STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

January 9, 2015

Mr. Robert Tyler
Passamaquoddy Tribal Government
P.O. Box 310
Indian Township, ME. 04668
tylerin1@yahoo.com

Transmitted via electronic mail
Delivery confirmation requested

RE: Permit Compliance System Tracking Number #MEU500872
Maine Waste Discharge License (WDL) Application #W000872-6B-F-R
Proposed Draft License

Dear Mr.Tyler:

Enclosed is a **proposed draft** MEPDES permit and Maine WDL (permit hereinafter) which the Department proposes to issue as a final document after opportunity for your review and comment. By transmittal of this letter you are provided with an opportunity to comment on the proposed draft permit and its conditions (special conditions specific to this permit are enclosed; standard conditions applicable to all permits are available upon request). If it contains errors or does not accurately reflect present or proposed conditions, please respond to this Department so that changes can be considered.

By copy of this letter, the Department is requesting comments on the proposed draft permit from various state and federal agencies, as required by our new regulations, and from any other parties who have notified the Department of their interest in this matter.

All comments must be received in the Department of Environmental Protection office on or before the close of business **Friday, February 6, 2015.** Failure to submit comments in a timely fashion will result in the final document being issued as drafted. Comments in writing should be submitted to my attention at the following address:

Maine Department of Environmental Protection
Bureau of Land & Water Quality
Division of Water Quality Management
17 State House Station
Augusta, ME. 04333

If you have any questions regarding the matter, please feel free to call me at 215-1579.

Sincerely,

Yvette Meunier

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

Enc.

cc: Clarissa Trasko, DEP/EMRO
Pam Parker, DEP/CMRO
Barry Mower, DEP/CMRO
Susanne Meidel, DEP/CMRO
Lori Mitchell, DEP/CMRO
Alex Rosenberg, EPA
David Pincumbe, EPA
Olga Vergara, EPA
David Webster, EPA
Ivy Frignoca, CLF
Environmental Reviewer, DMR
Environmental Reviewer, IFW
Dale Mitchell, Passamaquoddy Tribal Government

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

DEPARTMENT ORDER

IN THE MATTER OF

PASSAMAQUODDY TRIBAL GOVERNMENT	)	PROTECTION AND IMPROVEMENT
INDIAN TOWNSHIP WASHINGTON COUNTY MAINE	)	OF WATERS
SURFACE WASTEWATER DISPOSAL SYSTEM	)	WASTE DISCHARGE LICENSE
#MEU500872	)	
#W000872-6B-F-R **APPROVAL**	)	**RENEWAL**

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, and applicable rules of the Department of Environmental Protection (Department), the Department has considered the application of the PASSAMAQUODDY TRIBAL GOVERNMENT (PTG), with its supportive data, agency review comments, and other related materials on file, and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On July 31, 2014, the Department accepted as complete for processing an application from PTG for renewal of Waste Discharge License (WDL) #W000872-6B-E-R ,which was issued on December 23, 2009 for a five-year term. The 12/23/09 WDL authorized PTG to operate a surface wastewater disposal system with a total design capacity of 0.095 million gallons per day (MGD) to treat and discharge sanitary wastewater, up to 67,875 gallons/acre/day onto 29.3 acres during the period of April 15 – November 15 of each year, to ground water, Class GW-A, in Indian Township, Maine.

LICENSE SUMMARY

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

1. Revising the method of reporting the weekly maximum application rate of wastewater discharged to the Spray Irrigation fields. The amount discharged will no longer be reported to the Department in gallons per acre. Rather a maximum weekly volume is being established to allow for flexibility in better management of the fields;

2. Revising the Monthly Operations Log Sheet;

3. Revising the lagoon measurement frequency from the months of May and October to April and October in order to capture pre spray season lagoon levels.

4. Eliminating the monitoring and reporting requirements for monitoring well MW 7;

5. Incorporating the requirement to measure depth to bottom for all monitoring wells;

6. Clarifying the two separate underdrain outfalls #001B and #001C for underdrain sampling at Pit Valve E and Pit Valve L, respectively;

LICENSE SUMMARY (cont'd)

7. Establishing a condition that requires the licensee to, within one hour after start-up of the spray-irrigation system, determine if the system is functioning as designed as required;

8. Revising Special Condition C. Treatment Plant Operator to change the requirement from a SITS-II operator to a Grade II operator;

9. Incorporating a once per month pH monitoring requirement for lagoon effluent; and

10. Establishing a condition to repair or replace monitoring well #1 (MW-1) under Special Condition K of this license.

CONCLUSIONS

Based on the findings summarized in the attached Fact Sheet dated January 9, 2015, 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 *Conditions of licenses,* 38 M.R.S.A. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of the PASSAMAQUODDY TRIBAL GOVERNMENT to operate a surface wastewater disposal system with a total design capacity of 0.095 MGD, of which the following quantities of sanitary wastewater will be treated and disposed of via spray irrigation: 1,990,535 gallons per week for SF#1, SF#2, SF#3 and SF#4 (April 15 – November 15, 29.32 acres). Wastewater is authorized to be applied onto the surface of the land in Indian Township, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. Standard Conditions of Approval for Publicly Owned Treatment Works (POTW) Waste Discharge Licenses dated July 16, 1996, copy attached.

2. The attached Special Conditions, including any effluent limitations and monitoring requirements.

3. This license expires five (5) years from the date of the signature below. 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)]

DONE AND DATED AT AUGUSTA, MAINE, THIS _____ DAY OF _____ 2015.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:_____
PATRICIA W. AHO, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: July 31, 2014
Date of application acceptance: July 31, 2014

Date filed with Board of Environmental Protection _____

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

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The licensee is authorized to discharge treated sanitary wastewater from a lagoon to land. The **LAGOON EFFLUENT (OUTFALL #001A)** must be limited and monitored as specified below[(1)].

Effluent Characteristic	Discharge Limitations		Minimum Measurement Monitoring Requirements	
	Daily Minimum	Daily Maximum	Frequency	Sample Type
Biochemical Oxygen Demand *[00310]*	---	100 mg/L *[19]*	1/Month[(2)] *[01/30]*	Grab *[GR]*
Total Suspended Solids *[00530]*	---	100 mg/L *[19]*	1/Month[(2)] *[01/30]*	Grab *[GR]*
Nitrate-Nitrogen *[00620]*	---	Report mg/L *[19]*	1/Month[(2)] *[01/30]*	Grab *[GR]*
pH (Standard Units) *[00400]*	6.0 S.U. *[12]*	9.0 S.U. *[12]*	1/Month[(2)] *[01/30]*	Grab *[GR]*
Metals (Total): Arsenic, Cadmium, Chromium, Copper, Lead, Nickel and Zinc *[01002, 01027, 01034, 01042, 01051, 01067, 01092]*	---	Report µg/L *[28]*	1/5 Years[(6)] *[01/5Y]*	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 8 through 9 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. **OUTFALL #100 (Administrative Outfall)** designated to track lagoon freeboard. The **LAGOON EFFLUENT** (**OUTFALL #100)** must be limited and monitored as specified below[(1)]. It is noted that this is not physically a separate outfall from #001A; rather, Outfall #100 is an administrative outfall for compliance purposes.

Effluent Characteristic	Discharge Limitations		Monitoring Requirements	
	Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Lagoon Freeboard *[82564]*	3 ft.[(3)] *[27]*	---	2/Year[(4)] *[02/YR]*	Measure[(5)] *[MS]*

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 8 through 9 of this license for applicable footnotes.

SPECIAL CONDITIONS

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

3. The application of treated sanitary wastewater to the land at **SPRAY IRRIGATION FIELD OUTFALLS (SF#1, SF#2, SF#3 and SF#4)** (**29.32 acres)** via a spray irrigation system must be limited to the time period of **April 15 to November 15 of each calendar year** and as specified below:

SF#1 – 6.65 acres
SF#2 – 6.57 acres
SF#3 – 7.9 acres
SF#4 – 8.2 acres

Effluent Characteristic	Discharge Limitations			Minimum Measurement Monitoring Requirements	
	Monthly Total	Weekly Maximum	Daily Maximum	Frequency	Sample Type
Application Rate *[51125]*	---	1,990,095 gallons(7) *[8G]*	---	1/Week *[01/07]*	Calculate *[CA]*
Flow – Total Gallons *[51500]*	Report (gallons) *[80]*	---	---	1/Month *[01/30]*	Calculate *[CA]*

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 8 through 9 of this license for applicable footnotes.

