



STATE OF MAINE  
Department of Environmental Protection

Paul R. LePage  
GOVERNOR

Patricia W. Aho  
COMMISSIONER

November 16, 2011

Mr. Eugene C. & Mrs. Heidi T. Knight  
d/b/a Golden Gate Park  
443 Caribou Road. P.O. Box 550  
Presque Isle, ME. 04009

RE: Permit Compliance System Tracking Number MEU508159  
Maine Waste Discharge License (WDL) Application W008159-5J-C-M  
**Final License Modification**

Dear Mr. & Mrs. Knight:

Enclosed please find a copy of your **final** Maine WDL **modification** 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 this 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: William Sheehan, DEP/NMRO  
Sandy Mojica, USEPA



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

**DEPARTMENT ORDER**

**IN THE MATTER OF**

EUGENE C. & HEIDI T. KNIGHT	)	PROTECTION AND IMPROVEMENT
d/b/a GOLDEN GATE PARK	)	OF WATERS
PRESQUE ISLE, AROOSTOOK COUNTY, ME.	)	
SURFACE WASTEWATER DISPOSAL SYSTEM	)	
PCS# MEU508159	)	WASTE DISCHARGE LICENSE
WDL# W008159-5J-C-M <b>APPROVAL</b>	)	<b>MODIFICATION</b>

Pursuant to the provisions of 38 M.R.S.A., Section 414-A et seq., and applicable regulations, the Department of Environmental Protection (the Department hereinafter) has considered the application of the EUGENE C. & HEIDI T. KNIGHT. d/b/a Golden Gate Park (licensee hereinafter) with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

**APPLICATION SUMMARY**

The licensee has submitted an application to the Department to modify Maine Waste Discharge License (WDL) #W008159-5J-B-R issued by the Department on June 13, 2008, for a five-year term. The WDL authorized the operation of a surface waste water disposal system (combination spray-irrigation and snowmaking) for the treatment and disposal of up to 44,000 gallons per day (gpd) of sanitary waste water that is generated from a mobile home park in Presque Isle, Maine.

The licensee has requested the Department modify Special Condition M, *Disposal of Septage Waste in Waste Water Treatment Facility*, to authorize the receipt of up to 5,000 gpd of transported wastes from local septage haulers. This figure represents less than 0.5% of the design capacity of the existing waste water treatment facility which consists of a 9.1 million-gallon stabilization pond with a working depth of 8 feet for a working volume of 5.2 million gallons. Disposal of the treated waste water is accomplished via a surface waste water disposal system comprised of a 6.6-acre spray irrigation site and a 7.0 acre snowmaking disposal site.

In addition to the request to accept transported wastes, the licensee has requested to expand the spray irrigation season in Special Condition A(2), *Effluent Limitations and Monitoring Requirements*, from April 15<sup>th</sup> – November 15<sup>th</sup> to April 15<sup>th</sup> – November 30<sup>th</sup>, weather permitting. The licensee has also requested the Department authorize the use of snowmaking parcel for spray irrigation during the April 15<sup>th</sup> – November 30<sup>th</sup> season provided the snowmaking parcel was not utilized for disposal the previous winter season.

## LICENSE SUMMARY

This licensing action is carrying forward the terms and conditions of the previous licensing action with the following exceptions as this license modification:

- 1) Authorizes the receipt of up to 5,000 gpd of transported wastes.
- 2) Expands the spray irrigation season from April 15<sup>th</sup> – November 15<sup>th</sup> to April 15<sup>th</sup> – November 30<sup>th</sup>, weather permitting.
- 3) Authorizes the use of the snowmaking parcel (SM-2) for spray irrigation between April 15<sup>th</sup> – November 30<sup>th</sup> of each year provided SM-2 was not utilized for disposal the previous winter season.

## CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated October 12, 2011, 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 MRS Section 464(4)(F), will be met, in that:
  - (a) Existing water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
  - (b) Where high quality waters of the State constitute an outstanding natural 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 EUGENE C. & HEIDI T. KNIGHT d/b/a Golden Gate Park, to modify WDL #W008159-5J-B-R , issued by the Department on June 13, 2008, for a five-year term, SUBJECT TO THE FOLLOWING 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 #W008159-5J-B-R, issued by the Department on June 13, 2008.
2. The attached Special Conditions, including effluent limitations and monitoring requirements.
3. All terms and conditions of WDL #W008159-5J-B-R , issued by the Department on June 13, 2008, not modified by this license modification remain in effect and enforceable.
4. This license modification becomes effective upon the date of signature below and expires at midnight on June 13, 2013. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this license, the terms and conditions of this license and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective April 1, 2003)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: July 20, 2011

Date of application acceptance: July 29, 2011

This Order prepared by Gregg Wood, BUREAU OF LAND & WATER QUALITY

**SPECIAL CONDITIONS**

**A. LIMITATIONS AND MONITORING REQUIREMENTS**

- Beginning the effective date of the license modification, the licensee is authorized to operate a surface waste water treatment and disposal system. The application of the waste water to the spray field shall be limited and monitored as specified below.

