



STATE OF MAINE
Department of Environmental Protection

Paul R. LePage
GOVERNOR

Patricia W. Aho
COMMISSIONER

Mr. Randy Webber
Dexter Utility District
25 Main Street
Dexter, Maine 04930

November 2, 2012

RE: Maine Permit Compliance System (PCS) #MEU500830
Maine Waste Discharge License (WDL) Application #W000830-6C-F-R
Final License

Dear Mr. Webber:

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,

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

Enc.

cc: Stacie Beyer, DEP/EMRO
Sandy Mojica, USEPA

AUGUSTA

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

DEPARTMENT ORDER

IN THE MATTER OF

DEXTER UTILITY DISTRICT)	PROTECTION AND IMPROVEMENT
DEXTER, PENOBSCOT COUNTY, MAINE)	OF WATERS
SURFACE WASTE WATER DISPOSAL SYSTEM)	
MEU500830)	WASTE DISCHARGE LICENSE
W000830-6C-F-R)	RENEWAL
APPROVAL)	

Pursuant to the provisions of *Conditions of licenses*, 38 M.R.S.A. § 414-A, and applicable regulations, the Department of Environmental Protection (Department hereinafter) has considered the application of the DEXTER UTILITY DISTRICT (District/licensee hereinafter) with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The District has submitted a timely and complete application to the Department for the renewal of Waste Discharge License (WDL) #W000830-5L-E-R, which was issued by the Department on December 6, 2007, for a five-year term. The application is for the continuing operation of a surface waste water disposal (spray-irrigation) system for the disposal of up to 100 million gallons per year of treated sanitary waste water to land in the Town of Dexter, Maine. The treatment system was designed for a sanitary waste water influent flow of 273,000 gallons per day (0.273 MGD). The facility has been assigned number MEU500830 for tracking compliance in the Department's permit compliance system (PCS).

LICENSE SUMMARY

All the terms and conditions of the December 6, 2007, license are being carried forward in this licensing action except that this license;

1. Eliminates the monitoring requirement for mercury in the lagoon effluent and the ground monitoring wells as mercury has not been detected in the monitoring wells to date.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated September 24, 2012, 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 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 of 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 discharge will be subject to effluent limitations, which require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of DEXTER UTILITY DISTRICT to operate a surface wastewater disposal (spray irrigation) system with an average influent flow rate of 0.273 million gallons per day and that uses spray irrigation to discharge up to 43,500 gallons per acre per week (spray fields #9-14) and up to 87,000 gallons per acre per week (spray fields #1-8, 15-16) on a weekly average basis of treated sanitary wastewater during the period of April 15 – November 15 of each year, depending on weather and site conditions, to the soil above ground water resources of the state, Class GW-A, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

1. *Standard Conditions of Approval for POTW Waste Discharge Licenses*, revised July 16, 1996, copy attached.
2. The attached Special Conditions, including effluent limitations and monitoring requirements.
3. This license becomes effective upon the date of signature below and expires at midnight five (5) years after that date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of the 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)].

DONE AND DATED AT AUGUSTA, MAINE, THIS 2ND DAY OF NOVEMBER, 2012.

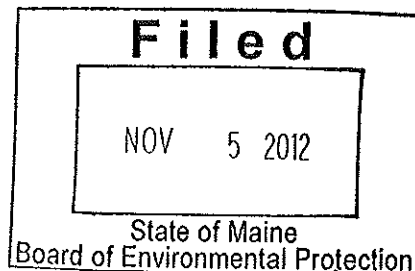
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns
For Patricia W. Aho, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: September 13, 2012.

Date of application acceptance: September 13, 2012.



Date filed with Board of Environmental Protection _____
This Order prepared by Gregg Wood, BUREAU OF LAND & WATER QUALITY

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. The licensee is authorized to operate a surface wastewater treatment and disposal system. The **STORAGE LAGOON EFFLUENT (OUTFALL #001A)** shall be limited and monitored as specified below. ⁽¹⁾

	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Minimum Measurement Frequency</u>	<u>Sample Type</u>
Biochemical Oxygen Demand [00310]	---	100 mg/L [19]	1/Month ⁽²⁾ [01/30]	Grab [GR]
Total Suspended Solids [00530]	---	100 mg/L [19]	1/Month ⁽²⁾ [01/30]	Grab [GR]
Nitrate-Nitrogen [00620]	---	Report mg/L [19]	1/Month ⁽²⁾ [01/30]	Grab [GR]
<u>Metals (Total)</u> : Arsenic, Cadmium, Chromium, Copper, Lead, Nickel and Zinc [01002, 01027, 01034, 01042, 01051, 01067, 01092]		Report ug/L [28]	1/5 Years ⁽³⁾ [01/5Y]	Grab [GR]

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

FOOTNOTES: Refer to pages 8 and 9 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

2. The **SPRAY IRRIGATION AREAS** shall be limited and monitored as specified below for land application between April 15th and November 15th of each year⁽¹⁾:

SF#9, SF#10, SF#11, SF#12, SF#13, SF#14

	<u>Monthly Total</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Minimum Measurement</u>	<u>Sample Type</u>
Application Rate [51125]	---	43,500 gallons/acre/week ⁽⁴⁾ (1.6 inches/acre/week) [8B]	---	1/Week [01/07]	Calculate [CA]
Flow – Total Gallons [82220]	Report (Gallons) [80]	---	---	1/Month [01/30]	Calculate [CA]