SPECIAL CONDITIONS

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

4. **GROUNDWATER MONITORING WELLS** MW-1, MW-2, MW-4, MW-5 and MW-6 (Compliance Tracking ID's: MW1A, MW2A, MW4A, MW5A and MW6A, respectively) must be limited and monitored as specified below[(1)]:

Monitoring Characteristic	Limitations	Minimum Monitoring Requirements	
	Daily Maximum	**Measurement Frequency**	**Sample Type**
Depth to Water Level Below Land Surface *[72019]*	Report (feet)[(8)] *[27]*	2/Year[(9)] *[02/YR]*	Measure *[MS]*
Depth of Well Below Land Surface *[72025]*	Report (feet)[(8)] *[27]*	2/Year[(9)] *[02/YR]*	Measure *[MS]*
Nitrate-Nitrogen *[00620]*	10 mg/L *[19]*	2/Year[(9)] *[02/YR]*	Grab *[GR]*
Specific Conductance [(10,11)] *[00095]*	Report (umhos/cm) *[11]*	2/Year[(9)] *[02/YR]*	Measure *[MS]*
Temperature [(10)] *[00011]*	Report (°C) *[04]*	2/Year[(9)] *[02/YR]*	Grab *[GR]*
pH (Standard Units) [(10)] *[00400]*	Report (S.U.) *[12]*	2/Year[(9)] *[02/YR]*	Grab *[GR]*
Total Suspended Solids *[00530]*	Report (mg/L) *[19]*	2/Year[(9)] *[02/YR]*	Grab *[GR]*
Metals (Total): Arsenic, Cadmium, Chromium, Copper, Lead, Nickel and Zinc *[01002, 01027, 01034, 01042, 01051, 01067, 01092]*	Report µg/L *[28]*	1/5 Years[(6)] *[01/5Y]*	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 8 through 9 of this license for applicable footnotes.

SPECIAL CONDITIONS

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

5. **LAGOON UNDERDRAIN SYSTEM (OUTFALL #001B and #001C**) Outfall #001B refers to Pit Valve E and Outfall #001C refers to Pit Valve L. Sampling of the **LAGOON UNDERDRAIN SYSTEM (OUTFALL #001B and #001C**) must be conducted as specified below(12):

Monitoring Characteristic	Limitations		Minimum Monitoring Requirements	
	Average	Daily Maximum	Measurement Frequency	Sample Type
Flow Rate *[00058]*	---	Report GPM *[78]*	3/Year(13) *[03/YR]*	Estimate *[ES]*
Specific Conductance *[00095]*	---	Report (umhos/cm) *[11]*	3/Year(13) *[03/YR]*	Grab *[GR]*
Temperature *[00011]*	---	Report (°C) *[04]*	3/Year(13) *[03/YR]*	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 8 through 9 of this license for applicable footnotes.

Weekly

SPECIAL CONDITIONS

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

FOOTNOTES

1. **Sampling** – Any change in sampling location must be approved by the Department in writing. 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 licensee monitors any pollutant more frequently than required by the license using test procedures approved under 40 CFR part 136 or as specified in this license, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report.

2. **Storage Lagoon Effluent Sampling Frequency -** Storage lagoon effluent sampling must be conducted at a minimum frequency of once per month during the months of **April, May, August, and October** of each year, unless otherwise specified by the Department. The District is not required to test for the monthly parameters during a month in which no wastewater was disposed of via the disposal system.

3. **Lagoon Freeboard** – Lagoon freeboard is limited as specified in Special Condition I. *Lagoon Maintenance*, #3. The licensee is required to test for this parameter at the specified monitoring frequency regardless without exception.

4. **Measurement Frequency –** The licensee must sample the specified parameter during the months of **April and October** of each year, unless otherwise specified by the Department.

5. **Lagoon Freeboard Measurement** – Lagoon freeboard must be reported as the mathematical difference between the water level in the lagoon and the lowest elevation point in the lagoon berm. It must be measured to the nearest one tenth ($1/10^{th}$) of a foot, with the minimum monthly value reported on the DMR. If site conditions prevent safe or accurate measurements, the licensee must estimate this value and indicate this to the Department.

6. **Screening Level Metals Testing –** The licensee must conduct one round of testing for the specified metals **during the fourth calendar quarter of the fourth year of the license**, unless otherwise specified by the Department.

7. **Weekly Maximum for Spray Irrigation –** "Weekly" is defined as Sunday through Saturday. The licensee must measure the flow of wastewater to the irrigation area by the use of a flow measuring device that is checked for calibration at least once per calendar year. For DMR reporting purposes, the licensee must report the highest weekly application rate for the month in the applicable box on the form. Compliance with weekly reporting requirements must be reported for the month in which the calendar week ends.

SPECIAL CONDITIONS

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

FOOTNOTES

8. **Depth to Water Level -** Depth to water level or bottom of monitoring well must be measured to the nearest one-tenth ($1/10^{th}$) of a foot as referenced from the surface of the ground at the base of the monitoring well.

9. **Measurement Frequency –** The licensee must sample the specified parameter during the months of **May and October** of each year, unless otherwise specified by the Department.

10. **Field Measurements -** Temperature and pH are considered to be "field" parameters and are to be measured in the field via instrumentation. Specific conductance (calibrated to 25.0° C) may be measured either in the field or the laboratory pursuant to sampling guidance above.

11. **Specific Conductance -** Temperature must be calibrated to 25.0°C. Specific Conductance values indicating a statistically significant trend upwards or sudden spikes from previous levels may necessitate the need for additional groundwater testing requirements to determine causes and effects as related to spray irrigation/drip dispersal activities.

12. **Underdrain Sampling** - Monitoring for this outfall is from two separate locations, Outfall #001B refers to Pit Valve E and Outfall #001C refers to Pit Valve L. Flow should be estimated for both outfalls combined and specific conductance and temperature should be assessed by collecting a grab from each outfall and running the analysis after both grabs are combined.

13. **Lagoon Underdrain Monitoring -** Lagoon underdrain sampling must be conducted in the months of **July, August, and September** of each year, unless otherwise specified by the Department.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent must not contain materials in concentrations or combinations which would impair the usages designated for the classification of the ground water.

2. The effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. TREATMENT PLANT OPERATOR

The treatment facility must be operated by a person holding a minimum of a **Grade II** certificate (or Registered Maine Professional Engineer) pursuant to *Sewerage Treatment Operators,* 32 M.R.S.A. §§ 4171-4182 and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). All proposed contracts for facility operation by any person must be approved by the Department before the permittee may engage the services of the contract operator.

SPECIAL CONDITIONS

D. AUTHORIZED DISCHARGES

The licensee is authorized to discharge only in accordance with: 1) the licensee's General Application for Waste Discharge License, accepted for processing on July 31, 2014; 2) the terms and conditions of this license; and 3) only to the spray irrigation disposal fields identified in the Waste Discharge License application. Discharges of wastewater from any other point source(s) are not authorized under this license, and must be reported in accordance with Standard Condition 11, *Bypasses of Waste Treatment Facilities*, of this license.

E. NOTIFICATION REQUIREMENT

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

1. Any introduction of pollutants into the wastewater collection and treatment system from an indirect discharger in a primary industrial category discharging process wastewater; and

2. Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants to 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.

F. GENERAL OPERATIONAL CONSTRAINTS

1. All wastewater must receive biological treatment through a properly designed, operated and maintained lagoon system prior to disposal via spray irrigation.

2. The spray irrigation facility must be effectively maintained and operated at all times so that there is no discharge to surface waters, nor any contamination of groundwater which will render it unsatisfactory for usage as a public drinking water supply.

3. The surface wastewater disposal system must not cause the lowering of the quality of the ground water, as measured in the groundwater monitoring wells specified by this license, below the State Primary and Secondary Drinking Water Standards specified in the Maine State Drinking Water Regulations pursuant to 22 M.R.S.A. § 2611.

   In the event the groundwater monitoring results indicate adverse effects, the licensee may be required to take immediate remedial action(s), which may include but not be limited to, adjustment of the irrigation schedule or application rates, a reduction of the pollutant loading, or ceasing operation of the system until the Department determines that such actions are no longer required.

SPECIAL CONDITIONS

F. GENERAL OPERATIONAL CONSTRAINTS (cont'd)

4. The Department must be notified as soon as the licensee becomes aware of any threat to public health, unlicensed discharge of wastewater, sanitary system overflows (SSO's) or any malfunction that threatens the proper operation of the system. Notification must be made in accordance with the attached Standard Condition #4 of this license. A SSO is the release of raw sewage from a sanitary collection system prior to reaching the treatment plant or facility. Spills out of manholes, into basements, onto municipal or private property, etc., and into the waters of the State are all considered to be SSO's.

5. 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 inspections and monitoring by both the licensee and the Department.

6. All system components including collection pipes, tanks, manholes, pumps, pumping stations, spray disposal fields, and monitoring wells must be identified and referenced by a unique identifier (alphabetic, numeric, or alpha-numeric) in all logs and reports.

