



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

BETH NAGUSKY
ACTING COMMISSIONER

October 4, 2010

Mr. Mark Descoteaux
Superintendent
Hartland Pollution Control Facility
P.O. Box 392
162 Pittsfield Road
Hartland, Maine, 04943
hartlandpotw@tds.net

**RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101443
Maine Waste Discharge License (WDL) #W000678-5M-J-M
FINALIZED Permit / WDL Minor Revision**

Enclosed, please find a copy of your **final** MEPDES permit and Maine WDL Minor Revision, which was approved by the Department of Environmental Protection. Please read the permit/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.*"

Sincerely,

Bill Hinkel
Division of Water Quality Management
Bureau of Land and Water Quality
bill.hinkel@maine.gov

Enc.

(All copies sent by electronic mail.)

cc: Susan Frost, interim Town Manager, Hartland hartlandadmin@gmail.com
Stacie Beyer; Lori Mitchell, MeDEP
Sandy Mojica, USEPA File #W0678

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679-2094
(207) 764-0477 FAX: (207) 760-3143



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF HARTLAND)	MAINE POLLUTANT DISCHARGE
HARTLAND, SOMERSET COUNTY, MAINE)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS)	AND
#ME0101443)	WASTE DISCHARGE LICENSE
#W000678-5M-J-M)	MINOR REVISION
APPROVAL		

Pursuant to the provisions of the *Federal Water Pollution Control Act*, Title 33 USC, §1251, *Conditions of licenses*, 38 M.R.S.A. § 414-A, and applicable regulations, the Department of Environmental Protection (Department) has considered an August 18, 2010 request submitted by the TOWN OF HARTLAND (Town) to the Department for a minor permit revision to Waste Discharge License (WDL) #W000678-5M-H-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101443, which was issued to the Town on December 6, 2007. With its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

MINOR PERMIT REVISION SUMMARY

The Town has requested a reduction in the minimum monitoring frequency requirement for biochemical oxygen demand (BOD₅) from three times per week, which was established in Special Condition A, *Effluent Limitations and Monitoring Requirements*, of the December 6, 2007 permit, to twice per week.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated September 23, 2010, 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 in-stream 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).

ACTION

THEREFORE, the Department hereby APPROVES the above noted request of the TOWN OF HARTLAND for the MINOR REVISION (reduction in the minimum monitoring frequency requirement for biochemical oxygen demand to twice per week) to Waste Discharge License #W000678-5M-H-R / Maine Pollutant Discharge Elimination System permit #ME0101443, which was issued to the Town on December 6, 2007, 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 to December 6, 2007 permit.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. All terms and conditions in combination WDL #W000678-5M-H-R / MEPDES permit #ME0101443, dated December 6, 2007, and subsequent minor permit revision #W000678-5M-I-M, dated April 16, 2010 not modified by this permitting action remain in effect and enforceable.
4. This minor revision expires on December 6, 2012, concurrent with the December 6, 2007 WDL / MEPDES permit.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of minor revision request: August 18, 2010
Date of minor revision acceptance: August 18, 2010

This Order prepared by Bill Hinkel, BUREAU OF LAND & WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge **secondary treated sanitary and tannery process waste waters from Outfall #001A** to the West Branch of the Sebasticook River at Hartland. Such discharges shall be limited and monitored by the permittee as specified below⁽¹⁾:

Minimum

Effluent Characteristic	Discharge Limitations					Monitoring Requirements		
	<u>Monthly Average</u> as specified	<u>Weekly Average</u> as specified	<u>Daily Maximum</u> as specified	<u>Monthly Average</u> as specified	<u>Weekly Average</u> as specified	<u>Daily Maximum</u> as specified	<u>Measurement Frequency</u> as specified	<u>Sample Type</u> as specified
Flow [50050]	1.5 MGD [03]	---	Report MGD [03]	---	---	---	Continuous [99/99]	Recorder [RC]
BOD₅ [00310]	660 lbs./day [26]	---	1,320 lbs./day [26]	66 mg/L [19]	---	132 mg/L [19]	2/Week [02/07]	24-Hour Composite [24]
BOD₅ Percent Removal⁽²⁾ [81010]	---	---	---	Report % [23]	---	---	1/Month [01/30]	Calculate [CA]
TSS [00530]	1,028 lbs./day [26]	---	2,238 lbs./day [26]	103 mg/L [19]	---	224 mg/L [19]	3/Week [03/07]	24-Hour Composite [24]
TSS Percent Removal⁽²⁾ [81011]	---	---	---	Report % [23]	---	---	1/Month [01/30]	Calculate [CA]
Settleable Solids [00545]	---	---	---	---	---	0.3 ml/L [25]	5/Week [05/07]	Grab [GR]
<i>E. coli</i> Bacteria⁽³⁾ <i>May 15 – September 30</i> [31633]	---	---	---	142/100 ml ⁽⁴⁾ [13]	---	949/100 ml [13]	3/Week [03/07]	Grab [GR]
Total Residual Chlorine⁽⁵⁾ [50060]	---	---	---	0.1 mg/L [19]	---	0.3 mg/L [19]	1/Day [01/01]	Grab [GR]
Oil and Grease [03582]	188 lbs./day [26]	---	188 lbs./day [26]	15 mg/L [19]	---	15 mg/L [19]	1/Month [01/30]	Grab [GR]
pH [00400]	---	---	---	---	---	6.0 – 9.0 SU [12]	1/Day [01/01]	Grab [GR]

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.

