



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

November 5, 2013

Ms. Evelyn Niles
Cram Properties, LLC
PO Box 527
Old Town, ME 04468
eveyotlc@yahoo.com

**Transmitted via electronic mail
Delivery confirmation requested**

RE: Permit Compliance System Tracking Number #MEU503618
Maine Waste Discharge License (WDL) Application #W003618-5J-D-R
Final License

Dear Ms. Niles:

Enclosed please find a copy of your **final** Maine WDL **renewal** which was approved by the Department of Environmental Protection. Please read this license renewal 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 215-1579.

Sincerely,

Yvette M. Meunier
Division of Water Quality Management Bureau of
Land and Water Quality

Enc.

cc: Sean Bernard, DEP/NMRO
Sandy Mojica, USEPA

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-3901 FAX: (207) 287-3435
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
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 04769-2094
(207) 764-6477 FAX: (207) 764-1507



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

DEPARTMENT ORDER

IN THE MATTER OF

CRAM PROPERTIES, LLC)	PROTECTION AND IMPROVEMENT
KENDUSKEAG/GLENBURN, PENOBSCOT CO., ME)	OF WATERS
SURFACE WASTEWATER DISPOSAL)	WASTE DISCHARGE LICENSE
#MEU503618)	
#W003618-5J-D-R)	RENEWAL
APPROVAL)	

Pursuant to the provisions of the *Conditions of licenses*, 38 M.R.S.A. § 414-A, and applicable regulations, the Department of Environmental Protection (Department) has considered the application of EVELYN NILES d/b/a CRAM PROPERTIES, LLC with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The applicant has submitted a complete application to the Department for renewal of Waste Discharge License (WDL) #W003618-5J-C-R, which was issued by the Department on January 14, 2008 and expired on January 14, 2013. The 1/14/2008 WDL authorized Country Mobile Home Park to discharge 8,700 gallons per day of treated sanitary wastewaters from a 62-unit mobile home park to the ground water, Class GW-A, in Kenduskeag, Maine. On September 19, 2013, WDL) #W003618-5J-C-R was transferred to the current owner and applicant Cram Properties, LLC.

LICENSE SUMMARY

This license carries forward all terms and conditions of the previous licensing action except that it is:

1. Revising the discharge limit from 8,700 gpd to 16,740 gpd in accordance with design flows per dwelling unit pursuant to *Subsurface Wastewater Disposal Rules*, 10-144 CMR 241 (4)(E)(2) (effective January 11, 2011);
2. Eliminating the requirement to report temperature for Lagoons #1 and #2 and Monitoring Wells (MW-1, MW-3, and MW-4);
3. Incorporating Surface Water Monitoring Locations (SW-1A and SW-3A) and Monitoring Wells (MW-2 and MW-5);
4. Revising the Lagoon #1 grab sample location footnote, to more accurately define the sample location; and
5. Requiring the installation of a staff gauge in the southern lagoon by November 30, 2013.

CONCLUSIONS

Based on the findings summarized in the attached Fact Sheet dated November 5, 2013, 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 the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of EVELYN NILES d/b/a CRAM PROPERTIES, LLC, to discharge up to 16,740 gpd of treated sanitary wastewater to ground water, Class GW-A, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

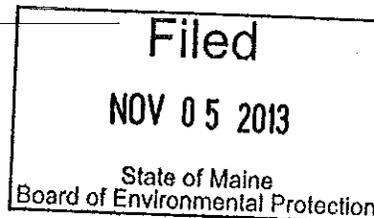
1. *Standard Conditions of Approval for POTW Waste Discharge Licenses* revised July 16, 1996, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This license and the authorization to discharge become effective upon the date of signature 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) (amended August 25, 2013)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 4th DAY OF November 2013.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns
for PATRICIA W. AHO, Commissioner



Date filed with Board of Environmental Protection _____

Date of initial receipt of application: January 15, 2013

Date of application acceptance: January 19, 2013

This Order prepared by Yvette Meunier, BUREAU OF LAND & WATER QUALITY

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

- The licensee is authorized to operate a surface wastewater treatment and disposal system. The LAGOON #1 (OUTFALL #001) AND LAGOON #2 (OUTFALL #002) must be monitored as specified below ⁽¹⁾⁽²⁾⁽³⁾.

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Specific Conductance ⁽⁴⁾ [00095]	---	Report, umhos/cm [11]	1/Quarter [01/90]	Grab [GR]
Flow - Total Gallons ⁽⁵⁾ [51500]	Report, Gallons [57]	---	1/Month [01/30]	Measure [MS]
Freeboard ⁽⁶⁾ [82564]	---	Report, feet [27]	1/Month [01/30]	Measure [MS]
Dissolved Oxygen [00300]	---	Report, ppm [29]	1/Quarter [01/90]	Grab [GR]
Turbidity [00070]	---	Report, N.T.U. [43]	1/Quarter [01/90]	Grab [GR]
Nitrate-Nitrogen [00620]	---	Report, mg/L [19]	1/Quarter [01/90]	Grab [GR]
Total Kjeldahl Nitrogen [00625]	---	Report, mg/L [19]	1/Quarter [01/90]	Grab [GR]
Total Ammonia Nitrogen [00610]	---	Report, mg/L [19]	1/Quarter [01/90]	Grab [GR]
pH (standard units) [00400]	---	Report, S.U. [12]	1/Quarter [01/90]	Grab [GR]

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

Footnotes: See Pages 7 through 8 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

2. The licensee is authorized to operate a surface wastewater treatment and disposal system. The **SURFACE WATER MONITORING LOCATIONS (SW-1A, SW-3A)** must be monitored as specified below ⁽¹⁾⁽⁴⁾.

