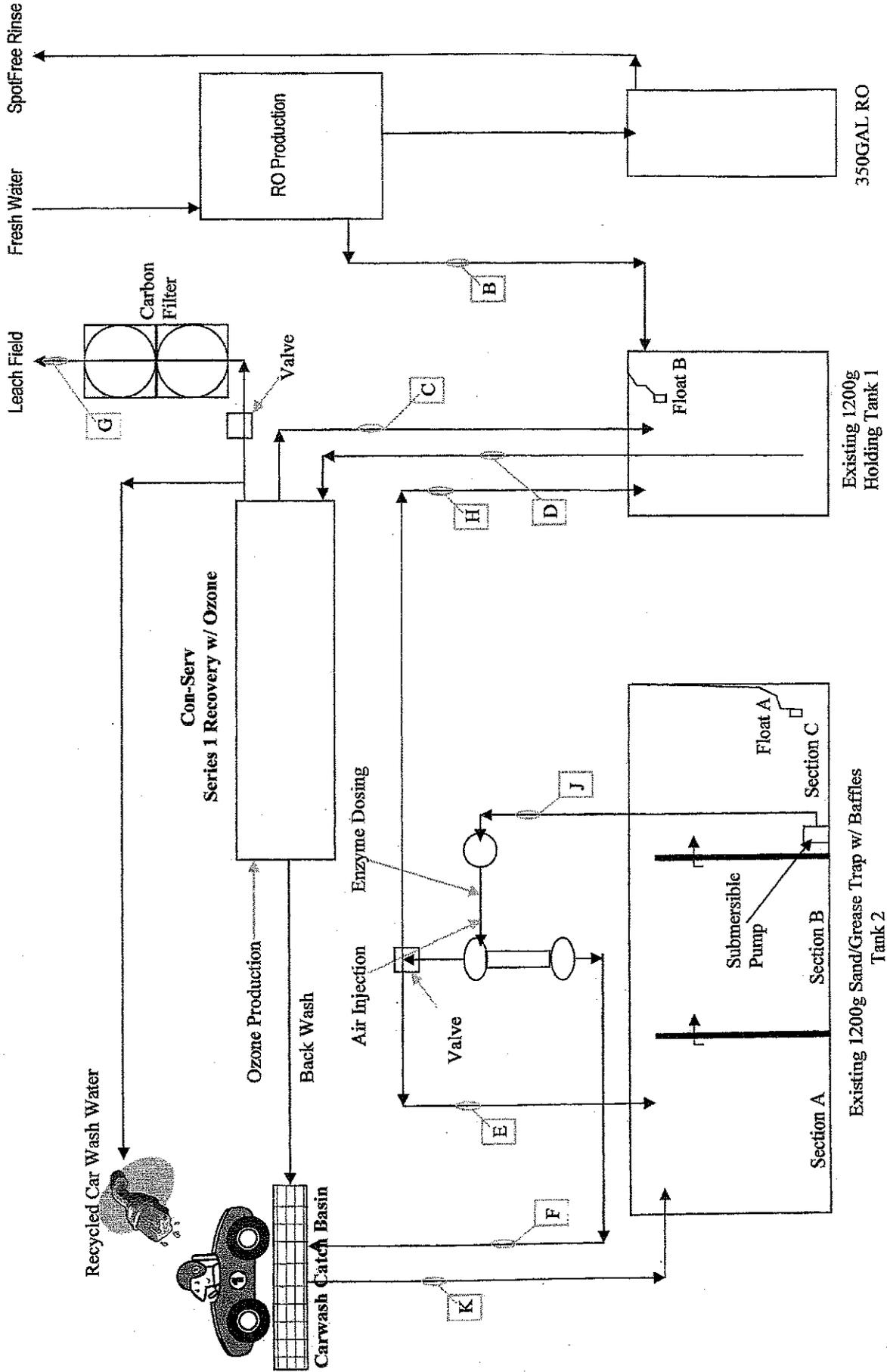


Name: WATERBORO
 Date: 9/8/2009
 Scale: 1 inch equals 1333 feet

Location: 043° 32' 43.74" N 070° 42' 36.78" W
 Caption: FIGURE 1 LOCATION MAP

ATTACHMENT B

WATERWAYS CAR WASH, WATERBORO, MAINE
SINGLE BAY AUTOMATIC, SINGLE BAY SELF SERVE, DOG WASH
WATER PROCESS AND TREATMENT SYSTEM
 12.09.09 Revision III



ATTACHMENT C

STANDARD CONDITIONS OF INDUSTRIAL WASTE DISCHARGE LICENSES
(REVISED 8/14/96)