SF#1, SF#2, SF#3, SF#4, SF#5, SF#6, SF#7, SF#8, SF#15, SF#16

	<u>Monthly Total</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Minimum Measurement</u>	<u>Sample Type</u>
Application Rate [51125]	---	87,000 gallons/acre/week ⁽⁴⁾ (3.2 inches/acre/week) [8B]	43,500 gallons/acre/day ⁽⁴⁾ (1.6 inches/acre/day) [8B]	1/Day [01/01]	Calculate [CA]
Flow – Total Gallons [51500]	Report (Gallons) [57]	---	---	1/Month [01/30]	Calculate [CA]

FOOTNOTES: Refer to pages 8 and 9 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

3. GROUND WATER MONITORING WELLS MW1D(102), MW1E (104), MW1F (105), AND MW1G (106)⁽¹⁾:

	Daily Maximum as specified	Minimum Measurement Frequency	Sample Type
Depth to Water Level Below Land Surface ⁽⁵⁾ [72019]	Report (feet) [27]	2/Year ⁽⁶⁾ [02/YR]	Measure [MS]
Nitrate-Nitrogen [00620]	10 mg/L [19]	2/Year ⁽⁶⁾ [02/YR]	Grab [GR]
Specific Conductance ⁽⁷⁾ [00095]	Report (umhos/cm) [11]	2/Year ⁽⁶⁾ [02/YR]	Grab [GR]
Temperature (°C) ⁽⁷⁾ [00010]	Report (°C) [04]	2/Year ⁽⁶⁾ [02/YR]	Grab [GR]
pH (Standard Units) ⁽⁷⁾ [00400]	Report SU [12]	2/Year ⁽⁶⁾ [02/YR]	Grab [GR]
Total Suspended Solids [00530]	Report (mg/L) [19]	2/Year ⁽⁶⁾ [02/YR]	Grab [GR]
<u>Metals (Total):</u> Arsenic, Cadmium, Chromium, Copper, Lead, Nickel and Zinc [01002, 01027, 01034, 01042, 01051, 01067, 01092]	Report ug/L [28]	1/5 Years ⁽³⁾ [01/5Y]	Grab [GR]

FOOTNOTES: Refer to pages 8 and 9 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

4. Sampling of **LAGOON UNDERDRAIN SYSTEM** shall be conducted as specified below⁽¹⁾:
OUTFALL #001B –Underdrain beneath the treatment lagoons.

	Daily <u>Maximum</u> as specified	Minimum Measurement <u>Frequency</u> as specified	Sample <u>Type</u> as specified
Flow Rate [00058]	Report GPM [78]	3/Year ⁽⁸⁾ [03/YR]	Measure [MS]
Specific Conductance [00095]	Report (umhos/cm) [11]	3/Year ⁽⁸⁾ [03/YR]	Measure [MS]
Temperature (°C) [00010]	Report (°C) [04]	3/Year ⁽⁸⁾ [03/YR]	Measure [MS]

FOOTNOTES: Refer to pages 8 and 9 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Footnotes:

1. **Sampling** – 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 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended February 13, 2000).

All analytical test results shall be reported to the Department including results which are detected below the respective reporting limits (RLs) specified by the Department or as specified by other approved test methods. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the RL achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL or reporting an estimated value ("J" flagged) is not acceptable and will be rejected by the Department. Reporting analytical data and its use in calculations must follow established Department guidelines specified in this permit or in available Department guidance documents.

2. **Lagoon Effluent Sampling** – Lagoon effluent sampling shall be conducted at a minimum frequency of once per month during the months of **April, May, August, and October** of each year, unless otherwise specified by the Department. In the event that no wastewater is disposed of via the spray irrigation system for an entire month, the licensee is not required to conduct effluent monitoring as otherwise required in Special Condition A. 1 of this license.
3. **Screening level metals testing** – The licensee shall conduct one round of testing for the specified metals **during the fourth calendar quarter of the fourth year of the license**, unless otherwise specified by the Department.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

FOOTNOTES:

4. **Weekly Maximum for Spray Irrigation** – “Weekly” is defined as Sunday through Saturday. A field’s daily or weekly application rate is the total gallons sprayed over the applicable period of time divided by the size of the area of the field(s) utilized. Note: 27,152 gallons is equivalent to one acre-inch. The licensee shall measure the flow of waste water to the irrigation area by the use of a flow measuring device that is checked for calibration at least once per calendar year. For Discharge Monitoring Report (DMR) reporting purposes, the licensee shall report the highest daily and weekly application rate for the month in the applicable box on the form. Compliance with weekly reporting requirements must be reported for the month in which the calendar week ends.
5. **Depth to Water Level** – Depth to water level shall be measured to the nearest one-tenth (1/10th) of a foot as referenced from the surface of the ground at the base of the monitoring well.
6. **Ground Water Monitoring Period** – Monitoring wells shall be sampled during the months of **May and October** of each year, unless otherwise specified by the Department.
7. **Field Measurements** – Specific conductance (calibrated to 25.0° C), temperature, and pH are considered to be “field” parameters, and are to be measured in the field via instrumentation. The licensee is required to test for these parameters whether waste water was disposed of via the spray-irrigation system or not.
8. **Lagoon Underdrain Monitoring** – Lagoon underdrain sampling shall be conducted in the months of **July, August and September** of each year.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain materials in concentrations or combinations which would impair the uses designated by the classification of the ground water.
2. The effluent must not lower the quality of any classified body of water (ground water is a classified body of water under Title 38, Section 465-C) below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. TREATMENT PLANT OPERATOR

The treatment facility must be operated by a person holding a minimum of a **Grade SITS-II** certificate (or Registered Maine Professional Engineer) pursuant to Title 32 M.R.S.A. §4171 *et seq.* and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). All proposed contracts for facility operation by any person must be approved by the Department before the permittee may engage the services of the contract operator.

