



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

JAMES P. BROOKS
ACTING COMMISSIONER

May 18, 2011

Dale Clark
Anson-Madison Sanitary District
73 Main Street
Madison, Maine 04950
dclark@woodcurran.com

**RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101389
Maine Waste Discharge License (WDL) Application #W002710-5M-J-M
Proposed Draft MEPDES Permit/WDL Modification**

*Sent via electronic mail
Delivery confirmation requested*

Dear Mr. Clark:

Enclosed, please find a copy of your **final** MEPDES permit modification and Maine WDL modification, which was approved by the Department of Environmental Protection. Please read the permit/license and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State law and is subject to enforcement action.

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

Respectfully,

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

Enc.
ec: Jim Crowley, Lori Mitchell, DEP; Sandy Mojica, USEPA; File #W2710

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

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

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

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1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679-2094
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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

ANSON-MADISON SANITARY DISTRICT)	MAINE POLLUTANT DISCHARGE
ANSON, SOMERSET COUNTY)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS)	AND
#ME0101389)	WASTE DISCHARGE LICENSE
#W002710-5M-I-M)	MODIFICATION
APPROVAL		

Pursuant to the provisions of the *Federal Water Pollution Control Act*, Title 33 USC, §1251, *Conditions of licenses*, 38 M.R.S.A. § 414-A, and applicable regulations, the Department of Environmental Protection (Department) has considered the application of the ANSON-MADISON SANITARY DISTRICT (AMSD) to modify Waste Discharge License (WDL) #W002710-5M-I-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101389, which was issued to the AMSD on December 21, 2007. With its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

PERMIT MODIFICATION SUMMARY

The Department is modifying the aforementioned WDL / MEPDES permit to authorize the AMSD to receive and introduce into the treatment process or solids handling stream transported wastes in accordance with *Standards for the Addition of Transported Wastes to Waste Water Treatment Facilities*, 06-096 CMR 555 (last amended February 5, 2009).

CONCLUSIONS

BASED on the findings summarized in the attached Fact Sheet dated May 18, 2011, 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 existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected.
4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).

ACTION

THEREFORE, the Department hereby APPROVES the above noted application of the ANSON-MADISON SANITARY DISTRICT to MODIFY Waste Discharge License #W002710-5M-I-R / Maine Pollutant Discharge Elimination System permit #ME0101389, which was issued by the Department on December 21, 2007, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. *Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits*, revised July 1, 2002, copy attached to December 21, 2007 permit.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. All terms and conditions in combination WDL #W002710-5M-I-R / MEPDES permit #ME0101389, dated December 21, 2007, not modified by this permitting action remain in effect and enforceable.
4. This permit modification expires on December 21, 2012, concurrent with the December 21, 2007 WDL / MEPDES permit. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of the December 21, 2007 permit, the terms and conditions of the December 21, 2007 permit and all modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective April 1, 2003)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: January 18, 2011

Date of application acceptance: January 19, 2011

This Order prepared by Bill Hinkel, BUREAU OF LAND & WATER QUALITY

SPECIAL CONDITIONS

P. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

Pursuant to this permit and *Standards for the Addition of Transported Wastes to Waste Water Treatment Facilities*, 06-096 CMR 555 (last amended February 5, 2009), during the effective period of this permit, the permittee is authorized to receive and introduce into the treatment process or solids handling stream up to a **daily maximum of 120,000 gallons per day** of transported wastes, subject to the following terms and conditions.