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Specific Conductance ⁽⁴⁾ [00095]	---	Report, umhos/cm [11]	1/Quarter [01/90]	Grab [GR]
Dissolved Oxygen [00300]	---	Report, ppm [29]	1/Quarter [01/90]	Grab [GR]
Turbidity [00070]	---	Report, N.T.U. [43]	1/Quarter [01/90]	Grab [GR]
Nitrate-Nitrogen [00620]	---	Report, mg/L [19]	1/Quarter [01/90]	Grab [GR]
Total Kjeldahl Nitrogen [00625]	---	Report, mg/L [19]	1/Quarter [01/90]	Grab [GR]
Total Ammonia Nitrogen [00610]	---	Report, mg/L [19]	1/Quarter [01/90]	Grab [GR]
pH (standard units) [00400]	---	Report, S.U. [12]	1/Quarter [01/90]	Grab [GR]

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

Footnotes: See Pages 7 through 8 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

3. Beginning the effective date of the license **GROUND WATER MONITORING WELLS (MW-1, MW-2, MW-3, MW-4, MW-5)** must be monitored as specified below ⁽¹⁾⁽⁴⁾⁽⁸⁾.

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Specific Conductance ⁽⁴⁾ [00095]	---	Report, umhos/cm [11]	1/Quarter [01/90]	Grab [GR]
Depth to Water Level Below Land Surface ⁽⁷⁾ [72019]	---	Report, feet [27]	1/Quarter [01/90]	Measure [MS]
Dissolved Oxygen [00300]	---	Report, ppm [29]	1/Quarter [01/90]	Grab [GR]
Turbidity [00070]	---	Report, N.T.U. [43]	1/Quarter [01/90]	Grab [GR]
Nitrate-Nitrogen [00620]	---	10 mg/L [19]	1/Quarter [01/90]	Grab [GR]
Total Kjeldahl Nitrogen [00625]	---	Report, mg/L [19]	1/Quarter [01/90]	Grab [GR]
Total Ammonia Nitrogen [00610]	---	Report, mg/L [19]	1/Quarter [01/90]	Grab [GR]
pH (standard units) [00400]	---	Report, S.U. [12]	1/Quarter [01/90]	Grab [GR]

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

Footnotes: See Pages 7 through 8 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Footnotes – [Special Condition A(1), A(2) & A(3)]

1. Sampling – The licensee must conduct sampling and analysis 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 must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for wastewater. 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). If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report.
2. Grab samples for Lagoon #1 must be collected from the western shore across from the existing staff gauge.
3. Grab samples for Lagoon #2 must be collected near the middle of the lagoon along the westerly side.
4. Specific conductance (calibrated to 25.0° C) is considered to be a "field" parameter meaning that it is measured directly in the field via instrumentation and does not require laboratory analysis. However, in certain instances, specific conductance samples may be preserved and forwarded to a laboratory for evaluation. The licensee is required to test for this parameter whether wastewater was disposed of via the spray-irrigation system or not. Specific conductance values indicating a statistically significant trend upwards or sudden spikes from previous levels may necessitate the need for additional ground water testing requirements.
5. The licensee must report lagoon influent flow to treatment Lagoon #1 as the total measured potable water use for the mobile home park for a month. Any change in sampling location must be approved by the Department in writing. The flow measuring device must be checked for calibration at least once per calendar year.
6. For the purposes of this licensing action, freeboard is defined as the mathematical difference between the elevation of the surface of the water in each lagoon and the lowest elevation of the berm for each lagoon. The licensee must measure the freeboard of each lagoon to the nearest ½ foot at a frequency of at least 1/Month ..

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

7. Depth to water level in ground water monitoring wells must 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.
8. The licensee must conduct ground water sampling in the months of **March, May, October and December** of each year.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The licensee must not discharge effluent that contains materials in concentrations or combinations which would impair the usages designated by the classification of the ground water.
2. The licensee must not discharge effluent that lowers the quality of any classified body of water below such classification, or lowers 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 in accordance with: 1) the licensee's General Application for Waste Discharge License, accepted for processing on January 19, 2013; 2) the terms and conditions of this license; and 3) only to the existing lagoons and from those sources as indicated in the January 19, 2013 Waste Discharge License Application. Discharge of wastewater from any other location or from sources other than those indicated on said application requires formal modification of this license.

D. NOTIFICATION REQUIREMENTS

In accordance with Standard Condition 6, the licensee must notify the Department of the following:

1. Any substantial change in the volume or character of pollutants being introduced into the wastewater 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 must include information on:
 - (a) the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
 - (b) any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

SPECIAL CONDITIONS

E. GENERAL OPERATIONAL CONSTRAINTS

1. All wastewaters must receive pretreatment through septic tanks and a properly designed, operated, and maintained lagoon system prior to infiltration.
2. The lagoon must be effectively maintained and operated at all times so that there is no discharge to surface waters, nor any contamination of ground waters which will render them unsatisfactory for usage as a public drinking water supply.
3. The licensee must notify the Department as soon as the licensee becomes aware of any threat to public health, unlicensed discharge of wastewater, or any malfunction that threatens the proper operation of the system, and action taken to repair/correct, and prevent recurrence. Notification must be made in accordance with the attached Standard Condition #5 of this license.
4. The licensee must maintain a file on the location of all system components and relevant features. Each component must be mapped and field-located sufficiently to allow adequate inspection and monitoring by both the licensee and the Department. Septic tanks must be accessible, including risers where necessary, for inspection and pumping.
5. All system components including collection pipes, tanks, manholes, pumps, pumping stations, and monitoring wells must be identified and referenced by a unique identifier (alphabetic, numeric or alpha-numeric) in all logs and reports.
6. The licensee must ensure that roof drains and foundation drains are not connected to the system.
7. The licensee must ensure that occurrences of excessive inflow and infiltration are corrected immediately.
8. The licensee must ensure that all sources of surface water are diverted away from the lagoons.
9. The licensee must ensure that stockpiling of snow or soil within the watershed of the lagoons is prohibited.