1. General Conditions

- A. All discharges shall be consistent with the terms and conditions of this license; any changes in production capacity or process modifications which result in changes in the quantity or the characteristics of the discharge must be authorized by an additional license or by modifications of this license; it shall be a violation of the terms and conditions of this license to discharge any pollutant not identified and authorized herein or to discharge in excess of the rates or quantities authorized herein or to violate any other conditions of this license.
- B. The licensee shall permit the Department of Environmental Protection Staff upon the presentation of proper credentials:
 - (1) To enter upon licensee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this license;
 - (2) To have access to and copy any records required to be kept under the terms and conditions of this license;
 - (3) To inspect any monitoring equipment or monitoring method required in this license; or,
 - (4) To measure and/or sample at any intake, process or cooling effluent stream, waste water treatment facility, and/or outfall.
- C. This license shall be subject to such monitoring requirements as may be reasonably required by the Department of Environmental Protection including the installation, use, and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). The licensee shall provide the Department of Environmental Protection reporting form of monitoring results obtained pursuant to the monitoring requirements contained herein.
- D. This license does not preclude obtaining other required Federal, State, or Municipal permits and does not authorize or approve the construction of any on-shore physical structures or facilities or the undertaking of any work in any navigable waters.

- E. The issuance of this license does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights nor any infringement of Federal, State or local laws or regulations.
- F. Nothing in this license shall be construed to relieve the licensee from civil or criminal penalties for non-compliance, whether or not such non-compliance is due to factors beyond the licensee's control, such as accident, equipment breakdown, labor dispute, or natural disaster.

2. Pretreatment

The licensee shall comply with all Federal Statutes, regulations, and conditions of permits applicable to its discharge of waste waters, including, but not limited to, those requiring the installation of pretreatment facilities or establishment of pretreatment programs.

3. Waste water Treatment and Sampling Facilities

- A. The licensee shall collect all waste flows designated by the Department of Environmental Protection as requiring treatment and discharge them into an approved waste treatment facility in such a manner as to maximize removal of pollutants unless authorization to the contrary is obtained from the Department.
- B. The licensee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities.
- C. All necessary waste treatment facilities will be installed and operational prior to the discharge of any waste waters.
- D. Final plans and specifications must be submitted to the Department of Environmental Protection and approved prior to the construction or modification of any treatment facilities.
- E. The licensee shall install flow measuring facilities of a design approved by the Department of Environmental Protection.
- F. The licensee must provide an outfall of a design approved by the Department of Environmental Protection which is placed in the receiving waters in such a manner that maximum mixing and dispersion of the waste waters will be achieved as rapidly as possible.

4. Monitoring and Reporting

A. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. If effluent limitations are based wholly or partially on quantities of a product processed, the licensee shall ensure samples are representative of times when production is taking place. Where discharge monitoring is required when production is less than 50%, the resulting data shall be reported as a daily measurement but not included in computation of averages, unless specifically authorized by the Department.

B. The sampling, preservation, handling, and analytical methods used must conform with Standard Methods for the Examination of Water and Waste Waters, American Public Health Association, 1015 18th Street, N.W., Washington, D.C. 20036, latest approved edition, or methods referenced in 40 CFR Part 136, Guidelines Establishing Test Procedures for Analysis of Pollutants. However, different but equivalent methods are allowable if they receive the prior written approval from the Department of Environmental Protection.

C. Reporting

- (1) All reports shall be submitted to the Department not later than the fifteenth of the month following the end of the monitoring period.
- (2) Any reports or records of monitoring activities and results shall include for all samples: (a) the date, exact place, and time of sampling; (b) the dates and times of analyses; (c) the analytical techniques/methods used, including sampling; handling, and preservation techniques; and (d) the results of all required analyses.

D. All reports shall be signed by:

- (1) In the case of corporations, a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the reporting form originates.

- (2) In the case of a partnership, a general partner or duly authorized representative.
- (3) In the case of a sole proprietorship, the proprietor or duly authorized representative.
- (4) In the case of a municipal, State, or other public facility, either a principal executive officer, ranking elected official, or duly authorized employee.

5. Non-Compliance Notification

A. In the event the licensee bypasses collection or treatment facilities or is unable to comply with any of the conditions of this license due, among other reasons, to:

- (1) breakdown of waste treatment equipment;
- (2) accidents caused by error or negligence;
- (3) high strength, high volume or incompatible wastes; or
- (4) other causes such as acts of nature,

the licensee shall notify the Department of Environmental Protection verbally as soon as its agents have knowledge of the incident.

B. Within five (5) days of becoming aware of such condition the licensee shall provide the Department of Environmental Protection in writing, the following information:

- (1) A description of the discharge and cause of non-compliance; and
- (2) The period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps taken to reduce, eliminate and prevent recurrence of the non-complying discharge.

C. If the licensee knows in advance of changes in licensed facilities or activities which may result in non-compliance or of the need to bypass, it shall submit prior notice at least ten days in advance of such occurrence.

