

MASTER



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

December 3, 2012

Mr. Gerald Raymond
Eagle Lake Water & Sewer District
P.O. Box 137, 243 Old Main Street
Eagle Lake, Maine 04739
elwsd@ainop.com

*Transmitted via electronic mail
Delivery confirmation requested*

**RE: Maine Waste Discharge License (WDL) #W007955-6A-D-R
Finalized Waste Discharge License Renewal**

Dear Mr. Raymond:

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."

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

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

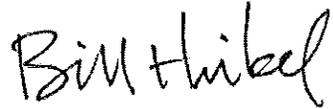
PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

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

Letter to G. Raymond, Eagle Lake Water and Sewer District
December 3, 2012
Page 2 of 2

If you have any questions regarding the matter, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Bill Hinkel". The signature is written in a cursive, slightly slanted style.

Bill Hinkel
Division of Water Quality Management
Bureau of Land and Water Quality
bill.hinkel@maine.gov
ph: 207.485.2281

Enc.

ec: Sean Bernard, MeDEP
Lori Mitchell, MeDEP
Sandy Mojica, USEPA



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

DEPARTMENT ORDER

IN THE MATTER OF

| | | |
|-------------------------------------|---|----------------------------|
| EAGLE LAKE WATER AND SEWER DISTRICT |) | PROTECTION AND IMPROVEMENT |
| WALLAGRASS PLT., AROOSTOOK COUNTY |) | OF WATERS |
| SUBSURFACE WASTEWATER DISPOSAL |) | WASTE DISCHARGE LICENSE |
| #MEU507955 |) | |
| #W007955-6A-D-R |) | RENEWAL |
| APPROVAL |) | |

Pursuant to the provisions of *Conditions of licenses*, 38 M.R.S.A. § 414-A, and applicable regulations, the Maine Department of Environmental Protection (Department) has considered the application of the EAGLE LAKE WATER AND SEWER DISTRICT (District), 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) #W007955-5L-C-R, which was issued on November 30, 2007 and expired on November 30, 2012. The November 30, 2007 WDL authorized the operation of a community subsurface wastewater disposal system with a design capacity of approximately 6,000 gallons per day for the treatment and subsurface disposal (discharge) of domestic-like wastewater generated from residential and municipal users to ground water, Class GW-A, in Wallagrass Plantation, Maine.

LICENSE SUMMARY

This licensing action is carrying forward all terms and conditions established in the November 30, 2007 license. It is noted, however, that for data management purposes the influent flow unit type is being changed from million gallons per day to gallons per day.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated December 3, 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 national resource, that water quality will be maintained and protected;
 - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering 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

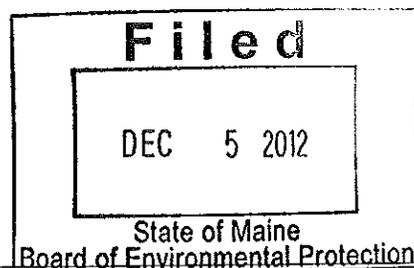
THEREFORE, the Department APPROVES the above noted application of the EAGLE LAKE WATER AND SEWER DISTRICT to discharge a daily maximum of up to 6,000 gallons per day of treated domestic-like wastewater from a publicly-owned subsurface wastewater treatment system to ground water, Class GW-A, in Wallgrass Plantation, Maine, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

1. *Standard Conditions of POTW Waste Discharge Licenses*, revised July 16, 1996, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This license and the authorization to discharge become effective upon the date of signature below and expire at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this license, the authorization to discharge and the terms and conditions of this license and all 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 4th DAY OF December 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhls
for PATRICIA W. AHO, Commissioner



Date filed with Board of Environmental Protection: _____

Date of initial receipt of application: August 22, 2012
Date of application acceptance: August 31, 2012
This Order prepared by Bill Hinkel, BUREAU OF LAND & WATER QUALITY

SPECIAL CONDITIONS

A. INFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Influent monitoring to the Wallagrass Village System [designated Permit Compliance System (PCS) tracking number 001A in this licensing action] shall be limited and monitored by the licensee as specified below:

| Parameter | Influent Monitoring Requirements | | | | Minimum Monitoring Requirements | |
|------------------------|----------------------------------|--------------------------|------------------------|----------------------|---------------------------------|---------------------------|
| | <u>Monthly Average</u> | <u>Daily Maximum</u> | <u>Monthly Average</u> | <u>Daily Maximum</u> | <u>Measurement Frequency</u> | <u>Sample Type</u> |
| Flow <i>[50050]</i> | Report GPD <i>[07]</i> | 6,000 GPD <i>[07]</i> | --- | --- | 1/Week <i>[01/07]</i> | Calculated <i>[CA]</i> |

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

B. NARRATIVE EFFLUENT LIMITATIONS

- 1 The effluent shall not contain materials in concentrations or combinations which would impair the uses designated for the classification of the ground water.
2. The effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. AUTHORIZED DISCHARGES

The licensee is authorized to discharge only in accordance with: 1) the licensee's General Application for Waste Discharge License, accepted for processing on August 31, 2012; 2) the terms and conditions of this license; and 3) only from the one (1) subsurface wastewater disposal system identified as the Wallagrass Village System in this licensing action. Discharges of wastewater from any other point source are not authorized under this license, and shall be reported in accordance with Standard Condition 11, *Bypass of Waste Treatment Facilities*, of this license.