F. LAGOON MAINTENANCE

1. The licensee must inspect and properly maintain the banks of the lagoon monthly. There must be no overflow through or over the banks. Any signs of leaks, destructive animal activity or soil erosion of the berms must be repaired immediately.
2. The licensee must maintain the banks of the lagoon to keep them free of woody vegetation and other vegetation that may be detrimental to the integrity of the berm and or lagoon liner.

SPECIAL CONDITIONS

F. LAGOON MAINTENANCE (cont'd)

3. The licensee must remove or prevent the growth of vegetation (for example, grasses, reeds, cattails) that hinder the operation of the lagoon.
4. The licensee must dredge the lagoon(s) as necessary to maintain the proper operating depths that will provide best practicable treatment of the wastewater. All material removed from the lagoon(s) must be properly disposed of in accordance with all applicable State regulations.
5. The licensee must maintain the lagoon freeboard at design levels or at least two (2) feet whichever is greater.

By November 30, 2013, the permittee must install a staff gauge in the southern lagoon to measure freeboard in order to ensure compliance with the freeboard limits established in this permit.

G. SEPTIC TANKS

1. All septic tanks must be watertight and tanks must be constructed of materials approved by the Department and in accordance with the *Subsurface Wastewater Disposal Rules*, 10-144 CMR 241(6)(C) (last amended January 18, 2011). Metal septic tanks are prohibited.
2. Inlet and outlet connections of each septic tank or compartment must be designed to obtain effective retention of scum and sludge. All connections and baffles must be fastened with and constructed of, or coated with, materials that are resistant to corrosion.
3. Septic tanks and other treatment tanks must be regularly inspected (at least once per calendar year) and maintained to ensure that they are providing best practicable treatment. Reports of the results of the inspection must include the amount of sludge build-up, baffle conditions, etc., and must be reported to the Department's compliance inspector prior to the end of the month following the inspection.
4. Tank contents must be removed whenever the sludge and scum occupies one-third of the tank's liquid capacity or whenever levels approach maximum design capacity.

SPECIAL CONDITIONS

H. DISPOSAL OF TRANSPORTED WASTE IN WASTEWATER TREATMENT FACILITY

The licensee is prohibited from introducing transported wastes into the wastewater treatment facility. "Transported wastes" means any liquid non-hazardous waste delivered to a wastewater treatment facility by a truck or other similar conveyance. Such wastes may include, but are not limited to septage, holding tanks wastes, industrial wastes or other wastes to which chemicals in quantities potentially harmful to the treatment facility or receiving water have been added.

I. INSPECTIONS AND MAINTENANCE

1. All inspections must include an evaluation of any repair, upgrades, pumping, operational and/or maintenance needs.
2. The inspection report or log must include the date of the inspection, the names of the person performing the inspection, and other relevant system operations.
3. Maintenance logs must be maintained for each system component including pumps, pump stations, septic tanks, lagoons, and pipes. At a minimum, the log must include the alphanumeric ID, the date of maintenance, type of maintenance performed, names or person performing the maintenance, and other relevant system observations.

J. PUMPING (SOLIDS REMOVAL FROM SEPTIC TANKS, PUMPING STATIONS, AND OTHER TREATMENT TANKS)

1. The licensee must keep a pumping log including the date of pumping, quantity of material removed (solids % capacity), name and number of licensed contractor, pumping frequency and other relevant observations.
2. Following pumping, the tanks must be checked for damage at key joints and the inlet and outlet baffles, and repaired promptly if damaged.

K. OPERATIONS AND MAINTENANCE (O & M) PLAN AND SITE PLAN

This licensee must maintain a current written comprehensive Operation & Maintenance (O&M) Plan. The plan must provide a systematic approach by which the licensee must at all times, properly operate and maintain all facilities and 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 must 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 must be kept on-site at all times and made available to Department and USEPA personnel upon request.

SPECIAL CONDITIONS

K. OPERATIONS AND MAINTENANCE (O & M) PLAN AND SITE PLAN

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

L. PUBLIC ACCESS TO LAND APPLICATION SITES AND SIGNAGE

Public access to the lagoon must be controlled and limited. Such controls must include the posting of signs showing the activities being conducted at each site. The licensee must install signs measuring at least 8 ½" x 11" around the perimeter of the lagoons that inform the general public that the area is being used to dispose of sanitary wastewaters. Each sign must be placed such that at least two other signs (one left, one right) may be seen from any one posted sign.

The signs must be constructed of materials that are weather resistant. The licensee must traverse the perimeter of the lagoons periodically to ensure this provision is maintained.