- D. In the event a bypass is due to inflow or infiltration of uncontaminated water into a sewer system, reporting requirements may be adjusted by the Department to a monthly basis.

6. Change of Discharge

The licensee shall notify the Department in writing as soon as it has knowledge of any significant changes or proposed changes in its discharge, including but not limited to:

- A. the temporary or permanent termination of the discharge;
- B. changes in the waste collection, treatment or disposal facilities;
- C. changes in the volume or character of waste water flows;
- D. permanent changes in industrial production rates;
- E. the proposed addition, directly or indirectly, of toxic pollutants not authorized by the license or reflected in the application filed with the Department; and
- F. the addition to a municipal or quasi-municipal treatment system of industrial wastes which are categorically regulated by the U.S. EPA pursuant to the agency's pretreatment program.

7. Transfer of Ownership

In the event that any person possessing a license issued by the Department shall transfer the ownership of the property, facility or structure which is the source of a licensed discharge, without transfer of the license being approved by the Department, the license granted by the Department shall continue to authorize a discharge within the limits and subject to the terms and conditions stated in the license, provided that the parties to the transfer shall be jointly and severally liable for any violation thereof until such time as the Department approves transfer of issuance of a waste discharge license to the new owner. The Department may in its discretion require the new owner to apply for a new license, or may approve transfer of the existing license upon a satisfactory showing that the new owner can abide by its terms and conditions.

8. Records Retention

All records and information resulting from the monitoring activities required by this license including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of three (3) years.

9. Other Materials

Other materials ordinarily produced or used in the operation of this facility, which have been specifically identified in the application, may be discharged at the maximum frequency and maximum level identified in the application, provided:

A. They are not

- (1) designated as toxic or hazardous under the provisions of Sections 307 and 311 respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law, or
- (2) known to be hazardous or toxic by the licensee.

B. The discharge of such materials will not violate applicable water quality standards.

10. Removed Substances

Solids, sludges, trash rack cleanings, filter backwash, or other pollutants removed from or resulting from the treatment or control of waste waters shall be disposed of in a manner approved by the Department of Environmental Protection.

11. Bypass of Waste Treatment Facilities

The diversion or bypass of any discharge from facilities utilized by the licensee to maintain compliance with the terms and conditions of this license is prohibited, except (1) where unavoidable to prevent loss of life or severe property damage, or (2) where excessive storm drainage or runoff would damage any facilities necessary for compliance with the terms and conditions of this license. The licensee shall notify the Department of Environmental Protection of each such diversion or bypass in accordance with the procedure specified in paragraph 6 above for reporting non-compliance. It is the duty of the licensee to take all feasible steps to prevent, minimize and mitigate bypasses. If infiltration or inflow of stormwater or ground water contribute to bypasses, the licensee shall submit to the Department for approval, a wet weather flow management plan. The plan shall describe measures implemented to maximize the volume of flow through the treatment facilities and the efficiency of the treatment process. Submission of this plan shall not remove any responsibilities of the licensee pursuant to paragraph 6.

12. Emergency Action--Electric Power Failure

In order to maintain compliance with the effluent limitations and prohibitions of this license, the licensee shall either:

- A. maintain an alternative power source sufficient to operate the waste water control facilities; or

- B. halt, reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the waste water control facilities.

13. Spill Prevention and Containment

The licensee shall, within six (6) months of the effective date of this license, submit to the Department of Environmental Protection a spill prevention plan. Said plan shall delineate methods and measures to be taken to prevent and or contain any spills of pulp, chemicals, oils or other contaminants and shall specify means of disposal and/or treatment to be practiced.

14. Connection to Municipal Treatment System

All waste waters designated by the Department of Environmental Protection as treatable in a municipal treatment system will be consigned to a municipal treatment system when said system becomes available. This waste discharge license will automatically expire 90 days after a municipal facility becomes available unless this time is extended by the Department, in writing, for good cause shown.

DEFINITIONS

FOR THE PURPOSE OF THIS LICENSE THE FOLLOWING SHALL APPLY

- A. Grab Sample: An individual sample collected in a period of less than 15 minutes.
- B. Composite Sample: A sample consisting of a minimum of eight grab samples collected at equal intervals during a 24-hour period (or a lesser period if specified in the section on Monitoring and Sampling) and combined proportional to flow or a sample continuously collected proportionally to flow over the same time period.
- C. Daily Maximum For Concentration: The maximum value not to be exceeded at any time.
- D. Daily Maximum For Quantity: The maximum value not to be exceeded during any day.
- E. Weekly or Monthly Average: The sum of all daily samples measurement or test results made during a week or month divided by the number of tests or measurement made during the respective time period. Exception: bacteriological tests shall be calculated as a geometric mean.
- F. Bypass: The diversion of waste water, either by act or by design, from any portion of a treatment facility or conveyance system.

WINDSTRL

12/6/94



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.
