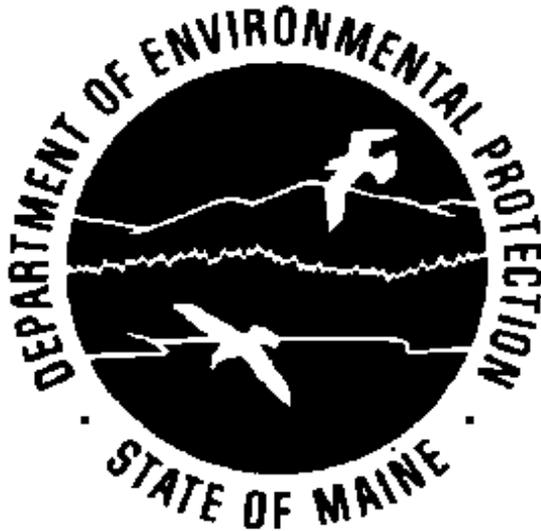


**STATE OF MAINE**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**General Permit – Discharge of Waste Snow**

**Maine Pollutant Discharge Elimination System Permit  
Maine Waste Discharge License**



Bureau of Land and Water Quality  
MEPDES Permit #MEG210000  
Waste Discharge License #W009106-5Y-A-N

February 28, 2014



**FINDINGS AND CONCLUSIONS (cont'd)**

- (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. A discharge covered under this General Permit is subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).

**ACTION**

Based on the findings and conclusions as stated above, the Department APPROVES the issuance of General Permit #MEG210000, *Discharge of Waste Snow General Permit*, for the discharge of pollutants contained within snow to Class SB or SC waters of the State of Maine<sup>1</sup>, SUBJECT TO THE FOLLOWING CONDITIONS, including:

1. The following Special Conditions, including any effluent limitations and monitoring requirements.
2. *Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits*, revised July 1, 2002, copy attached.
3. This General Permit and the authorization to discharge become effective upon the date of signature below and expire at midnight five (5) years from the effective date. Prior to expiration of this General Permit, the Department must make a determination if it is to be renewed, and, if so, must commence renewal proceedings. If the General Permit is to be renewed, it will remain in force until the Department takes final action on the renewal. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002, *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (last amended August 25, 2013), and *General Permits for Certain Wastewater Discharges*, 06-096 CMR 529(3)(c) (last amended June 27, 2007).]

DONE AND DATED AT AUGUSTA, MAINE THIS 28th DAY OF February, 2014.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: /s/ Patricia W. Aho  
PATRICIA W. AHO, Commissioner

Date filed with Board of Environmental Protection February 28, 2014

Date of Public Notice: October 31, 2013  
This Order prepared by Bill Hinkel, BUREAU OF LAND & WATER QUALITY

<sup>1</sup> Subject to applicability and eligibility criteria set forth in Special Condition A of this General Permit.

## SPECIAL CONDITIONS

### A. APPLICABILITY AND ELIGIBILITY

This General Permit applies only to discharges to estuarine or marine waters of the State classified as SB or SC pursuant to *Classifications of estuarine and marine waters*, 38 M.R.S.A. § 469, and that, 1) if located on a coastal wetland, are fully submerged with each daily high tide; and 2) that meet the standards of their ascribed classification, or where not, only if the discharge does not cause or contribute to the failure of the water body to meet the standards of classification. The Department will determine on a case-by-case basis for each proposed discharge whether applicable water quality standards are currently achieved. This determination will be based on the status of water quality as specified in the State of Maine's biennial Integrated Water Quality Monitoring and Assessment Report, prepared pursuant to Sections 303(d) and 305(b) of the *Federal Water Pollution Control Act*, or other available relevant data.

This General Permit does not apply to any coastal wetland, as defined by the *Natural Resources Protection Act*, 38 M.R.S.A. § 480-B(2) that is not fully submerged from tidal action during each high tide.

### B. NOTIFICATION, DECISIONS AND EFFECTIVE TERM OF COVERAGE

- 1. Notice of Intent (NOI).** The Department will provide a Notice of Intent form to be used with this General Permit. A person<sup>2</sup> seeking coverage under this General Permit must submit a completed NOI to the Department for review and approval. Forms must be mailed or hand-delivered to:

Department of Environmental Protection  
Bureau of Land and Water Quality  
Division of Water Quality Management  
Permitting Section  
17 State House Station  
Augusta, ME 04333-0017

The Department reserves the right to request additional information from the applicant based on review of the NOI. Permitting information, forms, and Augusta office directions may be obtained by contacting the Department's Waste Discharge Permitting Unit at 1-207-287-7688 or toll-free at 1-800-452-1942. Additionally, the General Permit, associated fact sheet and other forms are available for review and download at: <http://www.maine.gov/dep/water/wd/gp.html>.

