



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE  
GOVERNOR

DARRYL N. BROWN  
COMMISSIONER

February 4, 2011

Mr. Mark Descoteaux  
Superintendent  
Hartland Pollution Control Facility  
P.O. Box 392  
162 Pittsfield Road  
Hartland, Maine, 04943  
[hartlandpotw@tds.net](mailto:hartlandpotw@tds.net)

**RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101443  
Maine Waste Discharge License (WDL) #W000678-5M-K-M  
FINALIZED Permit / WDL Minor Revision**

Enclosed, please find a copy of your **final** MEPDES permit and Maine WDL **Minor Revision**, 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.*"

Sincerely,

Bill Hinkel  
Division of Water Quality Management  
Bureau of Land and Water Quality  
[bill.hinkel@maine.gov](mailto:bill.hinkel@maine.gov)

Enc.

*All copies sent by electronic mail*

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DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF HARTLAND	)	MAINE POLLUTANT DISCHARGE
HARTLAND, SOMERSET COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS	)	AND
#ME0101443	)	WASTE DISCHARGE LICENSE
#W000678-5M-K-M	)	MINOR REVISION
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, *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2 (effective April 1, 2003), and applicable regulations, the Department of Environmental Protection (Department) has considered an January 31, 2011 request submitted by the TOWN OF HARTLAND (Town) to the Department for a minor permit revision to Waste Discharge License (WDL) #W000678-5M-H-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101443, which was issued to the Town on December 6, 2007. With its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

**MINOR PERMIT REVISION SUMMARY**

Irving Tanning Company has requested that the Town modify its Pretreatment Industrial User permit to revise the monthly average limit of 14.5 mg/L to be equivalent to the daily maximum local limit of 95 mg/L while it completes a pollution prevention project. In order for the Town to revise the local limit, the Department must modify the MEPDES permit limit accordingly as the Town has allocated 100% of its chromium assimilative capacity to Irving Tanning Company. On January 31, 2011, the Town requested revision of the monthly average total chromium concentration limitation established in Special Condition A of the December 6, 2007 permit. The limit established in the December 6, 2007 permit is 0.48 mg/L. Page 32 of the fact sheet associated with the December 6, 2007 permit provides the basis for this limitation. The December 6, 2007 permit also established a monthly average total chromium mass limitation (4.0 lbs./day) based on the assimilative capacity of the West Branch of the Sebasticook River in accordance with *Surface Water Toxics Control Program*, 06-096 CMR 530 (effective October 9, 2005) and *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005). The Town does not seek to modify the water quality-based mass allocation established in the December 6, 2007 permit.

The minor permit revision was considered by the Department under provisions of 06-096 CMR 530(3)(D)(1), which provides that “*the Department may increase allowable [concentration] values to reflect actual flows that are lower than permitted flows and/or provide opportunities for flow reductions and pollution prevention provided water quality criteria are not exceeded.*” The Town, Irving Tanning Company (d/b/a Prime Tanning – Hartland), and Tasman Leather Group, LLC are working collaboratively on a pollution prevention project at the Irving Tanning Company facility in Hartland to significantly reduce a source of chromium to the Town’s wastewater treatment facility.

## CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated February 4, 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:
  - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
  - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
  - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
  - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and
  - (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).

## ACTION

THEREFORE, the Department hereby APPROVES the above noted request of the TOWN OF HARTLAND for the MINOR REVISION (reduction in the monthly average total chromium concentration limit from 0.48 mg/L to 3.2 mg/L) to Waste Discharge License #W000678-5M-H-R / Maine Pollutant Discharge Elimination System permit #ME0101443, which was issued to the Town on December 6, 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 6, 2007 permit.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. All terms and conditions in combination WDL #W000678-5M-H-R / MEPDES permit #ME0101443, dated December 6, 2007, and subsequent minor permit revision #W000678-5M-I-M, dated April 16, 2010, and #W000678-5M-J-M, dated October 4, 2010, not modified by this permitting action remain in effect and enforceable.
4. This minor revision expires on December 6, 2012, concurrent with the December 6, 2007 WDL / MEPDES permit. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of the December 6, 2007 permit, the terms and conditions of the December 6, 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