SPECIAL CONDITIONS

D. GENERAL OPERATIONAL REQUIREMENTS

1. The licensee shall operate the system consistent with the requirements of the *Maine Subsurface Waste Water Disposal Rules*, 10-144 CMR 241 (effective January 18, 2011) and other pertinent regulations, as well as the limitations of the design.
2. All upgrades, replacements or authorized expansions of the treatment systems shall be in accordance with 10-144 CMR 241 and be approved by the Department.
3. 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. Septic tanks and distribution box covers shall be accessible for inspections and pumping.
4. All septic tanks shall be watertight and tanks must be constructed of materials approved by the Department and in accordance with 10-144 CMR 241.
5. Septic tanks and other treatment tanks (including grease traps) shall be regularly inspected and maintained to ensure that they are providing best practicable treatment.
6. Septic tank contents shall be removed whenever the sludge and scum occupies one-third of the tank's liquid capacity, or at any level that impairs the proper function of the unit. The licensee shall maintain a log of septic tank pumping activities, including the dates of pumping events and system identifier and other relevant observations.
7. The licensee shall require any commercial or institutional food preparation facility to install a grease interceptor in accordance with 10-144 CMR 241. Grease interceptors serving year-round facilities shall be inspected by the licensee at least two times per year and seasonal facilities shall be inspected at least twice per year to determine the volume of grease present. Tanks shall be cleaned, at a minimum, when the volume of grease equals more than 50% of the liquid capacity of the tank or at any level that impairs the proper function of the unit.

E. SYSTEM INSPECTIONS

1. The licensee shall conduct at least one inspection per year for disposal fields treating solely domestic wastewater. The licensee shall conduct at least three inspections per year for systems treating waste waters (in whole or in part) generated by commercial entities.
2. The inspection report or log shall include the date of the inspection, the names of the person performing the inspection, and other relevant system observations.
3. Disposal field inspections shall include: any signs of hydraulic failure; condition of the surface vegetation; level of ponding within the chamber and on the disposal area; physical encroachments into the disposal area; and other sources of hydraulic loading.

SPECIAL CONDITIONS

F. MAINTENANCE LOGS

Maintenance logs shall be maintained for each system component including pumps, dosing chambers, distribution boxes, septic tanks and absorption fields. This shall include for each system: 1) the alphanumeric ID; 2) a summary of the results of all inspections; 2) a summary of all significant maintenance activities and repairs, and other specific action(s) taken to ensure the proper functioning of the systems; 3) a listing of all additions and deletions to the system or individual system components; 4) a summary of pumping activity for all septic tanks and other treatment components; 5) a summary of relevant performance observations; and 6) the volumes of wastewater directed to each disposal field.

G. OPERATIONS AND MAINTENANCE (O & M) PLAN

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.

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.

The site plan(s) and schematic(s) should be suitable for reproduction on 11" x 17" paper and shall include but not limited to all manholes, septic tanks and other treatment tanks including holding and polishing tanks, pump stations and disposal fields. Each system component shall be provided with a unique alphanumeric identifier.

H. 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 **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to the Department's Regional Office such that the DMRs are received by the Department on or before the fifteenth (15th) day of the month** following the completed reporting period. A signed copy of the DMR and all other reports required herein shall be submitted to the following address:

Department of Environmental Protection
Northern Maine Regional Office
Bureau of Land and Water Quality
1235 Skyway Park
Presque Isle, Maine 04769

SPECIAL CONDITIONS

I. REOPENING OF LICENSE MODIFICATIONS

Upon evaluation of new site-specific information or any other pertinent test results or information obtained during the term of this license, the Department may, at any time and with notice to the licensee, modify this license to: (1) include effluent limits necessary to control specific pollutants; (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

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

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: DECEMBER 3, 2012

PERMIT COMPLIANCE TRACKING NUMBER: #MEU507955
WASTE DISCHARGE LICENSE NUMBER: #W007955-6A-D-R

NAME AND MAILING ADDRESS OF APPLICANT:

**EAGLE LAKE WATER AND SEWER DISTRICT
243 OLD MAIN STREET
P.O. BOX 137
EAGLE LAKE, MAINE 04739**

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

**WALLAGRASS VILLAGE SUBSURFACE WASTEWATER TREATMENT SYSTEM
CHURCH STREET
WALLAGRASS PLANTATION, MAINE**

REGION WHERE FACILITY DISCHARGE OCCURS: AROOSTOOK COUNTY

RECEIVING WATER/ CLASSIFICATION: GROUND WATER/CLASS GW-A

**COGNIZANT OFFICIAL AND TELEPHONE NUMBER: MR. GERALD RAYMOND
(207) 444-5441**

1. APPLICATION SUMMARY

Application: The Eagle Lake Water and Sewer District (District) has applied to the Department of Environmental Protection (Department) for the renewal of Waste Discharge License (WDL) #W007955-5L-C-R, which was issued on November 30, 2007 and expired on November 30, 2012. The November 30, 2007 WDL authorized the operation of a community subsurface wastewater disposal system with a design capacity of approximately 6,000 gallons per day for the treatment and subsurface disposal (discharge) of domestic-like wastewater generated from residential and municipal users to ground water, Class GW-A, in Wallagrass Plantation, Maine.

2. LICENSE SUMMARY

- a. Terms and Conditions: This licensing action is carrying forward all terms and conditions established in the November 30, 2007 license. It is noted, however, that for data management purposes the influent flow unit type is being changed from million gallons per day to gallons per day.
- b. History: This section provides a summary of significant licensing actions and milestones that have been completed for the District's Wallagrass Village Subsurface Wastewater Disposal System.

August 5, 1996 – The District submitted an application to the Department to install, operate and maintain a sub-surface wastewater disposal system serving a portion of the Wallagrass village community. Wastewater generated prior to that date was treated by individual septic systems that had a history of malfunctions and inadequately treated wastewater disposal.

November 30, 2007 – The Department issued WDL #W007955-5L-C-R to the District for a five-year term. The November 30, 2007 WDL superseded WDL #W007955-5L-B-R issued on December 27, 2002, and WDL #W007955-58-A-N issued on January 8, 1997.

August 22, 2012 – The District submitted a timely and complete general application to the Department for renewal of the November 30, 2007 WDL. The application was accepted for processing on August 31, 2012 and was assigned WDL #W007955-6A-D-R. It is noted that the Department has assigned the application a compliance tracking number of MEU507955 for administrative purposes.

- c. Source Description: Sanitary wastewater is generated by 11 residential homes, one school and one church located within a portion of Wallagrass Village. Design flows total approximately 6,000 gallons per day (gpd). There are no industrial users connected to the collection or treatment systems. The District has neither applied for nor is authorized to accept septage wastes at this facility. A map showing the location of the Wallagrass Village subsurface disposal facility is included as Attachment A of this fact sheet.
- d. Wastewater Treatment: Wastewater treatment in the Wallagrass Village community system consists of a collection piping system, pump stations, two septic treatment tanks (one, 6,000 gallons and the other with a capacity of 4,000 gallons, arranged in series), a gravity distribution system and a sub-surface disposal field (plastic infiltrator high capacity chambers) designed, installed and operated as a single unit. An existing grease trap on the system is at the Wallagrass School. That grease trap is cleaned and inspected every two months when the school is in session. The subsurface disposal area is subdivided into four (4) distinct fields. Wastewater is distributed equally to the four fields by centrally located distribution boxes.

The subsurface system provides a secondary level of treatment via septic tanks that provide settling and other physical, chemical and biological actions, and subsurface disposal fields that distribute the flow and utilize the soil to further attenuate the pollutants in the wastewater.

3. CONDITIONS OF LICENSE

Conditions of licenses, 38 M.R.S.A. § 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Water Classification System.

4. RECEIVING WATER QUALITY STANDARDS

Classification of ground water, 38 M.R.S.A. § 470 states "All ground water shall be classified as not less than Class GW-A, except as otherwise provided in this section."
Standards of classification of ground water, 38 M.R.S.A. § 465-C(1) contains the standards for the classification of ground waters. "Class GW-A shall be the highest classification and shall be of such quality that it can be used for public drinking water supplies. These waters shall be free of radioactive matter or any matter that imparts color, turbidity, taste or odor which would impair usages of these waters, other than that 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 the water body to meet standards for Class GW-A classification.

6. INFLUENT MONITORING REQUIREMENTS

Outfall #001A – Influent to Wallagrass Village System

- a. Flow: The previous licensing action established a daily maximum influent flow limit of 0.006 million gallons per day (MGD) for the Wallagrass Village System based on the design capacity of the treatment system, and a monthly average influent flow reporting requirement. Both the flow limit and monitoring requirements are being carried forward in this licensing action.