M. MONITORING AND REPORTING

Monitoring results obtained during the previous month must 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 DMR's are received by the Department on or before the fifteenth (15th) day of the month following the completed reporting period. A signed copy of the DMR and all other reports required herein must be submitted to the following address:

Department of Environmental Protection
Bureau of Land and Water Quality
Division of Water Quality Management
106 Hogan Road
Bangor, ME. 04401

Alternatively, if the licensee submits 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

N. REOPENING OF THE LICENSE FOR MODIFICATIONS

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

O. SEVERABILITY

In the event that any provision(s), or part thereof, of this license is declared to be unlawful by a reviewing court, the remainder of the license must remain in full force and effect, and must 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: NOVEMBER 5, 2013

LICENSE COMPLIANCE TRACKING SYSTEM NUMBER: #MEU503618

LICENSE NUMBER: #W003618-5J-D-R

NAME AND MAILING ADDRESS OF APPLICANT:

**MS. EVELYN NILES
D/B/A CRAM PROPERTIES, LLC
PO BOX 527
OLD TOWN, MAINE 04468**

COUNTY: PENOBSCOT

NAME AND ADDRESS OF FACILITY:

**CRAM PROPERTIES, LLC
ROUTE #15
KENDUSKEAG, MAINE**

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

**COGNIZANT OFFICIAL AND TELEPHONE NUMBER: EVELYN NILES
207-886-0070
eveyotlc@yahoo.com**

1. APPLICATION SUMMARY

Application: The applicant has submitted a complete application to the Department for renewal of Waste Discharge License (WDL) #W003618-5J-C-R, which was issued by the Department on January 14, 2008 and expired on January 14, 2013. The 1/14/2008 WDL authorized Country Mobile Home Park to discharge 8,700 gallons per day of treated sanitary wastewaters from a 62-unit mobile home park to the ground water, Class GW-A, in Kenduskeag, Maine. On September 19, 2013, WDL) #W003618-5J-C-R was transferred to the current owner and applicant Cram Properties, LLC. See **Attachment A** of this Fact Sheet for a location map of the facility.

2. LICENSE SUMMARY

- a. Terms and Conditions: This license is carrying forward all the terms and conditions of the previous licensing actions except that:
1. Revising the discharge limit from 8,700 gpd to 16,740 gpd in accordance with design flows per dwelling unit pursuant to *Subsurface Wastewater Disposal Rules*, 10-144 CMR 241 (4)(E)(2) (effective January 11, 2011);
 2. Eliminating the requirement to report temperature for Lagoons #1 and #2 and Monitoring Wells (MW-1, MW-3, and MW-4);
 3. Incorporating Surface Water Monitoring Locations (SW-1A and SW-3A) and Monitoring Wells (MW-2 and MW-5);
 4. Revising the Lagoon #1 grab sample location footnote to more accurately define the sample location; and
 5. Requiring the installation of a staff gauge in the southern lagoon by November 30, 2013.
- b. History: Recent Department licensing actions include the following:

November 6, 1981 – The Department granted WDL #3618 which authorized Country Park, Inc. to discharge 8,700 gallons per day (gpd) of treated wastewater, generated by a 62-unit mobile home park to the ground water via a lagoon system. WDL #3618 expired on November 6, 1986.

March 16, 1987 – The Department issued WDL #W003618-41-A-R that renewed authorization to discharge 8,700 gpd of treated sanitary wastewater. WDL #W003618-41-A-R expired on March 16, 1992.

September 27, 2000 – Department staff inspected the site of the lagoons and collection system. Staff observed deficiencies with the location and operation of the system and advised the applicant that the existing system could not be relicensed under current wastewater treatment standards. The Department provided the applicant 90 days to develop a revised approach for treating wastewater generated by the mobile home park.

January 3, 2001 - On behalf of Mr. Paul Pray, Dirigo Engineering, Inc. (Dirigo) submitted a ground water monitoring work plan proposal in order to attempt to demonstrate that the existing system was providing Best Practicable Treatment (BPT) for the generated wastewater and could continue to provide BPT if the lagoons were isolated from the adjacent stream. The plan included provisions to monitor ground water and surface water levels in the lagoons and adjacent Kenduskeag Stream and to monitor ground water chemistry.

2. LICENSE SUMMARY (cont'd)

January 15, 2008 – The Department issued WDL # W003618-5J-C-R / license for a five-year term. At this time the WDL was transferred from Paul Pray to Brian Bickmore. The January 15, 2008 license superseded previous WDLs issued on December 21, 2002, November 6, 1981, and March 16, 1987.

January 15, 2013 – The applicant submitted a complete application to the Department for renewal of the 1/14/08 license. The application was accepted for processing on January 19, 2013, and was assigned WDL #W003618-5J-D-R/ MEPDES #MEU503618.

September 18, 2013 - The Department issued global transfer #W003618-5J-D-T transferring license #W003618-5J-C-R from Country Mobile Home Park to Cram Properties, LLC.

- c. Source Description: The facility is a 62-unit mobile home park located on approximately 22 acres on Route 15 in Kenduskeag. Sources generating wastewaters at the site are limited to 62 residential mobile home units in the park. The mobile home park is served by two wells for the domestic drinking water supply. One well is located in the southern corner of the property and the other is located in the western corner of to the property.
- d. Wastewater Treatment (Lagoon Infiltration): Wastewater generated by the 62-unit mobile home park is treated collectively by a series of septic tanks arranged in parallel, each tank serving up to 4 homes. The wastewater is then directed via a network of underground 6-inch diameter metal piping to one of two surface wastewater treatment facultative lagoons arranged in series. The surface lagoon system is approximately 1.8 acres in in size. Except for a few mobile home connections, the collection lines were installed new at the time of the lagoon installation (in or about 1980) and the Department expects relatively small amounts of infiltration and inflow. There are no pumps on the system as all collection piping and system components have been designed to allow the wastewater to flow by gravitation from the source to the lagoon. The previous owner of the facility pumped all of the septic tanks annually. The treatment facility is not authorized to accept septage into its system.
- e. Site Conditions: The lagoons are located along the flood plain within 100 feet of the Kenduskeag Stream. The soils around the lagoon are somewhat poorly drained and the vegetation around the lagoons is primarily hardwood trees.