7. The licensee must at all times maintain in good working order and operate at maximum efficiency all wastewater collection, treatment and/or control facilities. **Within one hour after start-up of the spray-irrigation system**, the licensee must inspect the spray-irrigation site ***or*** have other means to check the system for leakage in the piping system and determine if individual sprayheads and pump(s) are functioning as designed, and verify that application rates are appropriate for the existing site conditions. The procedures used to determine the system is functioning as designed must be described in the facility's O&M manual. Should significant malfunctions or leaks be detected, the licensee must shut down the malfunctioning/leaking sections of the spray system and make necessary repairs before resuming operation. The licensee must cease irrigation if runoff is observed outside the designated boundaries of the spray field(s). The licensee must field calibrate equipment to ensure proper and uniform spray applications when operating. Calibration involves collecting and measuring application rate at different locations within the application area or other site specific procedures approved by the Department's compliance inspector. A description of the calibration procedures and a log sheet that have been used for recording calibration results must be included as part of the Operations & Maintenance manual.

8. **The licensee must maintain a daily log** of all spray irrigation operations which records the date, weather, rainfall, areas irrigated, volume sprayed (gallons), application rates (daily and weekly), and other relevant observations/comments from daily inspections. The log must be in accordance with the general format of the *"Monthly Operations Log"* form provided as **Attachment A** of this license, or other format approved by the Department. Weekly application rates must be reported in accordance with the general format of the *"Spray Application Report by Week"* form provided as **Attachment B** of this license or other format as approved by the Department. The *Monthly Operations Log and Spray Application Report by Week* for each month must be submitted to the Department as an attachment to the monthly DMRs in a format approved by the Department. Copies will also be maintained on site for Department review and for license operation maintenance purposes.

SPECIAL CONDITIONS

G. SPRAY IRRIGATION OPERATIONAL CONSTRAINTS, LOGS, AND REPORTS

1. Suitable vegetative cover must be maintained. Wastewater (as liquid spray irrigation) must not be applied to areas without sufficient vegetation or ground cover as to prevent erosion or surface water runoff outside the designated boundaries of the spray fields. The licensee must have an updated facilities management plan that includes provisions for maintaining the spray irrigation areas in optimum condition for the uptake of nutrients and moisture holding capacity.

2. At least 10 inches of separation from the ground surface to the ground water table must be present prior to spray irrigating.

3. No wastewater may be spray irrigated as liquid following a rainfall accumulation exceeding 1.0 inches within the previous 24-hour period. A rain gauge must be located on site to monitor daily precipitation. The licensee must also manage application rates by taking into consideration the forecast for rain events in the 48-hour period in the future.

4. No wastewater must be spray irrigated as liquid where there is snow present on the surface of the ground or there is any evidence of frost or frozen ground within the upper 10 inches of the soil profile.

5. No traffic or equipment must be allowed in the spray-irrigation field(s) except where installation occurs or where normal operations and maintenance are performed (this must include forest management operations).

6. The licensee must utilize and observation wells to collect data on soil saturation in the spray fields. Data collected shall be reported in column “F” of **Attachment A** of this license.

H. VEGETATION MANAGEMENT

1. The licensee must remove/trim grasses and other vegetation such as shrubs and trees if necessary so as not to impair the operation of the spray-irrigation system, ensure uniform distribution of wastewater over the desired application area and to optimize nutrient uptake and removal.

2. The vegetative buffer zones along the perimeter of the site must be maintained to maximize vegetation and forest canopy density in order to minimize off-site drift of spray.

I. LAGOON MAINTENANCE

1. The banks of the lagoon must be inspected periodically during the operating season (at least two times per year) and properly maintained at all times. There must be no overflow through or over the banks. Any signs of leaks, destructive animal activity or soil erosion of the banks must be repaired immediately.

2. The banks of the lagoon must be maintained to keep them free of woody vegetation and other vegetation that may be detrimental to the integrity of the bank and/or lagoon liner. The waters within the lagoon must be kept free of all vegetation (i.e. grasses, reeds, cattails, etc.) that hinders the operation of the lagoon.

SPECIAL CONDITIONS

I. LAGOON MAINTENANCE (cont'd)

3. The licensee must maintain lagoon freeboard at design levels or at least three (3) feet, whichever is greater, for all lagoons at the facility.

4. The treatment and storage lagoons must be dredged as necessary to maintain the proper operating depths in both lagoons 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 and Federal rules and regulations.

J. INSPECTIONS AND MAINTENANCE

The licensee must periodically inspect all system components to ensure the facility is being operated and maintained in accordance with the design of the system. Maintenance logs must be maintained or each major system component including pumps, pump stations, septic tanks, lagoons, spray apparatus, and pipes. At a minimum, the logs must include the unique identifier [see Special Condition F(6)], the date of maintenance performed, name(s) of person(s) performing the maintenance, and other relevant system observations.

K. GROUNDWATER MONITORING WELLS AND WATER QUALITY MONITORING PLAN DETAILS

1. **Within 90 days of the effective date of this license *(PCS 73905)*** the permittee must submit a plan for review and approval to provide for down gradient monitoring data.

2. **Within 180 days of the effective date of this license *(PCS 73805)*** the permittee must repair or replace groundwater monitoring well MW-1.

3. The licensee must maintain an approved groundwater quality monitoring plan prepared by a professional qualified in water chemistry. Annual reports must be prepared by the licensee and must include historical and current (most recent) monitoring data for each monitoring point, represented in tabular and graphical form.

4. All monitoring wells must be equipped with a cap and lock to limit access and must be maintained in a secured state at all times. The integrity of the monitoring wells must also be verified annually in order to ensure representative samples of groundwater quality.

5. The Department reserves the right to require increasing the depth and or relocating any of the groundwater monitoring wells if the well is perennially dry or is determined not to be representative of groundwater conditions.

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

The 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 the systems of treatment and control (and related appurtenances) which are installed or used by the licensee to achieve compliance with the conditions of this license.

SPECIAL CONDITIONS

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

By December 31 of each year, or within 90 days of any process changes or minor equipment upgrades, the licensee 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 the Department personnel upon request.

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

M. PUBLIC ACCESS TO LAND APPLICATION SITES AND SIGNAGE

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

N. MONITORING AND REPORTING

Monitoring results must be summarized for each month and reported on separate 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
Eastern Maine Regional Office
Bureau of Land and Water Quality
Division of Water Quality Management
106 Hogan Road
Bangor, Maine 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

O. REOPENING OF LICENSE FOR MODIFICATION

In accordance with 38 M.R.S.A. § 414-A(5) and 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 data 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.

P. 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.

ATTACHMENT A

Monthly Operations Log

PASSAMAQUODDY TRIBAL GOVERNMENT #W000872-6B-F-R / #MEU500872

(Month/Year) (_____/_____) Weekly Application Rate: _____ gallons/week

	A	B	C	D	E	F	G	H
Day	Date	Precipitation Previous 24 hours (inches)	Air Temp (°F)	Weather	Wind-Direction/ Speed (mph)	Soil Moisture	Total Gallons Pumped	Name of Field(s) Used
	1							
	2							
	3							
	4							
	5							
	6							
	7							
	8							
	9							
	10							
	11							
	12							
	13							
	14							
	15							
	16							
	17							
	18							
	19							
	20							
	21							
	22							
	23							
	24							
	25							
	26							
	27							
	28							
	29							
	30							
	31							
Monthly Total =								

ATTACHMENT B

PASSAMAQUODDY TRIBAL GOVERNMENT **Spray Application Report by Week** **(Month/Year) (_____/_____)**

#W000872-6B-F-R / #MEU500872 Weekly Application Rate_____gallons/week

Field Name/#	Effective Spray Area (Acres, when all used)	Weekly Limit (Gallons)	Actual Spray Application Rates (Gallons per acre)					Number of Exceptions to Weekly Limit	Monthly Average
			Week 1	Week 2	Week 3	Week 4	Week 5		
Spray Field #SF-1	6.65	451,369							
Spray Field #SF-2	6.57	445,939							
Spray Field #SF-3	7.9	536,213							
Spray Field #SF-4	8.2	556,575							

Note: 1 acre-inch is equivalent to 27,150 gallons of liquid
67,875 gallons per acre is equivalent to 2.5 inches

Total Number of Exceptions

A spray-field's weekly application rate is the total gallons sprayed (Sunday through Saturday) divided by the size of the spray-field in acres or the size in acres of that portion of the spray field utilized.

