



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE  
GOVERNOR

PAUL MERCER  
COMMISSIONER

February 25, 2016

Mr. Peter Owen  
Director of Public Works  
Bath Public Works  
450 Oak Grove  
Bath, ME. 04530  
*e-mail: powen@cityofbath.com*

**RE: General Permit Discharge of Waste Snow  
MEG210006/W009144-5Y-A-N**

Dear Mr. Owen:

Enclosed, please find a Department Order granting coverage under the General Permit for the Discharge of Waste Snow (GP), which was issued by the Department on February 28, 2014, for a five year term.

A copy of the final February 28, 2014, GP is attached to this Department Order. Please read the permit and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled *"Appealing a Commissioner's Licensing Decision."*

If you have any questions regarding the matter, please feel free to call me at 287-7693.

Sincerely,

Gregg Wood  
Division of Water Quality Management  
Bureau of Water Quality

Enc.

cc: Lori Mitchell, DEP/CMRO  
Olga Vergara, USEPA

Sandy Mojica, USEPA  
Marelyn Vega, USEPA

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

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 04769  
(207) 764-0477 FAX: (207) 760-3143



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

DEPARTMENT ORDER

IN THE MATTER OF

CITY OF BATH	)	DISCHARGE OF WASTE SNOW
BATH, SAGADAHOC COUNTY, MAINE	)	
MEG210006	)	GENERAL PERMIT COVERAGE
W009144-5Y-A-N	)	
SNOW DUMP	)	
KENNEBEC RIVER	)	
APPROVAL	)	

The Department of Environmental Protection (Department) has considered the Notice of Intent submitted by the CITY OF BATH, with supportive data, agency review comments and other related materials on file for coverage under the General Permit For The Discharge of Waste Snow (GP) #MEG210000, issued by the Department on February 28, 2014, and FINDS THE FOLLOWING FACTS.

The permittee has agreed to comply with all terms and conditions of the GP. Operated in accordance with GP #MEG210000, the discharges identified by the permittee will not have a significant adverse effect on water quality or cause or contribute to the violation of the water quality standards of the receiving water.

THEREFORE, the Department GRANTS the CITY OF BATH, coverage for under GP #MEG210000 subject to the terms and conditions therein.

DONE AND DATED AT AUGUSTA, MAINE, THIS 26 DAY OF February, 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kubus  
 Paul Mercer, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

The Original Notice of Intent was received by the Department on February 23, 2016.  
 The Original Notice of Intent was accepted by the Department on February 23, 2016.

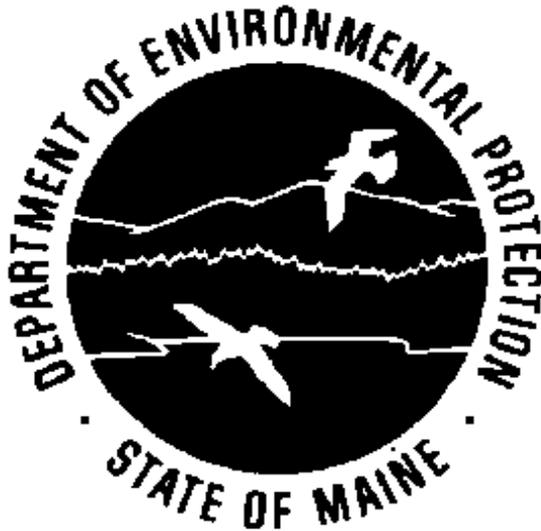
Date filed with Board of Environmental Protection: \_\_\_\_\_  
 This Order prepared by GREGG WOOD, BUREAU OF WATER QUALITY  
 MEG210006 2/24/16

Filed  
 FEB 29 2016  
 State of Maine  
 Board of Environmental Protection

**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



DEPARTMENT ORDER

IN THE MATTER OF

DISCHARGE OF WASTE SNOW	)	MAINE POLLUTANT DISCHARGE
GENERAL PERMIT	)	ELIMINATION SYSTEM PERMIT
STATE OF MAINE	)	AND
#MEG210000	)	WASTE DISCHARGE LICENSE
#W009106-5Y-A-N	)	NEW
	)	

**APPROVAL**

In compliance with the applicable provisions of *Pollution Control*, 38 M.R.S.A. §§ 411 – 424-B, *Water Classification Program*, 38 M.R.S.A. §§ 464 – 470, *Federal Water Pollution Control Act*, Title 33 U.S.C. § 1251, and applicable rules of the Maine Department of Environmental Protection (Department), the Department has developed a new combination Maine Pollutant Discharge Elimination System (MEPDES) permit / Maine Waste Discharge License (WDL) (General Permit) for the discharge of waste snow to certain estuarine or marine waters of the State.

**FINDINGS AND CONCLUSIONS**

With its supportive data, agency review comments, and other related materials on file, the Department **FINDS THE FOLLOWING FACTS AND MAKES THE FOLLOWING CONCLUSIONS:**

1. A discharge covered under this General Permit, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. A discharge covered under this General Permit, 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

**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.



# 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.

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**Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.**

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