3. CONDITIONS OF THE LICENSE

Pollution Control law 38 M.R.S.A. §414-A(1)(D), requires that the effluent limitations prescribed for discharges require application of best practicable treatment (BPT) and ensure that the receiving waters attain the State water quality standards as described in Maine's ground water classification system.

4. RECEIVING WATER QUALITY STANDARDS

Classification of ground water, 38 M.R.S.A § 470 indicates the ground water at the point of discharge is classified as Class GW-A receiving waters. 38 M.R.S.A. §465-C (1) describes the standards for Class GW-A waters as the highest classification of ground water that shall be of such quality that it can be used for public water supplies. These waters shall be free of radioactive matter or any matter that imparts color, turbidity, taste, or odor which would impair the usage of these waters, other than occurring from natural phenomena.

5. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Lagoons

The previous licensing action established, and this licensing action is carrying forward a 1/Month monitoring requirement for flow and freeboard, and 1/Quarter monitoring requirement for specific conductance, dissolved oxygen, turbidity, nitrate-nitrogen, total kjeldahl nitrogen, ammonia-nitrogen and pH in Lagoon #1 and Lagoon #2. Monitoring for these parameters yields an indication of the effectiveness of the lagoon treatment process.

A review of the Discharge Monitoring Report (DMR) data for the period of January 2009 through April 2013 indicates the following:

Flow (n = 42)

Lagoon	Limit	Range (gallons)	Average (gallons)
Lagoons - 1 & 2	Report	167,780 - 527,525	308,413

Freeboard (n = 28)

Lagoon	Limit	Range (feet)	Average (feet)
Lagoon - 1	Report	4.5 - 7.0	5.9
Lagoon - 2	Report	4.5 - 6.8	5.9

Turbidity (n = 6)

Monitoring Well	Limit	Range (NTU)	Average (NTU)
Lagoon - 1	Report	4 - 94	53
Lagoon - 2	Report	3 - 76	48

Monitoring the concentrations of the parameters cited below prior to the wastewater infiltrating into the ground is critical in assessing potential impacts in the ground water quality. When downgradient ground water monitoring results indicate a trend upwards in concentrations for specific conductance, nitrate-nitrogen, total kjeldahl nitrogen and ammonia-nitrogen it may indicate a compromise to the integrity of the lagoon treatment system and may warrant further investigation into the causes for the increases.

Trend measurements are reported below as the change in the average measurements for each parameter from data summarized for the previous two license cycles (January 2003 through May 2007 and January 2009 through April 2013).

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

Specific Conductance (n = 6)

Lagoon	Limit	Range (umhos/cm)	Average (umhos/cm)	Trend
Lagoon - 1	Report	179 - 358	296	Decrease
Lagoon - 2	Report	181 - 332	286	Decrease

Dissolved Oxygen (n = 6)

Lagoon	Limit	Range (ppm)	Average (ppm)	Trend
Lagoon - 1	Report	0.1 - 10.1	3.4	Increase
Lagoon - 2	Report	3.0 - 9.2	4.8	Increase

Nitrate-Nitrogen Concentration (n = 6)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Trend
Lagoon - 1	10	0.5 - 0.8	0.5	Stable
Lagoon - 2	10	0.5 - 0.5	0.5	Stable

Total Kjeldahl Nitrogen (n = 6)

Value	Limit	Range (mg/L)	Average (mg/L)	Trend
Lagoon - 1	Report	4.9 - 23	12.7	Decrease
Lagoon - 2	Report	4.2 - 19	10.6	Decrease

Ammonia-Nitrogen (n = 6)

Value	Limit	Range (mg/L)	Average (mg/L)	Trend
Lagoon - 1	Report	2.6 - 13	7.5	Decrease
Lagoon - 2	Report	2.7 - 11	6.8	Increase

pH (n=6)

Value	Limit	Minimum (SU)	Maximum (SU)	Trend
Lagoon - 1	Report	6.2	9.0	Increase
Lagoon - 2	Report	6.1	8.6	Increase

For averaging purposes, values reported as "less than" were calculated at the detection limit.

The previous license also established a quarterly reporting requirement for temperature for Lagoon #1 and Lagoon #2. A review of the Discharge Monitoring Report (DMR) data for the period of January 2009 through April 2013 indicates the following:

Temperature (n = 6)

Monitoring Well	Limit	Range (C°)	Average (C°)
Lagoon - 1	Report	6.9 - 17.0	14.2
Lagoon - 2	Report	7.5 - 17.0	14.4

This licensing action is eliminating the requirement to report temperature as this measurement is accounted for in the calculation of conductance.

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

B. Monitoring Wells

The previous licensing action established, and this licensing action is carrying forward, 1/Quarter monitoring requirement for depth to water level below land surface, specific conductance, dissolved oxygen, turbidity, nitrate-nitrogen, total kjeldahl nitrogen, ammonia-nitrogen and pH in monitoring wells MW-1, MW-3, and MW-4. Monitoring for these parameters yields an indication of the effectiveness of the lagoon treatment process.