- 2. Public notice.** Within 15 days prior to filing a Notice of Intent with the Department, the person seeking coverage under this General Permit must notify all abutters<sup>3</sup> of each proposed discharge point. The notice must be mailed by certified mail or Certificate of Mailing to abutters, as determined by local tax records or other reliable means, to the municipal office of the municipality(ies) where the project is located and, if the project is

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<sup>2</sup> Person as defined at 06-096 CMR 2(1)(P).

<sup>3</sup> Abutter means a person who owns property that is both (1) adjoining and (2) within 1 mile of the delineated project boundary, including owners of property directly across a public or private right of way. 06-096 CMR (2)(1)(A).

## SPECIAL CONDITIONS

### B. NOTIFICATION, DECISIONS AND EFFECTIVE TERM OF COVERAGE (cont'd)

located in the unorganized or deorganized areas of the state, to the appropriate county commissioners. The notice must contain the following information.

- a. The legal name, address and telephone number of the person responsible for the discharge.
- b. A map showing the location of the discharge point(s).
- c. A description of the area(s) from which snow will be collected for discharge, including an estimate of square feet and/or linear miles of surfaces within the collection area(s).
- d. The anticipated date for filing the application with the Department.

#### 3. NOI information. A complete NOI must contain the following information.

- a. Facility, applicant, owner and operator information.
- b. A statement addressing alternatives to the direct discharge of waste snow, including efforts to avoid the discharge through upland disposal and storage.
- c. A map showing the location of the discharge point(s), the mean low water depth, and Global Positioning System (GPS) reference data if available.
- d. A description of the area(s) from which snow will be collected for discharge, including an estimate of square feet and/or linear miles of surfaces within the collection area(s).
- e. Color photographs of the proposed discharge point(s) that are representative of conditions at high and low tide.
- f. A description of snow and ice treatments used within the collection area(s).
- g. A description of the litter removal program or screening methods used to satisfy the best management practices established in the General Permit.
- h. Evidence of title, right or interest (TRI) pursuant to 06-096 CMR 2(11)(D) in all property from which the discharge(s) will occur.
- i. A list of abutters to whom public notice was provided.
- j. For corporations, a *Certificate of Good Standing* or a statement signed by a corporate officer affirming that the corporation is in good standing.
- k. The signature of an authorized person in accordance with *Applications for Waste Discharge Licenses*, 06-096 CMR 521(5) (effective January 12, 2001).

Failure to submit all required NOI information may result in finding the NOI incomplete for processing and may delay processing.

## SPECIAL CONDITIONS

### B. NOTIFICATION, DECISIONS AND EFFECTIVE TERM OF COVERAGE (cont'd)

#### 4. Decisions.

- a. **Effective date of coverage.** Within fifteen (15) calendar days following receipt of a complete NOI, the Department must issue a decision either approving or denying authorization to discharge under this General Permit. If the Department does not notify the applicant of its decision within fifteen (15) calendar days following receipt of a complete NOI, the NOI is accepted and authorization to discharge under this General Permit is approved. In the event authorization to discharge under this General Permit is not approved, the Department must notify the applicant of the reason(s) for denying authorization to discharge under this General Permit. Denial of authorization to discharge under this General Permit is not appealable to the Board of Environmental Protection and is not final agency action. The approval of authorization to discharge under this General Permit is appealable in accordance with *Board responsibilities and duties*, 38 M.R.S.A. § 341-D(4).
- b. **Individual permit coverage.** The Department may require, or an interested party may petition the Department to consider, that a person authorized to discharge under this General Permit obtain an individual MEPDES permit for any of the reasons specified at 06-096 CMR 529(2)(b)(3)(i)(A-G), or, in the opinion of the Department, the discharge is more appropriately controlled under an individual permit. A person eligible for coverage under this General Permit may request to be excluded from this General Permit and instead apply for an individual MEPDES permit as provided at 06-096 CMR 529(2)(b)(3)(iii).

5. **Effective term of coverage.** The term of this General Permit is five years. Authorization to discharge under this General Permit continues from year to year provided payment of an applicable annual fee pursuant to *Maine Environmental Protection Fund*, 38 M.R.S.A. § 353-B, that there are no significant changes in the discharge as described in the NOI, and that there are no adverse receiving water quality impacts resulting from the discharge.