1. "Transported wastes" means any liquid non-hazardous waste delivered to a wastewater treatment facility by a truck or other similar conveyance that has different chemical constituents or a greater strength than the influent described on the facility's application for a waste discharge license. Such wastes may include, but are not limited to septage, industrial wastes or other wastes to which chemicals in quantities potentially harmful to the treatment facility or receiving water have been added.
2. Of the 120,000 GPD authorized by this permit, the permittee may receive and introduce into the treatment process or solids handling stream up to a daily maximum of 50,000 GPD of septage wastes, 40,000 GPD of process wastewater from a tomato growing facility, and 30,000 GPD of landfill leachate. It is noted that sanitary holding tank wastes to which no chemicals in quantities potentially harmful to the treatment facility or receiving water have been added are considered similar to the influent of a domestic wastewater treatment facility. 06-096 CMR 555 does not apply to the treatment of transported wastes having similar or compatible chemical composition and strength to the influent typically received by a particular treatment facility.
3. The character and handling of all transported wastes received must be consistent with the information and management plans provided in application materials submitted to the Department.
4. At no time shall the addition of transported wastes cause or contribute to effluent quality violations. Transported wastes may not cause an upset of or pass through the treatment process or have any adverse impact on the sludge disposal practices of the wastewater treatment facility. Wastes that contain heavy metals, toxic chemicals, extreme pH, flammable or corrosive materials in concentrations harmful to the treatment operation must be refused. Odors and traffic from the handling of transported wastes may not result in adverse impacts to the surrounding community. If any adverse effects exist, the receipt or introduction of transported wastes into the treatment process or solids handling stream shall be suspended until there is no further risk of adverse effects.
5. The permittee shall maintain records for each load of transported wastes in a daily log which shall include at a minimum the following.
 - (a) The date;
 - (b) The volume of transported wastes received;
 - (b) The source of the transported wastes;
 - (d) The person transporting the transported wastes;
 - (e) The results of inspections or testing conducted;
 - (f) The volumes of transported wastes added to each treatment stream; and
 - (g) The information in (a) through (d) for any transported wastes refused for acceptance.These records shall be maintained at the treatment facility for a minimum of five years.

SPECIAL CONDITIONS

P. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY (cont'd)

6. The addition of transported wastes into the treatment process or solids handling stream shall not cause the treatment facilities design capacity to be exceeded. If, for any reason, the treatment process or solids handling facilities become overloaded, introduction of transported wastes into the treatment process or solids handling stream shall be reduced or terminated in order to eliminate the overload condition.
7. Holding tank wastewater from domestic sources to which no chemicals in quantities potentially harmful to the treatment process have been added shall not be recorded as transported wastes but should be reported in the treatment facility's influent flow.
8. During wet weather events, transported wastes may be added to the treatment process or solids handling facilities only in accordance with a current high flow management plan approved by the Department that provides for full treatment of transported wastes without adverse impacts.
9. In consultation with the Department, chemical analysis is required prior to receiving transported wastes from new sources that are not of the same nature as wastes previously received. The analysis must be specific to the type of source and designed to identify concentrations of pollutants that may pass through, upset or otherwise interfere with the facility's operation.
10. Access to transported waste receiving facilities may be permitted only during the times specified in the application materials and under the control and supervision of the person responsible for the wastewater treatment facility or his/her designated representative.
11. The authorization in the Special Condition is subject to annual review and, with notice to the permittee and other interested parties of record, may be suspended or reduced by the Department as necessary to ensure full compliance with 06-096 CMR 555 and the terms and conditions of this permit.

**MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
MAINE WASTE DISCHARGE LICENSE**

FACT SHEET

DATE: MAY 18, 2011

PERMIT NUMBER: #ME0101389
WASTE DISCHARGE LICENSE: #W002710-5M-J-M

NAME AND ADDRESS OF APPLICANT:

**ANSON-MADISON SANITARY DISTRICT
73 MAIN STREET
MADISON, MAINE 04950**

COUNTY: SOMERSET

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

**ANSON-MADISON SANITARY DISTRICT
49 PINE STREET
MADISON, MAINE 04950**

RECEIVING WATER/CLASSIFICATION: KENNEBEC RIVER/CLASS B

**COGNIZANT OFFICIAL AND TELEPHONE NUMBER: MR. DALE CLARK
CHIEF OPERATOR, AMSD
(207) 696-3246
dclark@woodardcurran.com**

1. PERMIT MODIFICATION REQUESTED

The Anson-Madison Sanitary District (AMSD) has applied to the Department of Environmental Protection (Department) for modification of Waste Discharge License (WDL) #W002710-5M-I-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101389, which was issued to the AMSD on December 21, 2007. The AMSD proposes to receive and introduce into the treatment process or solids handling stream up to a daily maximum of 50,000 GPD of septage wastes, 40,000 GPD of process wastewater from a tomato growing facility, 30,000 GPD of landfill leachate, and 2,000 GPD of domestic-type holding tank wastewater. Pursuant to *Standards for the Addition of Transported Wastes to Waste Water Treatment Facilities*, 06-096 CMR 555 (last amended February 5, 2009), the owner of a wastewater treatment facility wishing to receive transported wastes shall submit an application to the Department for review and approval. It is noted that sanitary holding tank wastes to which no chemicals in quantities potentially harmful to the treatment facility or receiving water have been added are considered similar to the influent of a domestic wastewater treatment facility. 06-096 CMR 555 does not apply to the treatment of transported wastes having similar or compatible chemical composition and strength to the influent typically received by a particular treatment facility, as in the case of the 2,000 GPD of domestic-type holding tank wastewater for which AMSD has applied for approval.

2. CONDITIONS OF PERMITS

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. In addition, 38 M.R.S.A. § 420 and *Surface Waters Toxics Control Program*, 06-096 CMR 530 (effective October 9, 2005) require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

3. PERMIT MODIFICATION APPROVED

The AMSD treatment system has a dry weather design capacity of 5.0 million gallons per day (MGD). The facility revised its high flow management plan on January 4, 2011. The facility developed a proposed transported wastes management plan dated January 2011. The quantity of transported wastes the AMSD proposes to include under this authorization is 120,000 gallons per day, or 2.40% of the average dry weather design capacity.

This permit modification authorizes the AMSD to receive and introduce into the treatment process or solids handling stream up to a daily maximum of 50,000 GPD of septage wastes, 40,000 GPD of process wastewater from a tomato growing facility, and 30,000 GPD of landfill leachate. In accordance with AMSD's application and its proposed transported wastes management plan, septage will be side-stream treated in a sludge holding tank and metered into the sludge dewatering press; tomato growing process wastewater will be discharged directly into AMSD's aerated lagoon cell #1; and landfill leachate and domestic holding tank waste will be added to the influent at the AMSD headworks. Access to the facility will be controlled by gate.

4. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

Based on all available information, the Department has determined that the modifications carried out through this permitting action will allow existing water uses to be maintained and protected provided the permittee complies with the terms and conditions established herein and in the 12/21/07 permit.

5. PUBLIC COMMENTS

Public notice of this application was made in the *Morning Sentinel* newspaper on or about January 10, 2011. 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 permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

6. DEPARTMENT CONTACTS

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

Bill Hinkel
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 485-2281 e-mail: bill.hinkel@maine.gov

7. RESPONSE TO COMMENTS

During the period of April 12, 2011 through May 12, 2011, the Department solicited comments on the proposed draft Maine Pollutant Discharge Elimination System Permit Modification to be issued to the Anson-Madison Sanitary District for the proposed discharge.

The Department has corrected the draft permit modification to specify that sanitary holding tank wastes to which no chemicals in quantities potentially harmful to the treatment facility or receiving water have been added are considered similar to the influent of a domestic wastewater treatment facility. 06-096 CMR 555 does not apply to the treatment of transported wastes having similar or compatible chemical composition and strength to the influent typically received by a particular treatment facility, as in the case of the 2,000 GPD of domestic-type holding tank wastewater for which AMSD has applied for approval. Therefore, the final permit modification has corrected the approval transported waste volume from 122,000 GPD to 120,000 GPD.



DEP INFORMATION SHEET

Appealing a Commissioner's Licensing Decision

Dated: May 2004

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. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

DEP's *General Laws*, 38 M.R.S.A. § 341-D(4), and its *Rules Concerning the Processing of Applications and Other Administrative Matters* (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days 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 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 and the applicant a copy of the documents. All 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

The materials constituting an appeal must contain the following information at the time submitted:

1. *Aggrieved Status.* Standing to maintain an appeal requires the appellant to show they are particularly injured by 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 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 as part of an appeal only when 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 show 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, Section 24(B)(5).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license file is public information 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.* An applicant proceeding with a project pending the outcome of an appeal 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 initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final 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. The Board will notify parties to an appeal and interested persons of its decision.

II. APPEALS TO MAINE SUPERIOR COURT

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

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.