Signature of Responsible Official:_____, Date _____

MAINE WASTE DISCHARGE LICENSE

PROPOSED
FACT SHEET

DATE: **JANUARY 9, 2015**

PERMIT COMPLIANCE TRACKING NUMBER: **#MEU500872**

WASTE DISCHARGE LICENSE: **#W000872-6B-F-R**

NAME AND ADDRESS OF APPLICANT:

PASSAMAQUODDY TRIBAL GOVERNMENT
P.O. BOX 301
INDIAN TOWNSHIP, MAINE 04930

COUNTY: **WASHINGTON**

NAME AND ADDRESS WHERE DISCHARGE(S) OCCUR(S):

PASSAMAQUODDY TRIBAL GOVERNMENT
GRAND LAKE STREAM ROAD
INDIAN TOWNSHIP, MAINE 04930

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

COGNIZANT OFFICIAL CONTACT INFORMATION:

MR. ROBERT TYLER
(207) 796-6122
EMAIL: tylerin1@yahoo.com

1. APPLICATION SUMMARY

Application: On July 17, 2014 the Department of Environmental Protection (Department) accepted as complete for processing from the Passamaquoddy Tribal Government (PTG) a timely application for renewal of Waste Discharge License (WDL) #W000872-6B-E-R / Permit Compliance System (PCS) tracking #MEU500872, which was issued on December 23, 2009 for a five year term. The 12/23/09 WDL authorized PTG to treat and discharge up to 67,890 gallons of sanitary wastewater per acre per day onto 29.3 acres during the period of April 15 – November 15 of each year, to ground water, Class GW-A, in Indian Township, Maine. See **Attachment A** of this Fact Sheet for a location map.

2. LICENSE SUMMARY

a. Terms and Conditions: This licensing action is carrying forward all the terms and conditions of the previous license except it is:

1. Revising the method of reporting the weekly maximum application rate of wastewater discharged to the spray irrigation fields. The amount discharged will no longer be reported to the Department in gallons per acre. Rather a maximum weekly volume is being established to allow for flexibility in better management of the fields;

2. Revising the Monthly Operations Log Sheet;

3. Revising the lagoon measurement frequency from the months of May and October to April and October in order to capture pre spray season lagoon levels.

4. Eliminating the monitoring and reporting requirements for monitoring well MW 7;

5. Incorporating the requirement to measure depth to bottom for all monitoring wells;

6. Clarifying the two separate underdrain outfalls #001B and #001C for underdrain sampling at Pit Valve E and Pit Valve L, respectively;

7. Establishing a condition that requires the licensee to, within one hour after start-up of the spray-irrigation system, determine if the system is functioning as designed as required;

8. Revising Special Condition C. Treatment Plant Operator to change the requirement from a SITS-II operator to a Grade II operator;

9. Incorporating a once per month pH monitoring requirement for lagoon effluent; and

10. Establishing a condition to repair or replace monitoring well (MW-1) under Special Condition K of this license.

b. History: The most current relevant regulatory actions include:

June 8, 1988 – The Department issued WDL #W000872-45-A-R for a five-year term.

May 2, 1990 – The Department issued license modification WDL #W000872-58-B-M.

August 2, 1994 – The Department issued WDL #W000872-58-D-R for a five-year term.

December 23, 2009 – The Department issued WDL #W000872-58-E-R for a five-year term. The facility has been assigned number MEU500872 for tracking compliance in the Department's permit compliance system (PCS).

July 31, 2014 – PTG submitted a timely and complete general application to the Department for renewal of the 12/23/09 license. The application was accepted for processing on July 31, 2014, and was assigned WDL # W000872-58-F-R / PCS Tracking # MEU500872.

2. LICENSE SUMMARY (cont'd)

c. Source Description: PTG's wastewater treatment facility became operational in April 1992 for the collection and treatment of sanitary wastewaters generated by residential and commercial entities in two distinct areas of Indian Township – The Strip in Princeton and Peter Dana Point. The Strip is located along Route #1 next to Lewy Lake and serves 132 residential users and 7 institutional (*i.e.*, schools, offices, and other light commercial facilities) users. The Peter Dana Point area is located along Peter Dana Point,Long Lake, and Big Lake and serves 53 residential users and 4 institutional users The design for the wastewater treatment facility and 14 larger pump stations was based upon the current user composition, plus some future growth, at expected average and peak sewer flow rates. The system has historically been prone
to some inflow and infiltration which has been factored into the basis of design. See **Attachment B** of this Fact Sheet for location map depicting the wastewater collection system.

Sewers in the Strip area are connected to septic tanks maintained by PTG. Following these septic tanks, wastewater is collected by gravity sewers, 76 residential grinder pump stations, 14 large pump stations and force mains and conveyed to the Main Pump Station, a submersible style station, with two pumps. Flow is pumped through a 6" Ø HDPE force main for 10,000 LF to the Route 1 pump station. This is also a submersible style pump station with two pumps. There is a small development near the intersection of Route 1 and Grand Lake Stream Road that bypasses the pretreatment facility and flows directly to this pump station. The Route 1 pump station conveys wastewater over a distance of 7,000 LF, along Grand Lake Stream Road, to the wastewater treatment facility.

Raw wastewater for the Peter Dana Point area flows through septic tanks similar to The Strip area. Following these septic tanks are a series of gravity sewers, small pump stations and force mains that convey all of the wastewater from this area to one central pump station on Pit Road. This is a wetwell mounted style pump station, inside a building, with two series-connected pumps. Flow is pumped through an 8" Ø PVC force main for 12,000 LF along Peter Dana Point Road and Grand Lake Stream Road to the wastewater treatment facility.

d. Wastewater Treatment: A pretreatment facility is located at The Strip where the existing treatment plant used to exist. Wastewater from The Strip area collects at the pretreatment facility and flows through its channels by gravity. It consists of a manually raked bar screen and an aerated grit chamber. The bar screen collects rags, sticks, and other large debris that need to be periodically raked off and disposed of. The aerated grit chamber consists of an 8' Ø chamber, diffusers, and one blower. Grit must be removed periodically by hand or with a pumper truck. To remove grit, flow must be diverted from the chamber. The pretreatment facility has reached its useful lifespan and is being removed as part of a 2014 upgrade to the Main Pump Station.

Wastewater is pumped via 14 larger pump station to a headworks building which contains an in-line grinder, an influent magnetic flowmeter, and automatic bypass piping. The influent then flows to an aerated treatment lagoon system. The wastewater receives secondary biological treatment in three aerated lagoons in series. Each lagoon can store up to 13.4 MG each, for a total of 26.8 MG of working storage volume.

Treated effluent is discharged to, and stored in, two storage lagoons. Here, treated effluent is held without air during periods when site conditions do not allow for land application. Under normal conditions, effluent will be stored from November to mid-May. The purpose of the storage lagoons is to store treated effluent until it can be discharged to the wooded spray fields.

2. LICENSE SUMMARY (cont'd)

The spray irrigation system draws wastewater effluent from the storage lagoons and discharges to four spray irrigation fields. The spray season is generally from May through October of each year, although this is dependent on the weather and soil conditions. The design of the facility requires that by the latter part of the spray season (Fall), the storage lagoons should be emptied. This provides storage over the late fall, winter and early spring seasons of each year, then will be land applied by spray irrigation over at least a five month period between May and October.

Pursuant to *Regulations for Wastewater Operator Certification*, 06-096 CMR 531(2)(D) (effective May 8, 2006) the Department has made a best professional judgment that all municipally owned treatment facilities utilizing spray irrigation must be run by an operator with a Grade II license or higher. The Department has determined that for this facility a Grade II is appropriate.

Spray pumps deliver effluent to four spray irrigation fields, covering just less than 30 acres with 120 sprinkler heads. See **Attachment C** of this Fact Sheet for the layout of the spray fields. The acreage for each spray field is as follows:

Spray Field	Acreage
SF-1	6.65
SF-2	6.57
SF-3	7.90
SF-4	8.20

e. Groundwater Monitoring Wells: PTG monitors the following groundwater monitoring wells for compliance with this WDL.

Monitoring Wells	Location
MW-1	South of Sprayfield #3, down gradient
MW-2	South of Sprayfield #4, down gradient
MW-4	North of Sprayfield #1, up gradient
MW-5	South of Storage lagoon #3, down gradient
MW-6	East of Storage lagoon #2, down gradient

f. Lagoon Underdrain System: Outfall #001B and #001C refer to Pit Valve E and Pit Valve L, respectively. Samples from Outfall #001B represent the underdrain system associated with the two 660,000 gallon aerated lagoons. Outfall #001C represents the underdrain system associated with the two 13.4 MG storage lagoons.

3. CONDITIONS OF LICENSE

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

4. RECEIVING WATER QUALITY STANDARDS

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

5. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Monitoring Parameters: Lagoon effluent monitoring parameters established in this licensing action are biochemical oxygen demand (BOD_5), total suspended solids (TSS), nitrate-nitrogen, pH, and certain metals (arsenic, cadmium, chromium, copper, lead, mercury, nickel, and zinc). Monitoring for these parameters yields an indication of the effectiveness of the lagoon treatment process and the condition of the wastewater being applied. Lagoon effluent monitoring for all parameters except the metals must be conducted during the months of April, May, August, and October of each year. Lagoon effluent monitoring for the specified metals is only required to be performed during the fourth calendar quarter of the fourth year of the license. Well monitoring is required at the frequency specified in this licensing action, whether or not spray irrigation occurs.