SPECIAL CONDITIONS

D. AUTHORIZED DISCHARGES

The licensee is authorized to discharge treated sanitary waste water only in accordance with the terms and conditions of this WDL and only to the spray irrigation disposal fields identified in the Waste Discharge License application accepted for processing by the Department on September 13, 2012. Discharge of waste water to any other location or from sources other than those indicated on said application requires written authorization from the Department. The collection, treatment or discharge of waste water which has constituents unlike that or significantly higher in strength than that of domestic waste water is prohibited without written authorization from the Department.

E. NOTIFICATION REQUIREMENT

In accordance with Standard Condition #6, the licensee shall notify the Department of:

1. Any introduction of pollutants into the waste water collection and treatment system from an indirect discharger in a primary industrial category discharging process waste water; and
2. Any substantial change in the volume or character of pollutants being introduced into the waste water collection and treatment system by a source introducing pollutants into the system at the time of license issuance. For the purposes of this section, notice regarding substantial change shall include information on:
 - (a) the quality and quantity of waste water introduced to the waste water collection and treatment system; and
 - (b) any anticipated impact caused by the change in the quantity or quality of the waste water to be discharged from the treatment system.

F. GENERAL OPERATIONAL CONSTRAINTS

1. All waste waters shall receive biological treatment through a properly designed, operated and maintained lagoon system prior to disposal via spray irrigation.
2. The spray irrigation facilities shall be effectively maintained and operated at all times so that there is neither discharge to surface waters nor any contamination of ground water which will render it unsatisfactory for usage as a public drinking water supply. Spray nozzles must be calibrated annually in order to assure proper spray irrigation rates.
3. The surface waste water disposal system shall not cause the lowering of the quality of the ground water, as measured in the ground water monitoring wells specified by this license, below the State Primary and Secondary Drinking Water Standards specified in the Maine State Drinking Water Regulations pursuant to Maine law 22 M.R.S.A. § 2601.
In the event the ground water monitoring results indicate adverse effects, the licensee may be required to take immediate remedial action(s), which may include but are not limited to, adjustment of the irrigation schedule or application rates, a reduction of the pollutant loading, or ceasing operation of the system until the ground water attains applicable standards.

SPECIAL CONDITIONS

F. GENERAL OPERATIONAL CONSTRAINTS (cont'd)

4. The Department shall be notified as soon as the licensee becomes aware of any threat to public health, unlicensed discharge of waste water, sanitary system overflows (SSOs) or any malfunction that threatens the proper operation of the system. Notification shall be made in accordance with the attached Standard Condition #4 of this license. A *sanitary sewer overflow* (SSO) is the release of raw sewage from a sanitary collection system prior to reaching the treatment plant or facility. Spills out of manholes, into basements, onto municipal or private property, etc., and into the waters of the State are all considered to be SSOs.
5. The licensee shall maintain a file on the location of all system components and relevant features. Each component shall be mapped and field-located sufficiently to allow adequate inspections and monitoring by both the licensee and the Department.
6. System components including collection pipes, tanks, manholes, pumps, pumping stations, spray disposal fields, and monitoring wells shall be identified and referenced by a unique system identifier in all logs and reports.
7. 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. The licensee shall inspect the spray-irrigation site or have other means to check the system for leakage in the piping system and determine if individual sprayheads and pump(s) are functioning as designed, and verify that application rates are appropriate for the existing site conditions. The procedures used to determine the system is functioning as designed shall be described in the facility's O&M manual. Should significant malfunctions or leaks be detected, the licensee must shut down the malfunctioning/leaking sections of the spray system and make necessary repairs before resuming operation. The licensee shall cease irrigation if runoff is observed outside the designated boundaries of the spray field(s). The licensee should field-calibrate equipment to ensure proper and uniform spray applications when operating. A description of the calibration procedures and a log sheet that has been used for recording calibration results shall be included as part of the Operations & Maintenance manual.
8. **The licensee shall maintain a daily log** of all spray irrigation (and snowmaking operations) which records the date, weather, rainfall, areas irrigated, volume sprayed (gallons), application rates (daily and weekly), and other relevant observations/comments from daily inspections. The log shall be in accordance with the general format of the "*Monthly Operations Log*" provided as **Attachment A** of this license, or other similar format approved by the Department. Weekly application rates shall be reported in accordance with the general format of the "*Spray Application Report by Week*" provided as **Attachment B** of this license or other format as approved by the Department. The *Monthly Operations Log*, and *Spray Application Report by Week*, for each month shall be submitted to the Department as an attachment to the monthly Discharge Monitoring Reports (DMRs) in a format approved by the Department. Copies will also be maintained on site for Department review and for license operation maintenance purposes.