**Spray Irrigation Field (SF1) & Snowmaking Field (SM-2) - April 15<sup>th</sup> – November 30<sup>th</sup>**

	<b>Monthly <u>Total</u> as specified</b>	<b>Weekly <u>Maximum</u> as specified</b>	<b>Daily <u>Maximum</u> as specified</b>	<b>Measurement <u>Frequency</u> as specified</b>	<b>Sample <u>Type</u> As specified</b>
Application Rate (Weekly) <sup>(5)</sup>  [51125]	---	67,875 gal/acre/week <sup>(6)</sup>  (2.5 in/acre/week)  [8B]	---	1/Week  [01/07]	Calculate  [CA]
Application Rate (Daily) <sup>(5)</sup>  [51124]	---	---	44,000 gal/acre/day <sup>(6)</sup>  (1.6 in/acre/day)  [8B]	1/Day  [01/01]	Calculate  [CA]
Flow - Total Gallons <sup>(3)</sup>  [51500]	Report (Gallons)  [57]	---	---	1/Month  [01/30]	Calculate  [CA]

**Footnotes:** See page 8 of WDL #W008159-5J-B-R, dated June 13, 2008.

## SPECIAL CONDITIONS

### M. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

During the effective period of this license, the licensee is authorized to receive up to **a daily maximum of 5,000 gallons per day** of transported wastes into the treatment process or solids handling stream, 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 permittee 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**

**M. 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. During wet weather events, transported wastes may be added to the treatment process or solids handling facilities only in accordance with a current Wet Weather Flow Management Plan approved by the Department that provides for full treatment of transported wastes without adverse impacts.
8. 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.
9. 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.
10. The authorization 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 permit.

**MAINE WASTE DISCHARGE LICENSE  
FACT SHEET**

Date: **October 12, 2011**

PERMIT COMPLIANCE TRACKING SYSTEM NUMBER: #**MEU508159**

LICENSE NUMBER: **WDL# W008159-5J-C-M**

NAME AND MAILING ADDRESS OF APPLICANT

**EUGENE C. & HEIDI T. KNIGHT  
d/b/a Golden Gate Park  
443 Caribou Road  
Presque Isle, ME. 04769**

COUNTY: **Aroostook County**

NAME AND ADDRESS OF FACILITY:

**443 Caribou Road  
Presque Isle, Maine**

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

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Eugene Knight  
(207) 764-4824**

**1. APPLICATION SUMMARY:**

- a. Application : The applicant has submitted an application to the Department to modify Maine Waste Discharge License (WDL) #W008159-5J-B-R issued by the Department on June 13, 2008, for a five-year term. The WDL authorized the operation of a surface waste water disposal system (combination spray-irrigation and snowmaking) for the treatment and disposal of up to 44,000 gallons per day (gpd) of sanitary waste water that is generated from a mobile home park in Presque Isle, Maine.
  1. The licensee has requested the Department modify Special Condition M, *Disposal of Septage Waste in Waste Water Treatment Facility*, to authorize the receipt of up to 5,000 gpd of transported wastes from local septage haulers. This figure represents less than 0.5% of the design capacity of the existing waste water treatment facility.
  2. In addition to the request to accept transported wastes, the licensee has requested to expand the spray irrigation season in Special Condition A(2), *Effluent Limitations and Monitoring Requirements*, from April 15<sup>th</sup> – November 15<sup>th</sup> to April 15<sup>th</sup> – November 30<sup>th</sup>, weather permitting.

## 1. APPLICATION SUMMARY:

The June 13, 2008, WDL contained the following italicized text;

- b. *Source Description: The applicant operates a mobile home park off of Route #1 in the limits of the City of Presque Isle. The park currently has 17 units that are occupied with the remaining lots being vacant. The licensee has requested the Department license the facility for the generation of up to 44,000 gallons per day of domestic sanitary waste water. With a design flow of 270 gallons per unit per day (from the Maine State Plumbing Code) this equates to approximately 163 units. The licensee has indicated that 270 gpd per unit is overly conservative as actual flows are much less per unit. This licensing action does not restrict the number of housing units the licensee may choose to site in the mobile home park. Only the quantity and rates of disposal of sanitary waste waters via a proposed surface waste water disposal system and the appurtenant limitations and monitoring requirements are being regulated/imposed by this licensing action.*
  