Storage Lagoon Outfall (Outfall #001):

a. Biochemical Oxygen Demand (BOD_5) and Total Suspended Solids (TSS): Monitoring for BOD_5 and TSS yields an indication of the condition of the wastewater being applied from the lagoon, of the degree of loading of organic material and the effectiveness of the spray-irrigation treatment process.

Previous licensing action established, and this licensing action is carrying forward, a daily maximum limit of 100 mg/L for BOD_5 and TSS, which is considered by the Department as a best practicable treatment (BPT) standard for spray irrigation facilities, along with a minimum frequency of once per month during the months of **April, May, August, and October** of each year.

The Department reviewed 8 DMRs that were submitted for the period March 2010 – May 2014. A review of data indicates the following:

BOD_5 concentration

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	100	4 - 17	9

TSS concentration

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	100	3 – 28	17

b. Nitrate-nitrogen: Nitrate-nitrogen compounds are by-products of the biological breakdown of ammonia and are inherent in domestic-like sanitary wastewater. Because nitrate-nitrogen is weakly absorbed by soil, it functions as a reliable indicator of contamination from waste-disposal sites. elevated levels of nitrate-nitrogen in the drinking water supply are of human health concern. This license is carrying forward the previously established minimum monitoring frequency of once per month during the months of **April, May, August, and October** of each year.

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

The Department reviewed 8 DMRs that were submitted for the period March 2010 – May 2014. A review of data indicates the following:

Nitrate-nitrogen concentration

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	Report	0.1 - 1.4	0.9

c. pH Previous licensing action established, and this license is carrying forward, a minimum and maximum pH limitations of 6.0 S.U and 9.0 S.U., respectively. This licensing action is establishing a once per month monitoring requirement.

d. Freeboard: Freeboard is the vertical distance from the surface water level in the lagoon to a point that is even with the top of the lagoon dike wall. The previous permit established a once per month monitoring frequency when discharging. Since at least 2010 the system has not discharged in April and therefore no freeboard measurements were taken. Freeboard was not measured in the month of May in 2010, 2011, 2012 and 2013; however, in May of 2014 a freeboard measurement of 3 feet, which is the minimum, was recorded. In order to conduct monitoring when the lagoons are most susceptible to overflowing following spring and in preparation for winter storage volumes, this permitting action is reducing the monitoring frequency to twice a year in May and October.

Storage Lagoon Outfall (Outfall #001):

The Department reviewed 8 DMRs that were submitted for the period April 2010 – May 2014. A review of data indicates the following:

Freeboard

Value	Minimum (feet)	Maximum (feet)	Mean (feet)
Report Daily Minimum	3	38	23

e. Metals (Total): Total metals are required to be analyzed once per 5 years (1/5 Years) to determine the characteristics of the effluent from the storage lagoon. A summary of the results from grab samples taken on 10/31/2013 indicates the following:

Parameter	Daily Maximum Limit (µg/L)	Result (µg/L)
Arsenic	Report only	1.0
Cadmium		0.2
Chromium		1.0
Copper		3.6
Lead		0.9
Nickel		11.4
Zinc		44.3

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

Spray Irrigation Fields Outfall #SF#1, SF#2, SF#3 and SF#4:

f. Application Rate and Flow: The previous licensing action established a seasonal (April 15th to November 15th) weekly average application rate of 67,890 gallons per acre per week (2.5 inches/week) for the four Spray Irrigation Field SF#1, SF#2, SF#3 and SF#4 based on the characteristics of the in-situ soils. See **Attachment B** of this fact sheet for a diagram of the spray irrigation field locations. With this license, the Department is establishing a weekly maximum application rate of 1,990,096 gallons/week in order to allow for flexibility in managing the spray irrigation fields. The new weekly maximum application rate was calculated using the following formula:

67,890 gallons/acre/week x 29.32 acres = 1,990,535 gallons/week

The Department reviewed 25 DMRs for spray irrigation Outfalls SF#1, SF#2, SF#3 and SF#4 that were submitted for the period April 2010 – June 2014. A review of data indicates the following:

Weekly Application Rate

Spray Field	Weekly Maximum (gallons/acre/week)	Minimum (gallons/acre)	Maximum (gallons/acre)	Mean (gallons/acre)
SF#1	67,890	25	103,101	54,405
SF#2		24,811	437,500	73,167
SF#3		23,665	65,528	46,002
SF#4		23,665	65,528	46,002

Spray Irrigation Fields Outfall #SF#1, SF#2, SF#3 and SF#4:

Total Monthly Flow

Spray Field	Monthly Total Limit (gallons)	Minimum (gallons)	Maximum (gallons)	Mean (gallons)
SF#1	Report	273,200	11,165,000	1,491,328
SF#2		25,719	11,165,000	1,515,268
SF#3		189,900	14,075,200	1,535,864
SF#4		189,900	2,067,500	1,029,156

Ground Water Monitoring Wells**:**

g. Ground Water Monitoring Wells: MW-1, MW-2, MW-4, MW-5, MW-6 and MW-7 (Compliance Tracking ID's: MW1A, MW2A, MW4A, MW5A, MW6A and MW7A, respectively) are monitored for the parameters listed in Special Condition A.3 of the license. These parameters, their monitoring frequency and their applicable limits are being carried forward in this license. The Department reviewed DMRs for the period of April 2011 – June 2014. A review of the data indicates:

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

Ground Water Monitoring Wells**:**

Metals (10/31/2013 Sample Date)

Monitoring Well ID	Total Arsenic (µg/L)	Total Cadmium (µg/L)	Total Chromium (µg/L)	Total Copper (µg/L)	Total Lead (µg/L)	Total Nickel (µg/L)	Total Zinc (µg/L)
MW-1	No Data	No Data	No Data	No Data	No Data	No Data	No Data
MW-2	1.0	0.2	1.1	1.2	1.2	2.1	5.3
MW-4	1.0	2.0	1.0	6.0	0.2	1.7	2.0
MW-5	1.0	0.2	1.0	0.6	0.2	2.5	2.0
MW-6	1.0	0.2	1.0	0.6	0.2	0.4	2.0
MW-7	1.2	0.2	1.0	1.8	0.7	1.7	4.8

Depth to Water Level Below Land Surface

Monitoring Well ID	Limit	Minimum (feet)	Maximum (feet)	Mean (feet)
MW-1	Report Daily Maximum	No Data	No Data	No Data
MW-2		2.7	8.1	4.6
MW-4		4.5	8.1	5.7
MW-5		8.1	12.1	9.8
MW-6		-3.0	2.1	-1.0
MW-7		2.8	4.3	3.7

Nitrate-Nitrogen (n=7)

Monitoring Well ID	Limit	Minimum (mg/L)	Maximum (mg/L)	Mean (mg/L)
MW-1	10 mg/L	No Data	No Data	No Data
MW-2		<1.0	1.0	1.0
MW-4		<1.0	1.0	1.0
MW-5		<1.0	1.0	1.0
MW-6		1.0	2.0	1.3
MW-7		<1.0	1.0	1.0

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

Ground Water Monitoring Wells**:**

Specific Conductance (n=7)

Monitoring Well ID	Limit	Minimum (umhos/cm)	Maximum (umhos/cm)	Mean (umhos/cm)
MW-1	Report Daily Maximum	No Data	No Data	No Data
MW-2		40	61	50
MW-4		5	293	222
MW-5		90	104	97
MW-6		132	148	139
MW-7		148	243	202

Temperature

Monitoring Well ID	Limit	Minimum (°C)	Maximum (°C)	Mean (°C)
MW-1	Report Daily Maximum	No Data	No Data	No Data
MW-2		6.8	11.6	8.6
MW-4		5.5	10.6	8.2
MW-5		7.3	12.1	8.9
MW-6		6.8	11.3	9.7
MW-7		6.1	13.3	10.3

pH

Monitoring Well ID	Limit	Minimum (S.U.)	Maximum (S.U.)
MW-1	Report Daily Maximum	No Data	No Data
MW-2		5.3	6.1
MW-4		6.8	7.4
MW-5		6.1	6.6
MW-6		6.1	6.9
MW-7		5.4	6.0

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

Ground Water Monitoring Wells**:**

TSS

Monitoring Well ID	Limit	Minimum (mg/L)	Maximum (mg/L)	Mean (mg/L)
MW-1	Report Daily Maximum	No Data	No Data	No Data
MW-2		1.0	21.0	7.9
MW-4		1.0	7.6	3.5
MW-5		1.6	13.0	4.7
MW-6		1.2	9.2	3.8
MW-7		1.0	28.0	5.7

The licensee requested that monitoring wells 5 and 7 be eliminated as monitoring points in the 2009 license renewal because those wells are adjacent to the storage lagoon and the only well down gradient is MW-6. The monitoring of the underdrain system will detect any leakage from the storage lagoons along with MW-6. Given that MW-5 and MW-7 are the only two background wells which can be used for comparison of natural conditions, the Department using best professional judgment has decided to continue monitoring background at MW-5 and eliminate the requirement to monitor at MW-7.