SPECIAL CONDITIONS

G. SPRAY IRRIGATION OPERATIONAL CONSTRAINTS, LOGS AND REPORTS

1. Suitable vegetative cover shall be maintained. Waste water (as liquid spray irrigation) shall not be applied to areas without sufficient vegetation or ground cover as to prevent erosion or surface water runoff outside the designated boundaries of the spray fields. The licensee shall have an updated facilities management plan that includes provisions for maintaining the spray irrigation area in optimum condition for the uptake of nutrients and moisture holding capacity.
2. At least 10 inches of separation from the ground surface to the ground water table shall be present prior to spray irrigation.
3. No waste water shall be spray irrigated as liquid following a rainfall accumulation exceeding 1.0 inch within the previous 24-hour period. A rain gauge shall be located on site to monitor daily precipitation. The licensee shall also manage application rates by taking into consideration the forecast for rain events in the 48-hour period in the future.
4. No waste water shall be applied as spray irrigation (liquid) where there is snow present on the surface of the ground or when there is any evidence of frost or frozen ground within the upper 10 inches of the soil profile.
5. No traffic or equipment shall be allowed in the spray-irrigation field area except where installation occurs or where normal operations and maintenance are performed (this shall include forest management operations).
6. The licensee shall install the equivalent of one ground water level inspection well per spray field to verify that 10 inches of separation from the ground surface to the observed ground water level is present prior to spraying. Depths to ground water shall be recorded in accordance with the general format of "*Monthly Operations Log*" provided as **Attachment A** of this license or other format as approved by the Department.

H. VEGETATION MANAGEMENT

1. The licensee shall remove grasses and other vegetation such as shrubs and trees if necessary so as not to impair the operation of the spray-irrigation system, to ensure uniform distribution of waste water over the desired application area and to optimize nutrient uptake and removal.
2. The vegetative buffer zones along the perimeter of the site shall be maintained to maximize vegetation and forest canopy density in order to minimize off-site drift of spray.

I. LAGOON MAINTENANCE

1. The banks of the lagoons shall be inspected periodically during the operating season (at least two times per year) and properly maintained at all times. There shall be no overflow through or over the banks. Any signs of leaks, destructive animal activity or soil erosion of the banks shall be repaired immediately.
2. The banks of the lagoons shall be maintained to keep them free of woody vegetation and other vegetation that may be detrimental to the integrity of the bank and/or lagoon liner. The lagoons shall be kept free of all vegetation (*i.e.*, grasses, reeds, cattails, etc.) that hinders the operation of the lagoon.

SPECIAL CONDITIONS

I. LAGOON MAINTENANCE (cont'd)

- 3 For each lagoon, the licensee shall maintain at least two (2) feet of freeboard or design levels, whichever is greater
4. The treatment and storage lagoon shall be dredged as necessary to maintain the proper operating depths in the lagoons that will provide best practicable treatment of the waste water. All material removed from the lagoon(s) shall be properly disposed of in accordance with all applicable State and Federal rules and regulations.

J. INSPECTIONS AND MAINTENANCE

The licensee shall periodically inspect all system components to ensure the facility is being operated and maintained in accordance with the design of the system. Maintenance logs shall be maintained for each major system component including pumps, pump stations, septic tanks, lagoons, spray apparatus, and pipes. At a minimum, the logs shall include the unique identifier, the date of maintenance, type of maintenance performed, names or person performing the maintenance, and other relevant system observations.

K. GROUND WATER MONITORING WELLS AND WATER QUALITY MONITORING PLAN DETAILS

1. The licensee shall maintain an approved ground water quality monitoring plan prepared by a professional qualified in water chemistry. The plan shall include historical current monitoring data for each monitoring point, represented in tabular and graphical form.
2. All monitoring wells shall be equipped with a cap and lock to limit access and shall be maintained in a secured state at all times. The integrity of the monitoring wells shall also be verified annually in order to insure representative samples of ground water quality.
3. The Department reserves the right to require increasing the depth of and/or relocating any of the ground water monitoring wells if the well is frequently dry or is determined not to be representative of ground water conditions.

L. OPERATIONS AND MAINTENANCE (O&M) PLAN AND SITE PLAN(S)

This facility shall have a current written comprehensive Operation & Maintenance (O&M) Plan. 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. Of particular importance is the management of the spray application sites such that the spray sites are given ample periods of rest to prevent over application.

SPECIAL CONDITIONS

L. OPERATIONS AND MAINTENANCE (O&M) PLAN AND SITE PLAN(S)(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 wastewater treatment facility, the licensee shall submit the updated O & M Plan to their Department inspector for review and comment.

M. PUBLIC ACCESS TO LAND APPLICATION SITES AND SIGNAGE

Access to the land application sites shall be limited during the season of active site use. The licensee shall install signs measuring at least 8 ½" x 11", in areas of concern around the perimeter of the lagoon and spray irrigation sites that inform the general public that the area is being used to dispose of sanitary waste waters. The signs must be constructed of materials that are weather resistant. The licensee must annually inspect and make any necessary repairs to the signage to comply with this condition.

N. MONITORING AND REPORTING

Monitoring results obtained during the previous month shall be summarized for each month and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department **and shall be postmarked by 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 by the fifteenth (15th) day of the month following the completed reporting period.** A signed copy of the DMR and all other reports required herein shall be submitted, unless otherwise specified, to the Department's facility inspector at:

Department of Environmental Protection
Eastern Maine Regional Office
Bureau of Land and Water Quality
Division of Water Quality Management
106 Hogan Road
Bangor, Maine 04401

Alternatively, if you are submitting an electronic DMR (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.