During a site visit conducted on December 7, 2012 by Stacie Beyer, ME DEP Compliance Inspector and John Hopeck, ME DEP Senior Geologist, the Department determined that due to recurring instances of nitrate levels exceeding drinking water standards in monitoring well MW-3, that additional monitoring from two previously established surface water sampling points (SW-1 and SW-3) within the Kenduskeag Stream and monitoring wells (MW-2 and MW-5) located further away from the wastewater within the lagoon berm than MW-3, is necessary to determine the effectiveness of the treatment and to verify compliance and protection of the Kenduskeag Stream and of ground water. Therefore, the Department is incorporating into this licensing action, a 1/Quarter monitoring requirement for depth to water level below land surface, specific conductance, dissolved oxygen, turbidity, nitrate-nitrogen, total kjeldahl nitrogen, ammonia-nitrogen and pH at monitoring wells MW-2 and MW-5.

A review of the Discharge Monitoring Report (DMR) data for the period of January 2009 through April 2013 indicates the following:

Depth to Water Level Below Land Surface

Monitoring Well	Limit	# Data Points	Range (feet)	Average (feet)
MW-1	Report	14	7.6 – 12.8	9.7
MW-3	Report	13	6.4 – 10.6	8.9
MW-4	Report	14	11.9 – 16.4	14.1

Turbidity

Monitoring Well	Limit	# Data Points	Range (NTU)	Average (NTU)
MW-1	Report	14	0 - 7	3
MW-3	Report	13	2 - 30	11
MW-4	Report	14	0 - 25	7

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

1. Specific Conductance, Dissolved Oxygen and pH - These parameters are required to be monitored in the ground water monitoring wells as they are considered to be field parameters, meaning that they measured directly in the field via instrumentation and does not require laboratory analysis. However, in certain instances, specific conductance samples may be preserved and forwarded to a laboratory for evaluation. Measured conductance is dependent on the temperature of the sample collected. This parameter is considered to be a surveillance level monitoring parameter and is used as an early warning indicator of potential ground water contamination when a trend in the data exists.

Specific Conductance

Monitoring Well	Limit	# Data Points	Range (umhos/cm)	Average (umhos/cm)	Trend
MW-1 (background)	Report	14	54 - 78	68.6	Decrease
MW-3 (downgradient)	Report	13	3.5 - 449	267.3	Decrease
MW-4 (downgradient)	Report	14	169 - 372	278.1	Decrease

Dissolved Oxygen

Monitoring Well	Limit	# Data Points	Range (ppm)	Average (ppm)	Trend
MW-1 (background)	Report	14	2 - 5.6	3.8	Increase
MW-3 (downgradient)	Report	13	0 - 6.7	2.1	Increase
MW-4 (downgradient)	Report	14	0.6 - 9.0	2.4	Increase

pH

Monitoring Well	Limit	# Data Points	Minimum (SU)	Maximum (SU)	Trend
MW-1 (background)	Report	14	4.6	6.3	Increase
MW-3 (downgradient)	Report	13	5.4	7.8	Increase
MW-4 (downgradient)	Report	14	5.2	6.7	Increase

2. Nitrate-Nitrogen, Total Kjeldahl Nitrogen, Ammonia Nitrogen: Nitrogen compounds are by-products of the biological breakdown of ammonia and are inherent in domestic like sanitary wastewater. Because nitrate-nitrogen is weakly adsorbed by soil, it functions as a reliable indicator of contamination from waste-disposal sites. Also, elevated levels of nitrate-nitrogen in the drinking water supply are of human health concern. The National Primary Drinking Water standard is 10 mg/L.

Nitrate-Nitrogen concentration

Monitoring Well	Limit (mg/L)	# Data Points	Range (mg/L)	Average (mg/L)	Trend
MW-1 (background)	10	14	0.2 - 0.5	0.4	Increase
MW-3 (downgradient)	10	13	0.1 - 28	5.2	Increase
MW-4 (downgradient)	10	14	0.1 - 3.9	1.1	Increase

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

Total Kjeldahl Nitrogen

Monitoring Well	Limit	# Data Points	Range (mg/L)	Average (mg/L)	Trend
MW-1 (background)	Report	14	0.2 – 1.2	0.9	Decrease
MW-3 (downgradient)	Report	13	1.1 - 36	6.8	Decrease
MW-4 (downgradient)	Report	14	1.1 – 5.3	2.5	Decrease

Ammonia-Nitrogen

Monitoring Well	Limit	# Data Points	Range (mg/L)	Average (mg/L)	Trend
MW-1 (background)	Report	14	0.1 – 0.2	0.2	Decrease
MW-3 (downgradient)	Report	13	0.27 – 6.4	2.9	Decrease
MW-4 (downgradient)	Report	14	0.2 -3.5	1.67	Decrease

For averaging purposes, values reported as “less than” were calculated at the detection limit.

The previous license also established a quarterly reporting requirement for temperature for monitoring wells MW-1, MW-2, and MW-4. A review of the Discharge Monitoring Report (DMR) data for the period of January 2009 through April 2013 indicates the following:

Temperature (n = 14)

Monitoring Well	Limit	# Data Points	Range (°C)	Average (°C)
MW-1 (background)	Report	14	4.7 – 15.6	9.1
MW-3 (downgradient)	Report	13	4.1 – 17.0	9.9
MW-4 (downgradient)	Report	14	2.8 – 18.7	9.3

This licensing action is eliminating the requirement to report temperature as this measurement is accounted for in the calculation of conductance.