A review of the monthly average Discharge Monitoring Reports (DMRs) submitted to the Department for the period January 2008 – March 2012 indicate substantial compliance with the numeric flow limitation.

It is noted that this licensing action is changing the units in which to report flow from million gallons per day (MGD) to gallons per day (GPD).

7. PUBLIC COMMENTS

Public notice of this application was made in the *St. John Valley Times* newspaper on or about August 6, 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 licenses 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 permitting action may be obtained from, and written comments sent to:

Bill Hinkel
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
e-mail: bill.hinkel@maine.gov Telephone: 207.485.2281

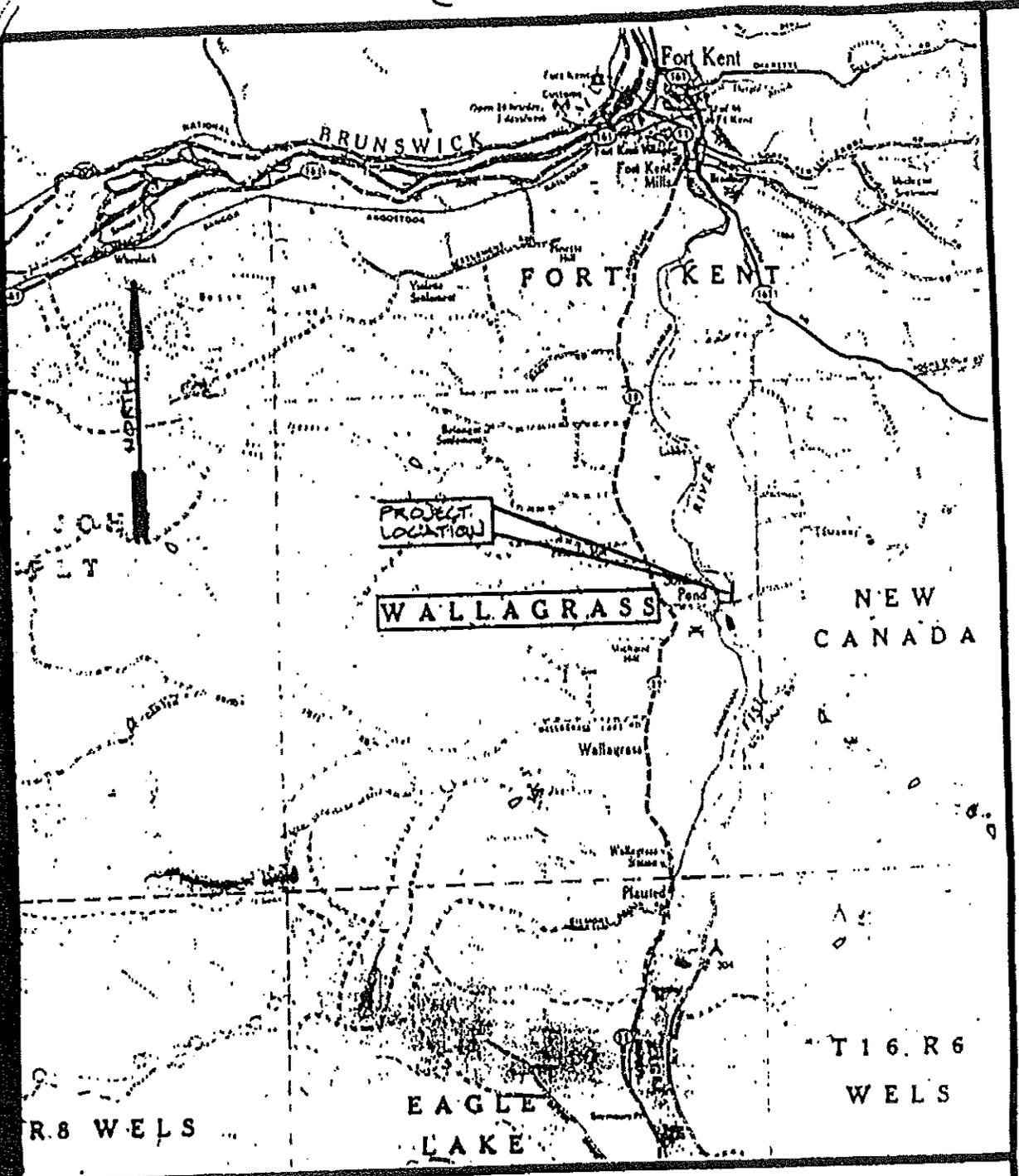
9. RESPONSE TO COMMENTS

During the period of October 11, 2012 through the issuance date of the license, the Department solicited comments on the proposed draft license to be issued for the discharge from the licensee. No significant comments were submitted on the draft license.

ATTACHMENT A

(No. 14)

Wallagrass W007955



LOCATION PLAN
1:10,000

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.