## SPECIAL CONDITIONS

### A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- The permittee is authorized to discharge **secondary treated sanitary and tannery process waste waters from Outfall #001A** to the West Branch of the Sebasticook River at Hartland. Such discharges shall be limited and monitored by the permittee as specified below (**cont'd**)<sup>(1)</sup>:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	<u>Monthly Average</u> as specified	<u>Weekly Average</u> as specified	<u>Daily Maximum</u> as specified	<u>Monthly Average</u> as specified	<u>Weekly Average</u> as specified	<u>Daily Maximum</u> as specified	<u>Measurement Frequency</u> as specified	<u>Sample Type</u> as specified
<b>2,4,6-Trichlorophenol</b> [16734]	0.29 lbs./day [26]	---	---	34.8 µg/L [28]	---	---	1/Year [01/01]	24-Hour Composite [24]
<b>Aluminum (Total)</b> [01105]	15.1 lbs./day [26]	---	---	1.8 mg/L [19]	---	---	1/Quarter [01/90]	24-Hour Composite [24]
<b>Ammonia (as N)</b> <u><i>June 1 – September 30</i></u> <i>October 1 – May 31</i> [61574]	<u>523 lbs./day [26]</u> 1,028 lbs./day [26]	---	---	<u>62.7 mg/L [19]</u> 123 mg/L [19]	---	---	<u>2/Month [02/30]</u> 2/Month [02/30]	24-Hour Composite [24]
<b>B-BHC</b> [39338]	0.002 lbs./day [26]	---	---	0.23 µg/L [28]	---	---	1/Year [01/01]	24-Hour Composite [24]
<b>Bis (2-ethylhexyl) phthalate</b> [16770]	0.25 lbs./day [26]	---	---	30.0 µg/L [28]	---	---	1/Year [01/01]	24-Hour Composite [24]
<b>Chlorodibromomethane</b> [34306]	0.13 lbs./day [26]	---	---	15.0 µg/L [28]	---	---	1/Year [01/01]	24-Hour Composite [24]
<b>Chloroform</b> [32106]	1.7 lbs./day [26]	---	---	202.7 µg/L [28]	---	---	1/Year [01/01]	24-Hour Composite [24]
<b>Chromium (Total)</b> [01034]	4.0 lbs./day [26]	---	34.0 lbs./day [26]	<b>3.2 mg/L</b> [19]	---	3.4 mg/L [19]	1/Month [01/30]	24-Hour Composite [24]
<b>Copper (Total)</b> [01042]	0.41 lbs./day [26]	---	0.53 lbs./day [26]	49.2 µg/L [28]	---	64.1 µg/L [28]	1/Year [01/01]	24-Hour Composite [24]
<b>Dichlorobromomethane</b> [32101]	0.17 lbs./day [26]	---	---	19.8 µg/L [28]	---	---	1/Year [01/01]	24-Hour Composite [24]
<b>Zinc (Total)</b> [01092]	5.3 lbs./day [26]	---	5.3 lbs./day [26]	638.1 µg/L [28]	---	638.1 µg/L [28]	1/Year [01/01]	24-Hour Composite [24]
<b>Total Phosphorus</b> <sup>(6)</sup> [00665] <i>June 1 – September 30</i>	Report lbs./day [26]	Report lbs./day [26]	Report lbs./day [26]	Report mg/L [19]	Report mg/L [19]	Report mg/L [19]	2/Month [02/30]	24-Hour Composite [24]

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 9 through 12 of the December 6, 2007 permit (#W000678-5M-H-R) for applicable footnotes.

**MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT**

**MAINE WASTE DISCHARGE LICENSE**

**FACT SHEET**  
**MINOR REVISION**

Date: **FEBRUARY 4, 2011**

PERMIT NUMBER: **#ME0101443**  
WASTE DISCHARGE LICENSE: **#W000678-5M-K-M**

NAME AND ADDRESS OF APPLICANT:

**TOWN OF HARTLAND**  
**P.O. BOX 280**  
**HARTLAND, ME 04943**

COUNTY:**SOMERSET**

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

**HARTLAND POLLUTION CONTROL FACILITY**  
**162 PITTSFIELD AVENUE**  
**HARTLAND, MAINE 04943**

RECEIVING WATER/CLASSIFICATION:

**WEST BRANCH OF THE SEBASTICOOK RIVER/CLASSC**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

**MR. MARK DESCOTEAUX**  
**SUPERINTENDENT**  
**HARTLAND POLLUTION CONTROL FACILITY**  
**(207) 938-4401**    [hartlandpotw@tds.net](mailto:hartlandpotw@tds.net)

**MS. SUSAN FROST**  
**INTERIM TOWN MANAGER**  
**TOWN OF HARTLAND**  
[hartlandadmin@gmail.com](mailto:hartlandadmin@gmail.com)