C. Surface Water Monitoring Locations

Based on recommendations made by Stacie Beyer, ME DEP Compliance Inspector and John Hopeck, ME DEP Senior Geologist, the Department is incorporating into this licensing action a 1/Quarter monitoring requirement for specific conductance, dissolved oxygen, turbidity, nitrate-nitrogen, total kjeldahl nitrogen, ammonia-nitrogen and pH in surface water monitoring locations SW-1 and SW-3. These are default monitoring parameters established in waste discharge licenses for discharges of sanitary wastewater to ground water. Monitoring for these parameters yields an indication of the effectiveness of the lagoon treatment process and to verify compliance and protection of the Kenduskeag Stream and ground water.

6. USER EDUCATION

User education in the proper use and maintenance of the system is critical to the long-term operation of the lagoon and the protection of ground water. Therefore, the licensee is expected to provide system users with regular informational mailings, or similar means of public contact, on the proper use and maintenance of the wastewater system. Such as: proper disposal of hazardous waste, elimination of harmful household cleaners, grease and other non-degradables in the system; and water conservation practices.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

8. PUBLIC COMMENTS

Public notice of this application was made in the Bangor Daily News newspaper on or about January 12, 2013. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft licenses shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

9. DEPARTMENT CONTACTS

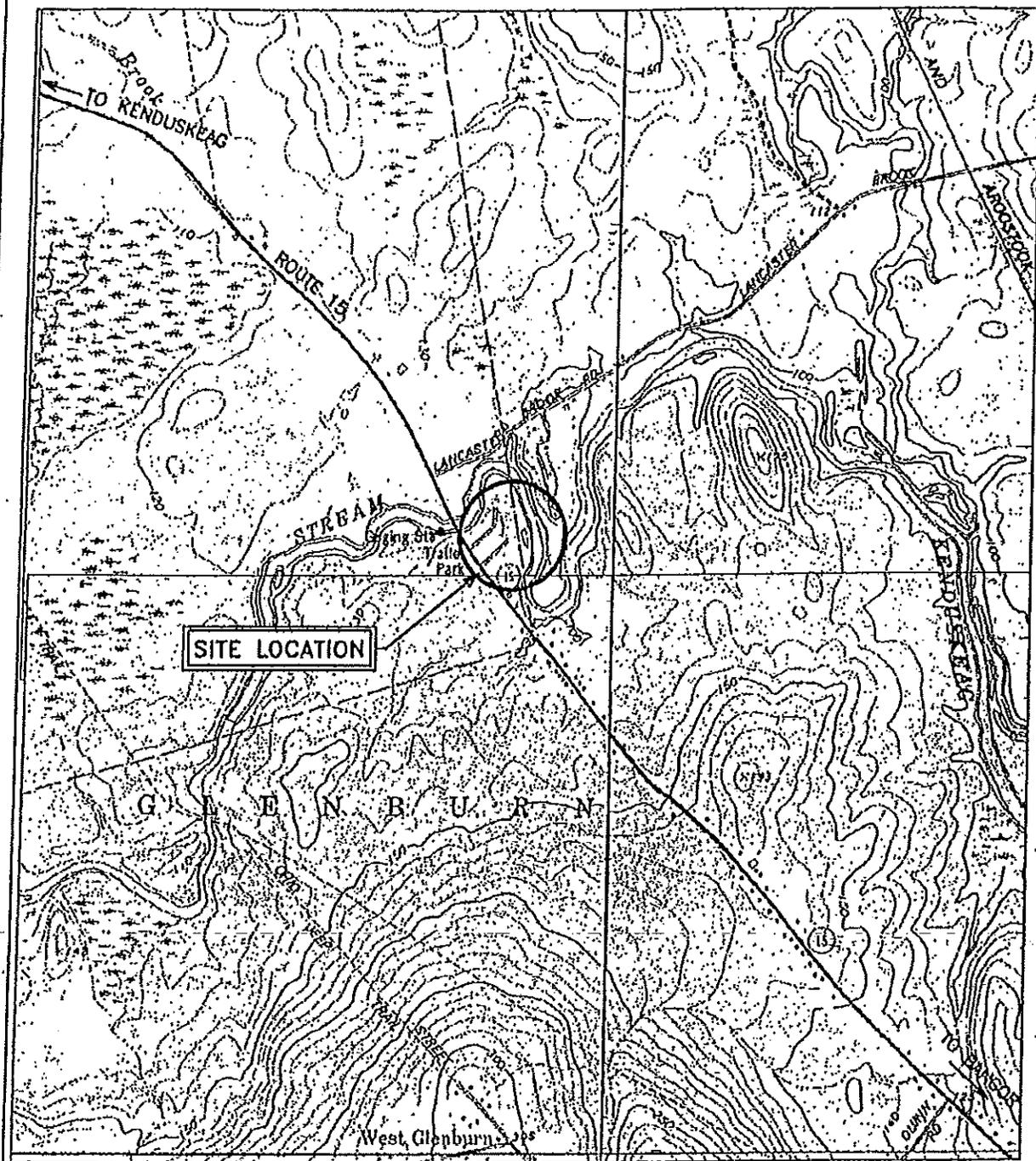
Additional information concerning this licensing action may be obtained from and written comments should be sent to:

Yvette Meunier
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 215-1579 Fax: (207) 287-3435
e-mail: yvette.meunier@maine.gov

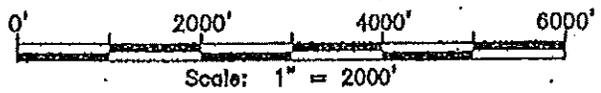
10. RESPONSE TO COMMENTS

During the period of September 24, 2013 through the issuance of this permit, the Department solicited comments on the proposed draft Maine Waste Discharge License to be issued to Cram Properties, LLC for the proposed discharge. The Department did not receive significant comments on the draft permit; therefore, a response to comments was not prepared.