SPECIAL CONDITIONS

O. REOPENING OF LICENSE

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.

P. 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.

Attachment A

Monthly Operations Log

Dexter Utility District (WDL #W000830)

(Month/Year) _____

Spray Field # _____

Weekly Application Rate: _____ gallons/week

A	B	C	D	E	F	G
Date	Precipitation Previous 24 hours (inches)	Air Temp (°F)	Weather	Wind- Direction Speed (mph)	Depth To GW in Observation well (inches)	Total Gallons Pumped (gallons)
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
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31						

Signature of Responsible Official: _____ Date _____

Attachment B

Spray Application Report by Week

Dexter Utility District (WDL #W000830) (Month/Year) _____

Spray Field #	Weekly Limit (Gallons/Week)	Spray Application Rates (Gallons/Week)					Monthly Total
		Week 1	Week 2	Week 3	Week 4	Week 5	

Signature of Responsible Official: _____ Date _____

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: September 24, 2012

PERMIT COMPLIANCE TRACKING SYSTEM NUMBER: MEU500830
WASTE DISCHARGE LICENSE NUMBER: W000830-6C-F-R

NAME AND MAILING ADDRESS OF APPLICANT:

DEXTER UTILITY DISTRICT

**Attn: Randy Webber
25 Main Street
Dexter, Maine 04930**

COUNTY: Penobscot County

NAME AND ADDRESS OF FACILITY:

**101 Dunn Road
Dexter, Maine 04930**

RECEIVING WATER/ CLASSIFICATION: Groundwater /Class GW-A

**COGNIZANT OFFICIAL AND TELEPHONE NUMBER: Mr. Randy Webber
(207) 924-7367**
e-mail: dexterwater@roadrunner.com

1. APPLICATION SUMMARY

- a. Application: The Dexter Utility District (the District/licensee hereinafter) has submitted a timely and complete application to the Department for the renewal of Waste Discharge License (WDL) #W000830-5L-E-R, which was issued by the Department on December 6, 2007, for a five-year term. The application is for the continuing operation of a surface waste water disposal (spray-irrigation) system for the disposal of up to 100 million gallons per year of treated sanitary waste water to land in the Town of Dexter, Maine. The treatment system was designed for a sanitary waste water influent flow of 273,000 gallons per day (0.273 MGD). The facility has been assigned number MEU500830 for tracking compliance in the Department's permit compliance system (PCS).

1. APPLICATION SUMMARY

- b. Source Description: The District's wastewater treatment facility became operational in April 1988 for the collection and treatment of sanitary and light commercial waste waters generated by residential and commercial entities within District's boundaries (approximately 900 services). The District also expects to receive approximately 1,000 gallons of holding tank waste annually from the Town of Dexter's public works garage. There are no significant industrial users and no combined sewer overflow points associated with the collection system. The facility is not authorized to receive transported wastes.
- c. Wastewater Treatment: The District owns and maintains over 26 miles of polyvinyl chloride (PVC) collection pipe. Although the collection system was newly installed at the time of the plant construction in 1988, it still has experienced springtime infiltration from the start of operation. Five major pumping stations are on the system, including the pumping station to the spray-irrigation fields. There are also two residential pump stations on the system. A map created by the Department showing the location of the treatment facility is included as **Attachment A** of this Fact Sheet.

Waste water conveyed to the treatment facility receives a secondary level of treatment via three (3) 1.0-million gallon (25' x 75' x 15') aerated lagoons, two (2) 30.9- million gallon storage lagoons and a slow-rate spray-irrigation system made up of 16 separate irrigation fields, each approximately 11 acres in size, totaling 176 acres. Two flow meters are provided to measure and record waste water flows; one at the inlet of the treatment plant and one on the pipeline to the spray-irrigation fields. The licensee reports that Monday through Thursday during the spray season, ten fields per day are utilized and Friday through Sunday, eight fields are utilized.

- d. Site Conditions: The Dexter site is in an area of uniform topography which slopes downward to the north-northwest of the site. The overall slope is 6-7 percent. The site was formerly used as pastureland, and the overstory consists of a mixture of woods and fields.

2. LICENSE SUMMARY

- a. Terms and Conditions – This licensing action is carrying forward all the terms and conditions of the previous licensing action except this license.
 - 1. Eliminates the monitoring requirement for mercury in the lagoon effluent and ground monitoring wells as mercury has not been detected in the monitoring wells to date.

2. LICENSE SUMMARY (cont'd)

- b. History: This section provides a summary of significant licensing actions and milestones that have been completed for the Dexter Utility District.

December 20, 2002 – The Department issued WDL #W000830-5L-D-R to the District for a five-year term. The 12/20/02 WDL superseded WDL #W000830-46-C-R issued on May 16, 1997, WDL#W000830-46-B-R issued on March 8, 1993, and WDL #W000830-45-A-R issued on September 3, 1985, WDL# 830 issued on March 26, 1980 (earliest Order on file with the Department).

March 25, 2003 – The Department issued a letter to the District thereby administratively modifying the 12/20/02 WDL to extend the submission deadline associated with Special Condition N of the 12/20/02 WDL from April 1, 2003 to May 1, 2003.