Depth of the well below land surface monitoring in being established in this licensing action in order to observe sedimentation of the well and damage to the well.

In order to monitor any ground water impacts water quality data must be collected from down gradient monitoring wells. MW-1 is the down gradient monitoring well at this facility. Given the dry nature of MW-1 the Department is requiring the permittee repair or replace this monitoring well under Special Condition K of this license.

Lagoon Underdrain System:

h. Lagoon Underdrain Monitoring Requirements – Previous licensing action established, and this license is continuing lagoon underdrain monitoring requirements for: flow rate; specific conductance; and temperature, to occur three times per year (in the months of July, August, and September). These requirements are being carried forward in this licensing action based on Department best professional judgment of appropriate underdrain monitoring requirements.

The Department reviewed 6 DMRs for the period of July 2011 – September 2013. A review of the data indicates:

Storage Lagoon Underdrain System (Outfall #UD1)

Parameter	Minimum	Maximum	Average
Flow Rate (gal/minute)	0.25	1.0	0.9
Specific Conductance	136 umhos/cm	293 umhos/cm	214 umhos/cm
Temperature (ºC)	3	5	4

6. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

7. PUBLIC COMMENTS

Public notice of this application was made in the Calais Advertiser newspaper on or about August 7, 2014. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft licenses must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

8. DEPARTMENT CONTACTS

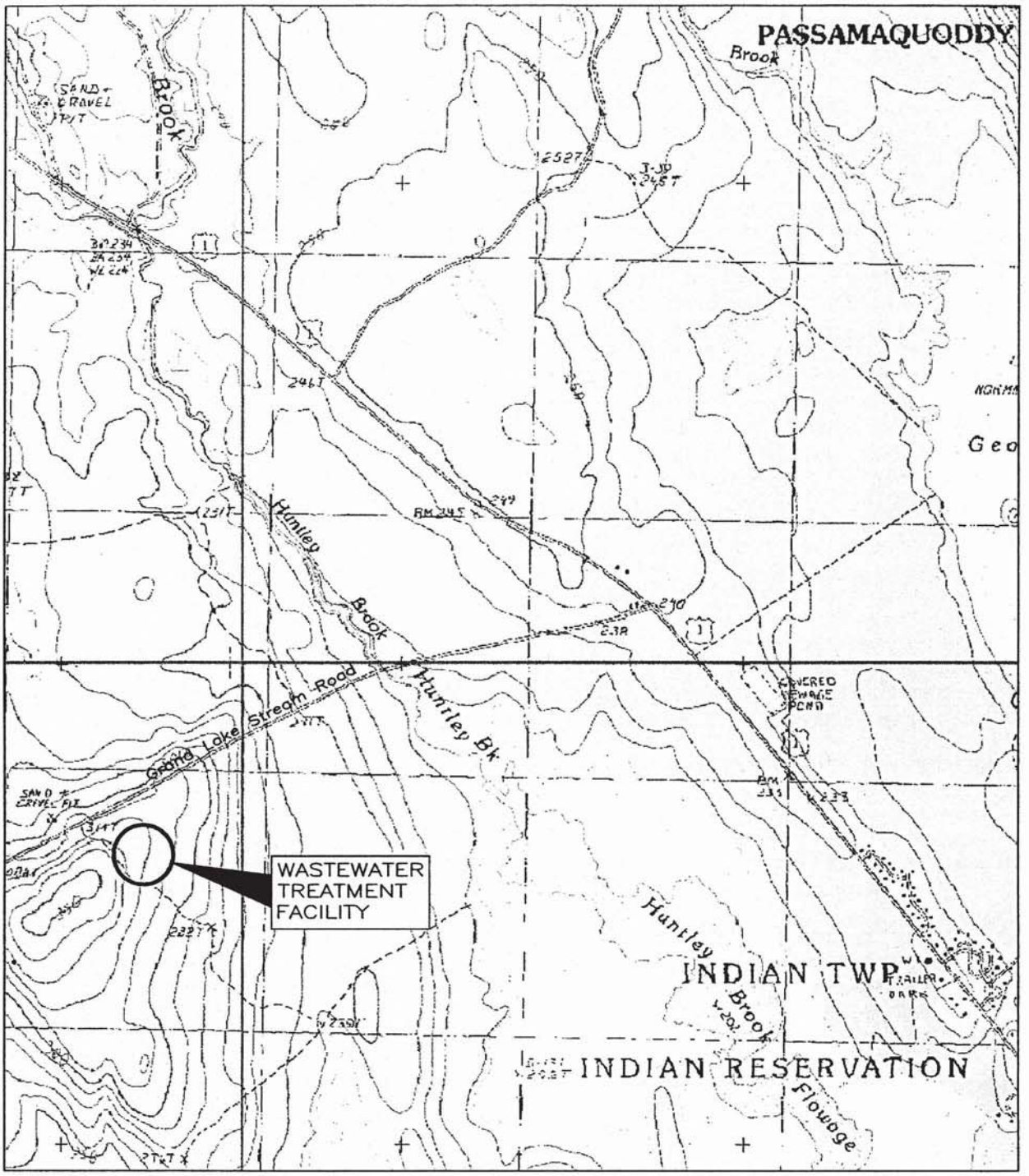
Additional information concerning this licensing action may be obtained from, and written comments sent to:

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
e-mail: yvette.meunier@maine.gov

9. RESPONSE TO COMMENTS

Reserved until the end of the public comment period.

ATTACHMENT A



PASSAMAQUODDY TRIBAL GOVERNMENT
AT INDIAN TOWNSHIP

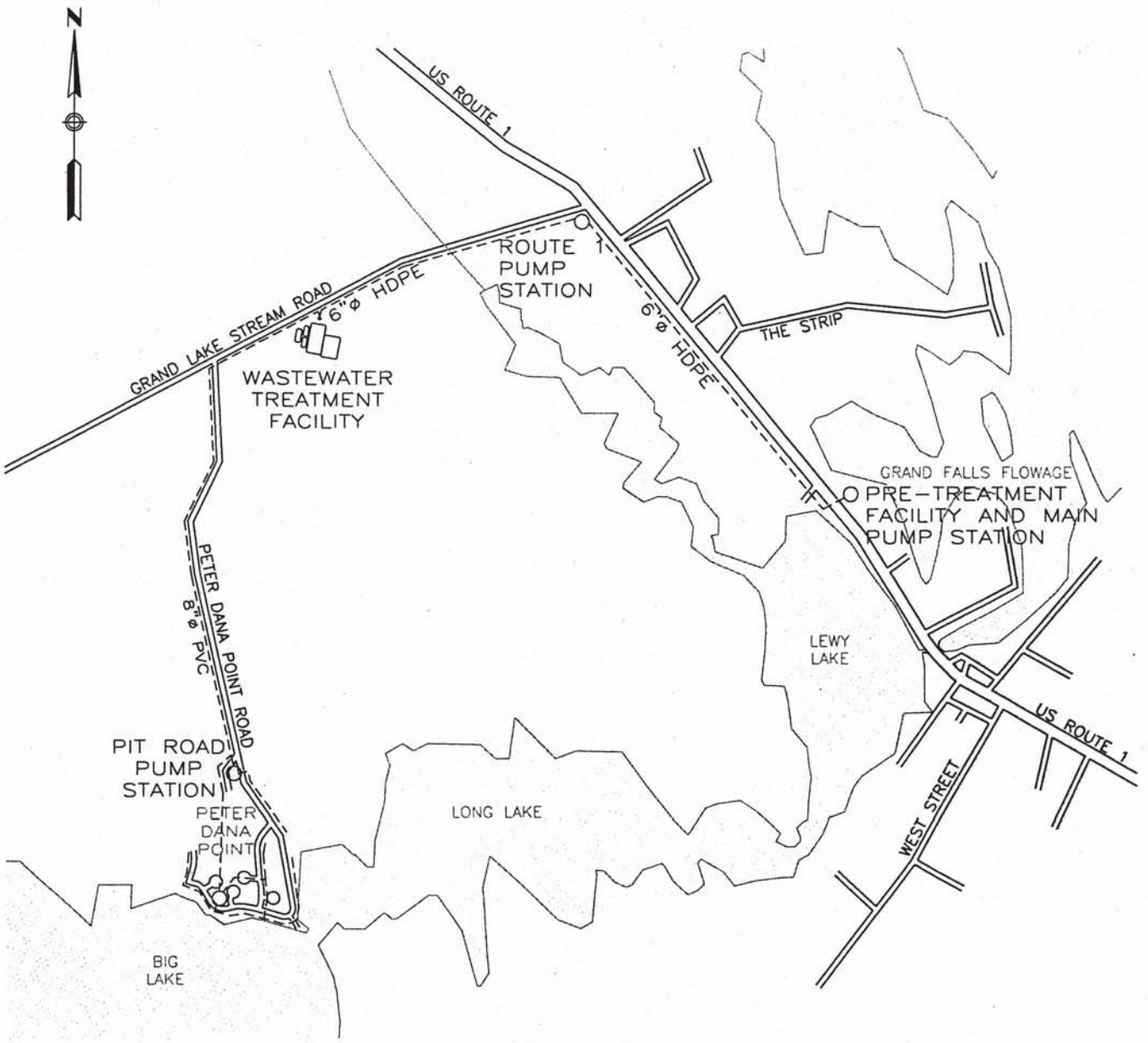
WASTEWATER TREATMENT FACILITY
LOCATION MAP