- c. *Waste Water Treatment – Waste water from each mobile home unit in the park is conveyed to a common collection system. The collection system conveys the waste water to one 4,000-gallon septic tank prior to being conveyed to a treatment/storage lagoon. The lagoon was originally constructed in the 1950's and will be continue to be used as part of the surface waste water disposal system. According to plans submitted by the licensee at the time of the May 2003 licensing action, the lagoon is approximately 330 feet in diameter for a surface area of approximately 2.0 acres. The licensee has reported the lagoon is approximately 14 feet deep for a total volume of 9.1 million gallons and has a working depth of 8 feet for a working volume of 5.2 million gallons. It is noted at the maximum capacity of 44,000 gallons of waste water generated, the mobile home park will generate approximately 16.1 million gallons per year. From the lagoon, the waste water will be disposed of via a surface waste water disposal system consisting of a spray irrigation site and snowmaking site. See Attachment B of this Fact Sheet for a layout of the disposal systems.*

### Spray Irrigation Site

*The spray irrigation site is approximately 6.6 acres in area and is made up of Conant soils on a 1% to 6% slope with an easterly exposure. Conant soils are variant gravelly silty loam soils and are poorly to moderately well drained soils. For the licensee's site, the seasonal high water table of 5 inches to 20 inches is the limiting factor for waste water disposal.*

*The licensee proposes to install (at full build-out) twelve sprinkler heads, each capable of distributing the waste water in a circular spray pattern having a diameter of 155 feet.*

*Waste water is pumped from the lagoon via a concrete wet well that was installed during the late spring or early summer of calendar year 2003. The licensee has installed a floating intake pipe to draw supernatant from the upper two feet of the surface of the water in the lagoon to reduce odors during spraying operations.*

## 1. APPLICATION SUMMARY (cont'd)

### Snowmaking Site

*Between November 1<sup>st</sup> and March 30<sup>th</sup> of each season, waste water from the storage lagoon may be converted to snow via compressed air and stored in piles on a parcel of land encompassing 7 acres. Two mobile snow guns can be used to evenly distribute the snow over the 7-acre parcel. Water from the snow piles will be slowly released to the environment via evaporation (assume 15%) during the snowmaking process, sublimation (assume 20%) of the snow piles over time and infiltration into the ground as the snow piles melt in the spring and early summer. As with other sites licensed by the Department, the site has been evaluated assuming melting would occur during the months of March (5%), April (15%), May (30%), June (40%) and July (10%). On average, the application rate of 6.2 million gallons (assume no evaporation or sublimation) of snow melting water over a period of 22 weeks on 7.0 acres is 1.5 inches/week or 0.90 million gallons per week.*

*The licensee has installed five ground water monitoring wells, one up-gradient and two down-gradient of the spray irrigation site and two down-gradient of the snowmaking site. See Special Condition R(2) of the license. In addition, the licensee has installed two ground water level inspection wells to measure depth to ground water in the field utilized for spray irrigation. See Special Condition I(3) of this license.*

During the summer of 2011, the licensee constructed a passive septage dewatering facility to accommodate the receipt of the transported wastes. The passive dewatering facility provides a primary level of treatment via a 44' x 132' sand filter system that separates the solids from the liquid fraction of the wastes and then conveys the liquid fraction to the stabilization pond for secondary treatment prior disposal in the spray irrigation or snowmaking site.

## 2. LICENSE SUMMARY

Based on the information provided by the licensee, the Department has made a best professional judgment that if properly received, introduced into the dewatering system and into the stabilization pond, the receipt of transported waste will not interfere with or pass through the treatment facility such that BPT is being applied to the waste. Therefore, this licensing action is carrying forward the terms and conditions of the previous licensing action with the following exceptions as this license:

- a. Authorizes the receipt of up to 5,000 gpd of transported wastes.
- b. Expands the spray irrigation season from April 15<sup>th</sup> – November 15<sup>th</sup> to April 15<sup>th</sup> – November 30<sup>th</sup>, weather permitting.

### **3. CONDITIONS OF THE LICENSE**

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 Surface Water Classification System.

### **4. RECEIVING WATER QUALITY STANDARDS**

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

### **5. 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 groundwater to meet standards for Class GW-A classification.

### **6. PUBLIC COMMENTS**

Public notice of this application was made in the Star Herald newspaper of general circulation in the area of the proposed discharge on or about July 20, 2011. 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 licenses 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.

### **7. DEPARTMENT CONTACTS**

Additional information concerning this licensing 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  
e-mail: [gregg.wood@maine.gov](mailto:gregg.wood@maine.gov)

## **8. RESPONSE TO COMMENT**

During the period of October 15, 2011, through the issuance date of this license modification, the Department solicited comments on the proposed draft modification to be issued for the discharge(s) from the licensee's 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 this license modification. Therefore, the Department has not prepared a Response to Comments.





# 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.

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**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.**

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