March 25, 2004 – The Department issued a letter to the District thereby administratively modifying the 12/20/02 WDL to correct the weekly average application rate from 2.0 inches per day to 1.6 inches per day (43,5400 gallons per acre per day) and to eliminate Special Condition O, *Soils Monitoring*, of the 12/20/02 WDL.

March 25, 2004 – The Department issued a letter to the District following a March 24, 2004 meeting between the District and the Department, to authorize the District to begin spray irrigation on spray fields #1 through #8, #15, and #16 due to critically high water levels in the lagoons. The Department required in this letter that the District submit by June 1, 2004, an engineered analysis of alternatives, including but not limited to, increasing the pumping capacity via additional pumps or modifications of the existing pump system, modifying spray field pipes or spray heads and/or modifying operational procedures.

June 18, 2004 – Leach Engineering Consultants, PA (St. Johnsbury, VT) provided the District with an evaluation of the spray pump system and concluded that by utilizing multiple suction lines, the spray system at the facility has the capability of spraying up to two spray irrigation fields simultaneously, increasing the spray capacity by 65%.

March 6, 2006 – The District requested in writing permission to operate the spray irrigation system earlier than the April 15th start date associated with the 12/20/02 WDL. The District reported that despite efforts to modify pumping practices and spray irrigation operations, exceptionally wet weather had caused high lagoon levels. The Department authorized early spray irrigation in response to the March 2006 request.

2. LICENSE SUMMARY (cont'd)

October 30, 2007 – The District submitted a timely and complete General Application to the Department for renewal of the 12/20/02 WDL. The application was accepted for processing on October 31, 2007 and was assigned WDL #W000830-5L-E-R.

December 6, 2007 – The Department issued WDL #W000830-5L-F-R for a five-year term.

September 13, 2012 – The District submitted a timely and complete application to the Department to renew the 12/6/07 WDL.

3. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A § 470 indicates the ground water 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 ground water and shall be of such quality that it can be used for public water supplies. These waters shall be free of radioactive matter or any matter that imparts color, turbidity, taste or odor which would impair the usage of these waters, other than occurring from natural phenomena.

4. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- a. Monitoring Parameters – Lagoon effluent monitoring parameters being carried forward in this licensing action are biochemical oxygen demand (BOD₅), total suspended solids (TSS), nitrate-nitrogen, and certain metals (arsenic, cadmium, chromium, copper, lead, nickel, and zinc). Monitoring for these parameters yields an indication of the effectiveness of the lagoon treatment process and the condition of the waste water being applied. Lagoon effluent monitoring for all parameters except the metals shall be conducted during the months of April, May, August, and October of each year. Lagoon effluent monitoring for the specified metals is only required to be performed during the forth calendar quarter of the forth year of the license. Well monitoring is required at the frequency specified in this licensing action, whether or not spray irrigation occurs. The District monitors the following ground water monitoring wells for compliance with this WDL.

Monitoring Wells	PCS Code	Location
MW102	MW1D	Down-gradient, West side <u>not</u> within contact area
MW104	MW1E	Down-gradient, East side within contact area
MW105	MW1F	Down-gradient, East side within contact area
MW106	MW1G	Up-gradient

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

Biochemical Oxygen Demand (BOD) - Monitoring for BOD yields an indication of the condition of the waste water being drawn from the lagoon, the degree of loading of organic material and the effectiveness of the spray-irrigation treatment process. The limit of 100 mg/L established in the previous license as a best practicable treatment (BPT) standard is being carried forward in this licensing action.

A review of the monthly DMR data for the period January 2008 – March 2012 indicates values have been reported as follows:

BOD Concentration (DMRs = 12) Lagoon Effluent

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	100	4 - 25	14

Total Suspended Solids (TSS) - The limit of 100 mg/L for the lagoon effluent along with a 1/Month monitoring requirement established in the previous license as a BPT standard is being carried forward in this licensing action. For the monitoring wells, the previous licensing action established a daily maximum concentration reporting requirement and twice per year monitoring frequency for TSS in ground water monitoring wells. TSS in the groundwater yields an indication of the integrity of the monitoring wells and of the treatment efficiency of the soils.

TSS Concentration (DMRs = 12) Lagoon Effluent

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	100	4 - 53	17

TSS Concentration (DMRs = 12) Monitoring Wells

Ground Water Monitoring Well #	Limit (mg/L)	Range (mg/L)	Average (mg/L)
MW1D	Report	11 - 25	18
MW1E	Report	5 - 24	14
MW1F	Report	3 - 26	16
MW1G	Report	5 - 21	13

This licensing action is carrying forward a daily maximum concentration reporting requirement for ground water monitoring wells for TSS consistent with the monitoring requirements established for other similar facilities.

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

Nitrate-nitrogen - For nitrate-nitrogen, the previous licensing action established a daily maximum concentration reporting requirement for the lagoon effluent and a daily maximum concentration limit of 10 mg/L for ground water monitoring wells. Nitrogen compounds are by-products of the biological breakdown of ammonia and are inherent in domestic like sanitary wastewater. Because nitrate-nitrogen is weakly absorbed by soil, it functions as a reliable indicator of contamination from waste-disposal sites. Elevated levels of nitrate-nitrogen in the drinking water supply are a human health concern. The limit of 10 mg/L is a National Primary Drinking Water standard.