FIGURE 1

SOURCE:
DELORME 3-D TOPOQUADS
MAINE REGION 1, 1999
Scale: 1:24,000

OLVER ASSOCIATES INC.
ENVIRONMENTAL ENGINEERS
290 MAIN STREET WINTERPORT, MAINE

ATTACHMENT B



PASSAMAQUODDY TRIBAL GOVERNMENT
AT INDIAN TOWNSHIP

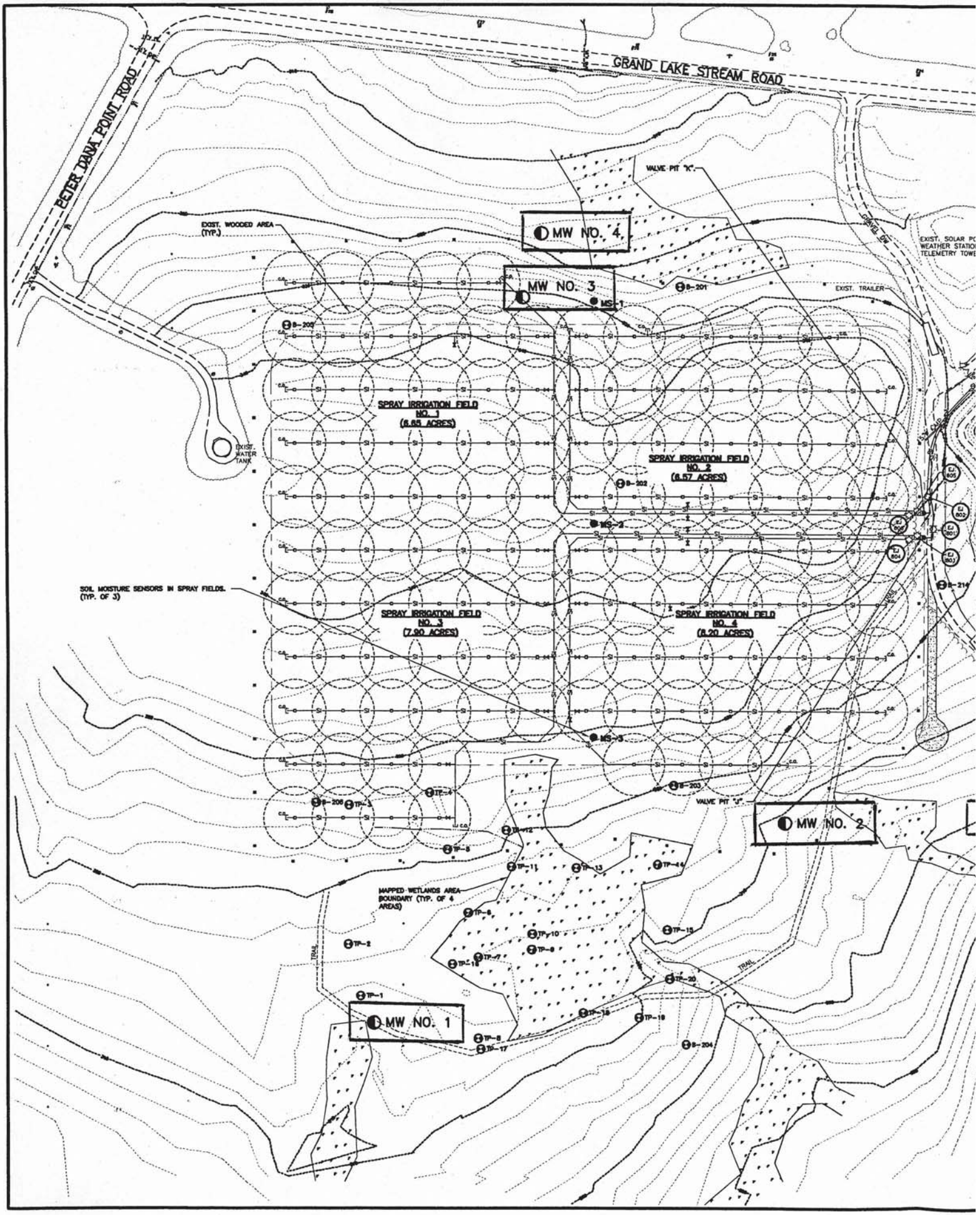
EXISTING WASTEWATER
COLLECTION SYSTEM

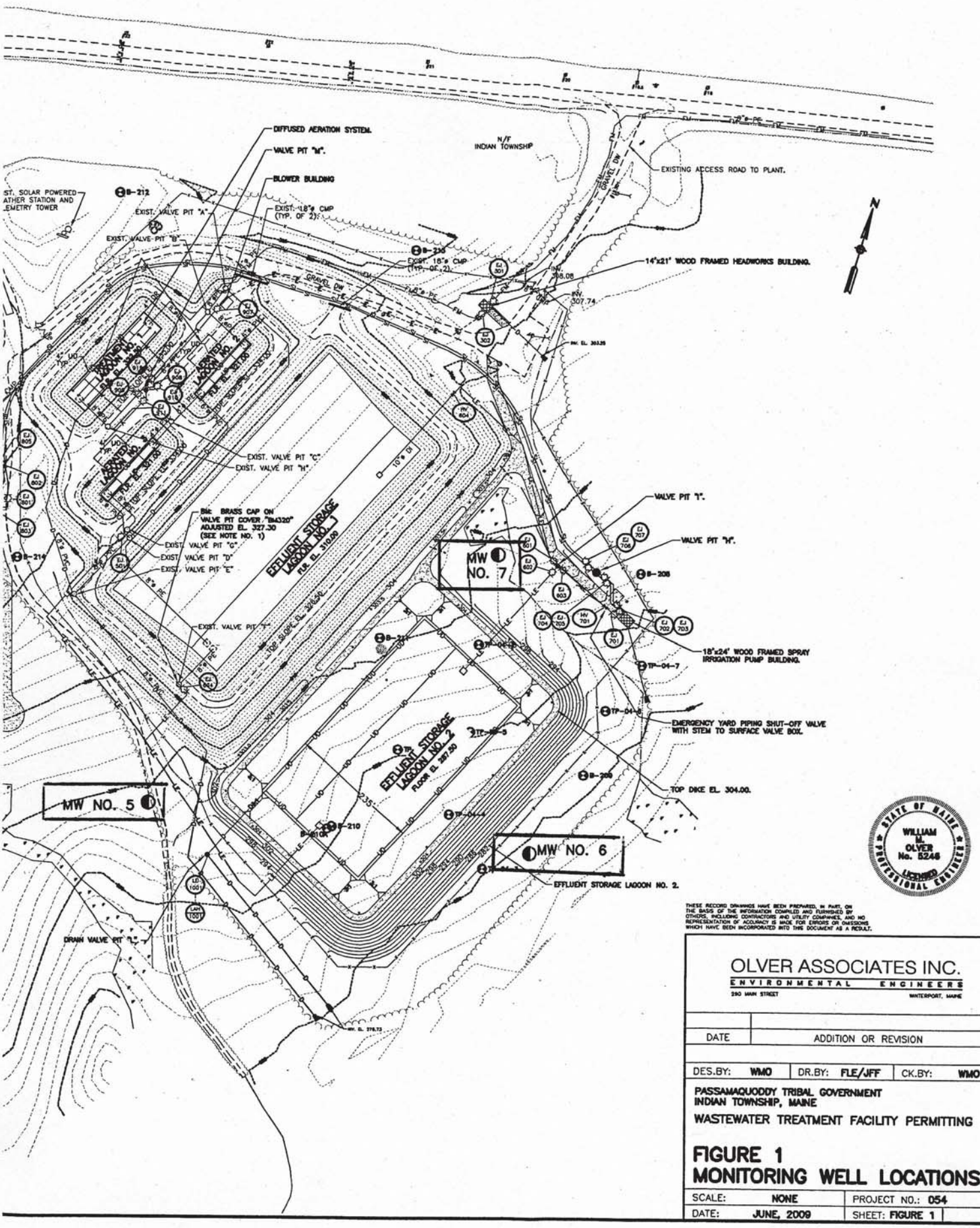
FIGURE 3

0 MILES 1 MILE

OLVER ASSOCIATES INC.
ENVIRONMENTAL ENGINEERS
290 MAIN STREET WINTERPORT, MAINE

ATTACHMENT C


PETER DANA POINT ROAD
GRAND LAKE STREAM ROAD
VALVE PIT "X"
EXIST. WOODED AREA (TYP.)
MW NO. 4
MW NO. 3
MS-1
B-201
EXIST. TRAILER
B-200
SPRAY IRRIGATION FIELD NO. 1 (6.65 ACRES)
EXIST. WATER TANK
SPRAY IRRIGATION FIELD NO. 2 (6.57 ACRES)
B-202
MS-2
SOIL MOISTURE SENSORS IN SPRAY FIELDS. (TYP. OF 3)
SPRAY IRRIGATION FIELD NO. 3 (7.90 ACRES)
SPRAY IRRIGATION FIELD NO. 4 (8.20 ACRES)
MS-3
B-203
VALVE PIT "Z"
MW NO. 2
B-206
TP-3
TP-4
TP-5
TP-12
TP-11
TP-13
TP-14
MAPPED WETLANDS AREA BOUNDARY (TYP. OF 4 AREAS)
TP-6
TP-10
TP-9
TP-15
TP-2
TP-7
TP-16
TP-20
TRAIL
TP-1
MW NO. 1
TP-8
TP-17
TP-18
B-204
B-214



THESE RECORD DRAWINGS HAVE BEEN PREPARED, IN PART, ON THE BASIS OF THE INFORMATION COMPILED AND FURNISHED BY OTHERS, INCLUDING CONTRACTORS AND UTILITY COMPANIES, AND NO REPRESENTATION OF ACCURACY IS MADE FOR ERRORS OR OMISSIONS WHICH HAVE BEEN INCORPORATED INTO THIS DOCUMENT AS A RESULT.

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DATE	ADDITION OR REVISION

DES.BY: WMO	DR.BY: FLE/JFF	CK.BY: WMO

PASSAMAQUODDY TRIBAL GOVERNMENT
INDIAN TOWNSHIP, MAINE

WASTEWATER TREATMENT FACILITY PERMITTING

FIGURE 1
MONITORING WELL LOCATIONS

SCALE: NONE	PROJECT NO.: 054
DATE: JUNE, 2009	SHEET: FIGURE 1

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.

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

CONTENTS

1. GENERAL CONDITIONS

A. All discharges shall be consistent with the terms and conditions of this license; any changes in production capacity or process modifications which result in changes in the quantity or the characteristics of the discharge must be authorized by an additional license or by modifications of this license; it shall be a violation of the terms and conditions of this license to discharge any pollutant not identified and authorized herein or to discharge in excess of the rates or quantities authorized herein or to violate any other conditions of this license.

B. the licensee shall permit the Department of Environmental Protection Staff upon the presentation of proper credentials:

1) To enter upon licensee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this license;

2) To have access to and copy any records required to be kept under the terms and conditions of this license;

3) To inspect any monitoring equipment or monitoring method required in this license; or,

4) To measure and/or sample at any intake, process or cooling effluent stream, wastewater treatment facility and/or outfall.

C. This license shall be subject to such monitoring requirements as may be reasonably required by the Department of Environmental Protection including the installation, use and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). The licensee shall provide the Department of Environmental Protection with periodic reports on the proper Department of Environmental Protection reporting form of monitoring results obtained pursuant to the monitoring requirements contained herein.

D. This license does not preclude obtaining other required Federal, State, or Municipal permits and does not authorize or approve the construction of any onshore physical structures or facilities or the undertaking of any work in any navigable waters.

E. The issuance of this license does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights nor any infringement of Federal, State or local laws or regulations.

F. Nothing in this license shall be construed to relieve the licensee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond his control, such as an accident, equipment breakdown, labor disputes or natural disaster.

2. TREATMENT PLANT OPERATOR

The Treatment Facility must be operated by a person holding a Grade certificate pursuant to 32 M.R.S.A., Section 4171 et seq. All proposed contracts for facility operation by any person must

be approved by the department before the licensee may engage the services of the contract operator.

3. 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 wastewater collection, treatment and/or control facilities.

c. All necessary waste treatment facilities will be installed and operational prior to the discharge of any wastewaters.

d. Final plans an specifications must be submitted to the staff of the Department of Environmental Protection and approved prior to the construction or modification of any treatment facilities.

e. The licensee shall install flow measuring facilities of a design approved by the Department of Environmental Protection.

f. The licensee must provide an outfall of a design approved by the Department of Environmental Protection which is placed in the receiving waters in such a manner that maximum mixing and dispersion of the wastewaters will be achieved as rapidly as possible.