ATTACHMENT A



BASE MAP SOURCE: USGS 7.5' TOPO SERIES - KENDUSKEAG & PUSHAW LAKE QUADRANGLES



PRAY'S MOBILE HOME PARK
 KENDUSKEAG, MAINE
 SITE LOCATION MAP

DIRIGO ENGINEERING
 168 COLLEGE AVENUE P.O. BOX 557
 WATERVILLE, MAINE 04903-0557 (207) 873-5260

FILE = A: SITE MAP DATE: 1/15/02 #22703



COUNTRY PARK, INC.

Legend

- ▲ Major Facilities
- ▲ Minor Facilities
- ▲ Wastewater Outfalls
- ▲ Combined Sewer Overflow
- ▲ Wastewater Outfalls
- ▲ Major >1 MGD
- ▲ Wastewater Outfalls
- ▲ Minor <1 MGD
- Stream Class
- AA
- A
- B
- C



Country Mobile Home Park, Kenduskeag, Maine

Map created by Maine DEP
November 30, 2007



STANDARD CONDITIONS OF PUBLICLY OWNED TREATMENT WORKS (POTW) WASTE
DISCHARGE LICENSES

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STANDARD CONDITIONS OF PUBLICLY OWNED TREATMENT WORKS (POTW) 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, waste water treatment facility and/or outfall.
- C. This license shall be subject to such monitoring requirements as may be reasonably required by the Department of Environmental Protection including the installation, use and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). The licensee shall provide the Department of Environmental Protection 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 on-shore physical structures or facilities or the undertaking of any work in any navigable waters.
- E. The issuance of this license does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights nor any infringement of Federal, State or local laws or regulations.
- F. Nothing in this license shall be construed to relieve the licensee from civil or criminal penalties for non-compliance, whether or not such non-compliance is due to factors beyond the licensee's control, such as an accident, equipment breakdown, labor disputes or natural disaster.

STANDARD CONDITIONS OF PUBLICLY OWNED TREATMENT WORKS (POTW) WASTE

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2. PRETREATMENT REQUIREMENTS

- A. The licensee shall comply with all Federal Statutes, regulations, and conditions of permits applicable to its discharge of waste waters, including, but not limited to, those requiring the installation of pretreatment facilities or establishment of pretreatment programs.
- B. Municipal or quasi-municipal licenses shall maintain user contracts, permits or ordinances to regulate industrial entities which discharge process waste water to the licensee's treatment facilities in quantities greater than 10% of the facility's design capacity. Such contracts, permits or ordinances shall be submitted to the Department for approval within three months of the effective date of this license or prior to acceptance of new or increased volumes of industrial waste water. All such contracts, permits or ordinances shall be an enforceable part of this license whether or not approved by the Department.

3. WASTE WATER TREATMENT AND SAMPLING FACILITIES

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

4. 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,

STANDARD CONDITIONS OF PUBLICLY OWNED TREATMENT WORKS (POTW) WASTE

DISCHARGE LICENSES

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

- B. Within five (5) days of becoming aware of such condition the licensee shall provide the Department of Environmental Protection in writing, the following information:
 - (1) A description of the discharge and cause of non-compliance; and
 - (2) The period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the non-complying discharge.
- C. If the licensee knows in advance of changes in licensed facilities or activities which may result in non-compliance or of the need to bypass, it shall submit prior notice at least ten days in advance of such occurrence.
- D. In the event of 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.

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. Test Methods

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

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

STANDARD CONDITIONS OF PUBLICLY OWNED TREATMENT WORKS (POTW) WASTE

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C. All reports shall be signed by:

- (1) In the case of corporations, a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the reporting form originates.
- (2) In the case of a partnership, a general partner or duly authorized representative.
- (3) In the case of a sole proprietorship, the proprietor or duly authorized representative.
- (4) In the case of a municipal, State, or other public facility, either a principal executive officer, ranking elected official, or duly authorized employee.

6. CHANGE OF DISCHARGE

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

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

7. TRANSFER OF OWNERSHIP

In the event that any person possessing a license issued by the Department shall transfer the ownership of the property, facility or structure which is the source of a licensed discharge, without transfer of the license being approved by the Department, the license granted by the Department shall continue to authorize a discharge within the limits and subject to the terms and conditions stated in the license, provided that the parties to the transfer shall be jointly and severally liable for any violation thereof until such times 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.

8. RECORDS RETENTION

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

STANDARD CONDITIONS OF PUBLICLY OWNED TREATMENT WORKS (POTW) WASTE

DISCHARGE LICENSES

9. OTHER MATERIALS

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

A. They are not

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

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

10. REMOVED SUBSTANCES

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

11. BYPASS OF WASTE TREATMENT FACILITIES

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

12. EMERGENCY ACTION-ELECTRIC POWER FAILURE

Within thirty days after the effective date of this license, the licensee shall notify the Department of Environmental Protection of facilities and plans to be used in the event the primary source of power to its waste water pumping and treatment facilities fails. During power failure, all waste waters which are normally treated shall receive a minimum of primary treatment and disinfection. Unless otherwise approved, alternate power supplies shall be provided for pumping stations and treatment facilities. Alternate power supplies shall be on-site generating units or an outside power source which is separate and independent from sources used for normal operation of the waste water facilities.

STANDARD CONDITIONS OF PUBLICLY OWNED TREATMENT WORKS (POTW) WASTE
DISCHARGE LICENSES

DEFINITIONS

FOR THE PURPOSE OF THIS LICENSE THE FOLLOWING SHALL APPLY

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



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.