A review of the monthly DMR data for the period January 2008 – March 2012 indicates values have been reported as follows:

Nitrate-Nitrogen Concentration (DMRs = 7) Lagoon Effluent

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	Report	1.35 – 14.0	3.2

Nitrate-Nitrogen Concentration (DMRs = Variable) Monitoring Wells

Ground Water Monitoring Well #	Limit (mg/L)	Range (mg/L)	Average (mg/L)
MW1D	10	1.0 (n=1)	1.0
MW1E	10	7 – 9.7 (n=7)	7.4
MW1F	10	1.0 – 1.3 (n=3)	0.4
MW1G	10	1.0 – 3.0 (n=5)	1.0

This licensing action is carrying forward the daily maximum concentration limit of 10 mg/L for ground water monitoring wells and the minimum monitoring frequency requirement of twice per year during the months of May and October.

Specific Conductance and Temperature - are considered to be “field” parameters meaning that they are measured directly in the field via instrumentation and do not require laboratory analysis. These parameters are considered as surveillance level monitoring parameters and are used as an early-warning indicators of potential groundwater contamination. Temperature data are important in calibrating the conductance measurements.

The previous licensing action also established a daily maximum reporting requirement for specific conductance for lagoon underdrain to serve as an early warning indicator of leakage in the lagoon liners.

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

A review of the monthly DMR data for the period January 2008 – March 2012 indicates values have been reported as follows:

Specific Conductance (DMRs = 8) Monitoring Wells

Ground Water Monitoring Well #	Limit (umhos/cm)	Range (umhos/cm)	Average (uhmos/cm)
MW1D	10	240 - 266	251
MW1E	10	380 - 935	437
MW1F	10	418 - 442	426
MW1G	10	256 - 325	282

Specific Conductance (DMRs = 12) Lagoon Underdrain

Value	Limit (uhmos/cm)	Range (uhmos/cm)	Average (uhmos/cm)
Daily Maximum	Report	512 - 549	527

This licensing action is carrying forward the daily maximum concentration reporting requirement for ground water monitoring wells and the underdrain system and the minimum monitoring frequency requirement of twice per year during the months of May and October for the ground water monitoring wells and three times per year, July, August and September for the underdrain system..

pH – The previous licensing action established a pH range limitation of 6.0 – 9.0 standard units for lagoon effluent and a reporting requirement for pH for ground water monitoring wells based on a Department best professional judgment of best practicable treatment.

A review of the monthly DMR data for the period January 2008 – March 2012 indicates values have been reported as follows:

pH (DMRs = 8) Monitoring Wells

Ground Water Monitoring Well #	Limit (su)	Minimum (su)	Maximum (su)
MW1D	6.0 – 9.0	7.0	8.2
MW1E	6.0 – 9.0	7.2	8.2
MW1F	6.0 - 9.0	7.0	7.9
MW1G	6.0 - 9.0	6.8	8.0

Metals (arsenic, cadmium, chromium, copper, lead, nickel, and zinc) – The previous licensing action established a screening level (one test within the 12-month period prior to license expiration) metals monitoring and reporting requirement for the lagoon and the ground water monitoring wells during the 12-month period prior to the expiration date of the license.

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

Metals (DMRs = 8) Monitoring Wells

	Arsenic	Cadmium	Copper	Lead	Mercury	Nickel	Zinc
MW1D	16	9	20	7.5	0.2	7.7	34
MW1E	1.6	14	36	19	0.2	10	51
MW1F	1.1	11	---	10	0.2	6.5	50
MW1G	21	7.8	46	6.1	0.2	5.4	45

- b. Spray Irrigation Application Rates – The weekly average rates of 43,400 gallons (1.6 inches) per acre per week for fields 9, 10, 11, 12, 13, and 14 and 87,000 gallons (3.2 inches) per acre per week for fields 1 through 8, 15 and 16, are weekly application rates that are being carried forward from the previous licensing action. The weekly limits are established as a margin of safety against hydraulically overloading a spray field and are based on the treatment capabilities of the in-situ soils. The higher application rate for fields 1 through 8, 15 and 16 that was granted in the 1997 licensing action was based on 1996 field trials and the previous eight years of data for those fields. Regardless of the calculated rate, the system operator shall monitor each waste application to verify adequate infiltration of the waste into the soil and an irrigation cycle must be stopped if runoff or ponding start to occur.

Summary of Spray Irrigation System	
Sprayfields	16 - 11 acres each
Sprayheads	110± per sprayfield
Pumps	3 – one on standby at all times
Flow Measurement	Flow meter

Application rate (87,000 gal/acre/week)(DMRs = 24)

Fields	Range - Rate (gal./acre/week)	Mean - Rate (gal./acre/week)	Range - Total (gal/month)	Mean - Total (gal/month)
SF#1	14,825 – 47,760	36,335	32,651 – 1,946,252	576,002
SF#2	14,680 – 48,297	36,365	16,968 – 2,006,785	528,786
SF#3	7,068 – 41,260	25,797	65,561 – 1,670,781	404,419
SF#4	14,825 – 42,424	31,463	54,967 – 1,866,722	487,978
SF#5	7,300 – 42,138	28,790	69,000 – 1,670,471	450,736
SF#6	7,818 – 46,700	33,240	53,989 – 1,968,615	419,813
SF#7	14,825 – 50,198	38,840	77,541 – 2,240,864	600,782