4. 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 taking place. Where discharge monitoring is required when production is less than 50%, the resulting data shall be reported as a daily measurement but not included in computation of averages, unless specifically authorized by the department.

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

c. Reporting

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

monthly

(2) All reports shall be submitted to the Department by not later than the tenth of the month following the end of the monitoring period.

(3) Any reports or records of monitoring activities and results shall include for all samples: (a) the date, exact place, and time of sampling; (b) the dates and times analyses; (d) the analytical techniques/methods used; including sampling, handling, and preservation techniques; and (e) the results of all required analyses.

d. All reports shall be signed by:

(1) In the case of corporations, by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the reporting form originates.

(2) In the case of a partnership, by a general partner or duly authorized representative.

(3) In the case of a sole proprietorship, the proprietor or duly authorized representative.

(4) All monitoring reports and future correspondence regarding monitoring facilities should be directed to:

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

5. NON-COMPLIANCE NOTIFICATION

a. In the event the licensee bypasses collection or treatment facilities or is unable to comply with any of the conditions of this license due, among other reasons, to:

1. breakdown of waste treatment equipment;

2. accidents caused by error or negligence;

3. high strength, high volume or incompatible wastes; or

4. other causes such as acts of nature,

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

b. Within five (5) days of becoming aware of such condition the licensee shall provide the Department of Environmental Protection in writing, the following information:

1. A description of the discharge and cause of noncompliance; and

2. The period of 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.

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 wastewater flows;

d) permanent changes in industrial production rates;

e) the proposed addition, directly or indirectly, of toxic pollutants not authorized by the license or reflected in the application filed with the department;

f) the addition to a municipal or quasi-municipal treatment system of industrial wastes which are categorically regulated by the U.S. EPA pursuant to the agency's pretreatment program.

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 time as the Department approves transfer or issuance of a waste discharge license to the new owner. The Department may in its discretion require the new owner to apply for a new license, or may approve transfer of the existing license upon a satisfactory showing that the new owner can abide by its terms and conditions.

8. RECORDS RETENTION

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

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 wastewaters 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

In order to maintain compliance with the effluent limitations and prohibitions of this license, the licensee shall either:

a. maintain an alternative power source sufficient to operate the wastewater control facilities; or

b. Halt, reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

13. SPILL PREVENTION AND CONTAINMENT

The licensee shall within six (6) months of the effective date of this license submit to the Department of Environmental Protection's spill prevention plan. Said plan shall delineate methods and measures to be taken to prevent and or contain any spills of pulp, chemicals, oils, or other contaminants and shall specify means of disposal and/or treatment to be practiced.

14. CONNECTION TO MUNICIPAL TREATMENT SYSTEM

All wastewaters designated by the Department of Environmental Protection as treatable in a municipal treatment system will be consigned to a municipal treatment system when said system becomes available. This waste discharge license will automatically expire 90 days after a municipal facility becomes available unless this time is extended by the Department, in writing, for good cause shown.

15. PRETREATMENT

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

DEFINITIONS

FOR THE PURPOSE OF THIS LICENSE THE FOLLOWING SHALL APPLY

A. Grab Sample: An individual sample collected in a period of less than 15 minutes.

B. Composite Sample: A sample consisting of a minimum of eight grab samples collected at equal intervals during a 24-hour period (or a lesser period if specified in the section on Monitoring and Sampling) and combined proportional to flow or a sample continuously collected proportionally to flow over the same time period.

C. Daily Maximum For Concentration: The maximum value not to be exceeded at any time.

D. Daily Maximum For Quantity: The maximum value not to be exceeded during any day.

E. Weekly or Monthly Average: The sum of all daily samples measurement or test results made during a week or month divided by the number of tests or measurement made during the respective time period. Exception: bacteriological tests shall be calculated as a geometric mean.

F. Bypass: The diversion of wastewater, either by act or by design, from any portion of a treatment facility or conveyance system.