FOOTNOTES: See Pages 9 through 12 of the December 6, 2007 permit (#W000678-5M-H-R) for applicable footnotes.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

MAINE WASTE DISCHARGE LICENSE

FACT SHEET
MINOR REVISION

Date: **SEPTEMBER 30, 2010**

PERMIT NUMBER: **#ME0101443**
WASTE DISCHARGE LICENSE: **#W000678-5M-J-M**

NAME AND ADDRESS OF APPLICANT:

**TOWN OF HARTLAND
P.O. BOX 280
HARTLAND, ME 04943**

COUNTY:**SOMERSET**

NAME AND ADDRESS WHERE DISCHARGE(S) OCCUR(S):

**HARTLAND POLLUTION CONTROL FACILITY
162 PITTSFIELD AVENUE
HARTLAND, MAINE 04943**

RECEIVING WATER/CLASSIFICATION:

WEST BRANCH OF THE SEBASTICOOK RIVER/CLASSC

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

**MR. MARK DESCOTEAUX
SUPERINTENDENT
HARTLAND POLLUTION CONTROL FACILITY
(207) 938-4401 hartlandpotw@tds.net**

**MS. SUSAN FROST
INTERIM TOWN MANAGER
TOWN OF HARTLAND
hartlandadmin@gmail.com**

1. MINOR PERMIT REVISION SUMMARY

On August 18, 2010, the Maine Department of Environmental Protection (Department) received a written request from the Town of Hartland (Town) for a minor revision to combination Waste Discharge License (WDL) #W000678-5M-H-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101443, which was issued to the Town on December 6, 2007. The minor revision requested was for a reduction in the minimum monitoring frequency requirement for biochemical oxygen demand (BOD₅) from three times per week, which was established in Special Condition A, *Effluent Limitations and Monitoring Requirements*, of the December 6, 2007 permit, to twice per week. The monthly average discharge flow limitation established in the December 6, 2007 permit is 1.5 million gallons per day (MGD). The monitoring frequency requirement of three times per week established in the December 6, 2007 permit is based on Department guidance for publicly owned treatment works (POTWs) permitted to discharge between 1.5 and 5.0 MGD.

The Department has reviewed effluent BOD₅ data as reported on the facility's monthly Discharge Monitoring Reports (DMRs) for the period of January 2008 through June 2010, inclusive. These data indicate that with the exception of April 2009, the facility has been in compliance with the numeric effluent limitations for BOD₅ 100% of the time. It is noted that the April 2009 exceedence was attributed to an old pipe that was conveying river water to the treatment. The pipe has been permanently plugged to prevent this additional source of water through the treatment facility.

The long-term average (January 2008 – June 2010) monthly average discharge flow rate for this facility is 0.45 MGD (#DMRs = 30). This value is significantly less than the 1.5 MGD permit limitation and the discharge flow category of 1.5 – 5.0 MGD used as best professional judgment by the Department when establishing default minimum monitoring frequency requirements for BOD₅ in MEPDES permits.

In consideration of the facility's compliance history with the numeric, water quality-based effluent limitations for BOD₅, the facility's actual discharge flow rate and the written request for a reduction in monitoring frequency, the Department is authorizing a reduction in the minimum monitoring frequency requirement for BOD₅ from three times per week established in the December 6, 2007 permit to twice per week. It is noted that the minimum monitoring frequency requirement for BOD₅ established in Department guidance for POTWs permitted to discharge between 0.1 and 0.5 MGD is once per week.

2. CONDITIONS OF PERMITS

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. In addition, *Certain deposits and discharges prohibited*, 38 M.R.S.A., § 420 and *Surface Waters Toxics Control Program*, 06-096 CMR 530 (effective October 9, 2005) require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

3. RECEIVING WATER QUALITY STANDARDS

Classification of major river basins, 38 M.R.S.A., § 467(4)(H)(2)(b) classifies the West Branch of the Sebasticook River from the outlet of Great Moose Lake to its confluence with the East Branch, including all impoundments, which includes the river at the point of discharge, as Class C waters. *Standards for classification of fresh surface waters*, 38 M.R.S.A., § 465(3) describes the standards for Class C waters.

4. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, 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 C classification.

5. DEPARTMENT CONTACTS

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

Bill 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) 485-2281 e-mail: bill.hinkel@maine.gov



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.