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

Application rate (87,000 gal/acre/week)(DMRs = 24)

Fields	Range - Rate (gal./acre/week)	Mean - Rate (gal./acre/week)	Range - Total (gal/month)	Mean - Total (gal/month)
SF#8	7,007 – 41,985	30,503	61,555 – 1,822,161	440,857
SF#15	14,825 – 48,111	31,709	54,876 – 1,471,327	429,724
SF#16	19,947 – 47,273	36,422	79,788 – 1,955,492	524,564

Application rate (43,500 gal/acre/week)(DMRs = 24)

Fields	Range - Rate (gal./acre/week)	Mean - Rate (gal./acre/week)	Range - Total (gal/month)	Mean - Total (gal/month)
SF#9	5,918 – 27,600	18,497	10,196 – 975,227	271,593
SF#10	5,727 – 24,253	15,163	42,290 – 867,075	224,705
SF#11	9,786 – 20,742	15,293	14,050 – 912,648	227,756
SF#12	5,727 – 21,034	12,697	33,933 – 708,851	194,345
SF#13	7,025 – 15,054	13,022	14,050 – 720,896	197,632
SF#14	5,918 – 20,407	9,912	29,590 – 669,801	467,502

Based on a review of spray irrigation and ground water monitoring data on file with the Department, the Department concludes that these data indicate there have been no significant impacts to ground water quality as a result of the spray irrigation process conducted by the District.

6. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

7. PUBLIC COMMENTS

Public notice of this application was made in *The Eastern Gazette* newspaper on or about September 7, 2012. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

8. DEPARTMENT CONTACTS

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

Gregg Wood
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-7693 Fax: (207) 287-3435
e-mail: gregg.wood@maine.gov

9. RESPONSE TO COMMENTS

During the period September 14, 2012 through the issuance date of the license, the Department solicited comments on the proposed draft license for the licensee's facility. The Department did not receive comments from the permittee, 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

Dexter Utility District

MEU500860

Operator Randy Webber
Tel. #924-3075

Spray Irrigation Areas
Fields 9-14

Spray Irrigation Areas
Fields 1-8, 15, 16

Two Storage
Lagoons

Three Aerated
Lagoons

0 312.5 625 1,250 1,875 2,500 Feet

Plan Prepared by ME DEP
David Silver, Water Resources
(Dexter20Nov02)

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
STANDARD CONDITIONS OF INDUSTRIAL WASTE DISCHARGE LICENSES

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, wastewater 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 with periodic reports on the proper 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 onshore 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 noncompliance, whether or not such noncompliance is due to factors beyond his control, such as accident, equipment breakdown, labor dispute, or natural disaster.

2. Treatment Plant Operator

The Treatment Facility must be operated by a person holding a Grade ~~I, II, III, IV, V~~ certificate pursuant to 32 M.R.S.A., Section 4171 et seq. All proposed contracts for facility operation by any person must be approved by the department before the licensee may engage the services of the contract operator.

3. ~~Disinfection~~

~~Disinfection shall be used to reduce the concentration of bacteria to or below the level specified in the "Effluent Limitations and Monitoring Requirement" section of this license. If chlorination is used as a means of disinfection, an approved contact chamber shall be provided. The chlorine residual in the effluent shall at no time cause any demonstrable harm to aquatic life in the receiving waters. A positive chlorine residual shall be maintained at all times as required by this license, however, at no time shall the total chlorine residual of the effluent exceed 1.0 mg/l.~~

4. Wastewater 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 wastewater collection, treatment and/or control facilities.
- c. All necessary waste treatment facilities will be installed and operational prior to the discharge of any wastewaters.
- d. Final plans and specifications must be submitted to the staff of 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 wastewaters will be achieved as rapidly as possible.

5. 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 Wastewaters, 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) The results of the above monitoring requirements shall be reported on reporting forms supplied by the department in the units specified at a frequency of once:

~~yearly~~ ~~semi-annually~~ ~~quarterly~~ monthly

- (2) All reports shall be submitted to the Department by not later than the tenth of the month following the end of the monitoring period.
- (3) 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 analyses; (d) the analytical techniques/methods used, including sampling, handling, and preservation techniques; and (e) the results of all required analyses.

d. All reports shall be signed by:

- (1) In the case of corporations, by 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, by a general partner or duly authorized representative.
 - (3) In the case of a sole proprietorship, by the proprietor or duly authorized representative.
 - (4) In the case of a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or duly authorized employee.
- (e) All monitoring reports and future correspondence regarding monitoring facilities should be directed to:

Bureau of Water Quality Control
Department of Environmental Protection
State House Station #17
Augusta, Maine 04333

6. 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 noncompliance; and
2. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying 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.

7. 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 wastewater 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;
- 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.

8. 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 or 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.

9. 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.

10. 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.

11. Removed Substances

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

12. 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 groundwater 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.

13. 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 wastewater 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 wastewater control facilities.

14. 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.

15. Connection to Municipal Treatment System

All wastewaters 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.

16. Pretreatment

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

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 wastewater, either by act or by design, from any portion of a treatment facility or conveyance system.



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

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. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board 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 the Board's 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 a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of 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

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of 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 on the appeal 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, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that 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 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.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, 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.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder 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 receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the 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 or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P. 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

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.