Prior to expiration of this General Permit, the Department must make a determination if it is to be renewed, and, if so, will commence renewal proceedings. If the General Permit is to be renewed, it will remain in force until the Department takes final action on the renewal. Upon issuance of a renewal General Permit, persons wishing to continue coverage must apply for coverage under the renewal General Permit not later than 30 days following the issuance date of the renewal General Permit.

6. **Transfers of ownership.** In the event that the person authorized to discharge under this General Permit transfers the responsibility to a new person, coverage under this General Permit may be transferred by the new person proposing to continue a discharge notifying the Department in writing, provided the new person proposing to continue a discharge proposes no significant changes in the facility or its operation. The notice must include documentation that the new person has: 1) the technical and financial capacity to comply with this General Permit; 2) title, right or interest in the facility; and 3) a *Certificate of*

## **SPECIAL CONDITIONS**

### **B. NOTIFICATION, DECISIONS AND EFFECTIVE TERM OF COVERAGE (cont'd)**

*Good Standing* or a statement signed by a corporate officer affirming that the corporation is in good standing, if applicable. Such notification must be made within two weeks of the transfer. If increases or significant changes in the discharge are proposed, a new NOI must be filed.

- 7. Changed conditions.** In the event a person authorized to discharge under this General Permit proposes to make significant changes in the nature or scope of the operations of facilities described in a NOI previously approved, the authorized person must notify the Department as soon as becoming aware of and before implementing such changes. Based on its evaluation of the proposed changes, the Department may require the submittal of a new NOI or that an individual permit is obtained.

### **C. AUTHORIZED DISCHARGES**

A person authorized to discharge under this General Permit is authorized to discharge: 1) only in accordance with the permittee's Notice of Intent; 2) only in accordance with the terms and conditions of this General Permit; and 3) only from the discrete discharge points identified in the approved NOI. Discharges of pollutants from any other point source are not authorized under this General Permit, and must be reported in accordance with Standard Condition B(5), *Bypasses*, of this General Permit.

### **D. NARRATIVE EFFLUENT LIMITATIONS**

1. The permittee must not discharge waste snow that results in a visible oil sheen or floating foam or solids at any time which would impair the usages designated for the classification of the receiving waters.
2. The permittee must not discharge waste snow that contains materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated for the classification of the receiving waters.
3. The permittee must not discharge waste snow that causes visible discoloration or turbidity in the receiving waters that causes those waters to be unsuitable for the designated uses and characteristics ascribed to their class.
4. The permittee must not discharge waste snow 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.
5. The permittee must not discharge waste snow that causes an obstruction to navigation based on criteria set forth at 33 CFR Part 245.5.

## **SPECIAL CONDITIONS**

### **D. NARRATIVE EFFLUENT LIMITATIONS (cont'd)**

6. The permittee must not discharge waste snow that causes an accumulation of debris, litter or sand on an intertidal area that cause those waters to be unsuitable for the designated uses and characteristics ascribed to their class.

### **E. BEST MANAGEMENT PRACTICES FOR THE DISCHARGE OF WASTE SNOW**

1. Only snow which is removed from the collection area within three (3) days following the end of a snow event may be discharged under this General Permit.
2. A litter removal program to minimize the presence of litter in the collection area prior to snow events or screening of snow prior to discharge must be employed.
3. The use of sand, salt, or sand/salt mixtures in areas from which snow is removed for discharge must be restricted, where appropriate, or consistent with application rates provided by the Maine Department of Transportation. See <http://www.maine.gov/mdot/csd/mlrc/technical/winterplowsand/index.htm>.

### **F. RECORD OF ACTIVITIES FOR WASTE SNOW DUMPS**

The permittee must maintain a record for snow removal and discharge activities including, but not limited to, the following for each discharge location.

1. Changes in development or snow removal practices that may affect the quality or quantity of waste snow discharged.
2. The approximate quantity (gallons, cubic yards or other measure) of waste snow discharged per day.
3. Reports or observations of floating materials, deposits, changes to navigation or other circumstances that result from the discharge of waste snow.
4. A list of best management practices employed to minimize the discharge of pollutants, such as street litter and debris.

A copy of the record of activities must be made available to Department and USEPA staff upon request.

### **G. SEVERABILITY**

In the event that any provision, or part thereof, of this permit is declared to be unlawful by a reviewing court, the remainder of the permit 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.