## 1. MINOR PERMIT REVISION SUMMARY

Irving Tanning Company has requested that the Town of Hartland (Town) modify its Pretreatment Industrial User permit to revise the monthly average limit of 14.5 mg/L to be equivalent to the daily maximum local limit of 95 mg/L while it completes a pollution prevention project. In order for the Town to revise the local limit, the Maine Department of Environmental Protection (Department) must modify combination Waste Discharge License (WDL) #W000678-5M-H-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101443 accordingly as the Town has allocated 100% of its chromium assimilative capacity to Irving Tanning Company. On January 31, 2011, the Town requested revision of the monthly average total chromium concentration limitation established in the December 6, 2007 permit (Special Condition A). The limit established in the December 6, 2007 permit is 0.48 mg/L. Page 32 of the fact sheet associated with the December 6, 2007 permit provides the basis for this limitation. The December 6, 2007 permit also established a monthly average total chromium mass limitation (4.0 lbs./day) based on the assimilative capacity of the West Branch of the Sebasticook River in accordance with *Surface Water Toxics Control Program*, 06-096 CMR 530 (effective October 9, 2005) and *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005). The Town does not seek to modify the water quality-based mass allocation established in the December 6, 2007 permit.

The limit established in the December 6, 2007 permit is 0.48 mg/L. Page 32 of the fact sheet associated with the December 6, 2007 permit provides the basis for this limitation. The December 6, 2007 permit also established a monthly average total chromium mass limitation (4.0 lbs./day) based on the assimilative capacity of the West Branch of the Sebasticook River in accordance with *Surface Water Toxics Control Program*, 06-096 CMR 530 (effective October 9, 2005) and *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005). The Town does not seek to modify the water quality-based mass allocation established in the December 6, 2007 permit.

The minor permit revision was considered by the Department under provisions of 06-096 CMR 530(3)(D)(1), which provides that *“the Department may increase allowable [concentration] values to reflect actual flows that are lower than permitted flows and/or provide opportunities for flow reductions and pollution prevention provided water quality criteria are not exceeded.”* The Town, Irving Tanning Company (d/b/a Prime Tanning – Hartland), and Tasman Leather Group, LLC are working collaboratively on a pollution prevention project at the Irving Tanning Company facility in Hartland to significantly reduce a source of chromium to the Town’s wastewater treatment facility.

The toxics rule (06-096 CMR 530) specifically addresses pollution prevention (P2) projects conducted to reduce or eliminate sources of toxic pollutants. The Town has requested revision of the monthly average concentration limitation for total chromium in order to facilitate calculation of a new local limit for monthly average chromium concentration for Irving Tanning Company. Irving Tanning Company has requested temporary relief of its monthly average local limit concentration for total chromium while it finalizes a plan and schedule with Tasman Leather Group, LLC, a corporation registered to operate in Maine and in good standing, to implement a pollution prevention project referred to as the Buffing Dust Collection Bag House project. The

## 1. MINOR PERMIT REVISION SUMMARY (cont'd)

objective of the so-called “bag house” project is to eliminate a source of wastewater containing chromium that has historically and is currently conveyed to the Town’s wastewater treatment facility. Irving Tanning Company buffs leather sides at its Hartland facility which generates a dust containing chromium from the tanning process. (It is noted that Irving Tanning Company does not conducting tanning processes at its Hartland facility. The facility processes sides that have been tanned at other facilities.) Historically, the buffing dust has been disposed of by a wet process and conveyed to the Town’s wastewater treatment facility for treatment and subsequent discharge to the Sebasticook River as authorized by the Town’s MEPDES permit. Irving Tanning Company is working with a potential new buyer, Tasman Leather Group, LLC, to install a new treatment system at the Hartland facility to capture the buffing dust and dispose of this solid waste in accordance with applicable solid waste disposal regulations. This project is anticipated to significantly reduce the overall chromium load discharged to the Town’s wastewater treatment system and reduce end-of-pipe chromium discharges from the Town.

Irving Tanning Company is subject to pretreatment requirements pursuant to General Pretreatment Regulations for Existing and New Sources of Pollution and the Leather Tanning and Finishing Point Source Category. [40 CFR Parts 403 and 425, respectively, and *Pretreatment Program*, 06-096 CMR 528 (last amended March 17, 2008)] The Town has issued an Industrial User permit under the applicable regulations which includes a monthly average chromium local limit of 14.5 mg/L. Irving Tanning Company has requested that the Town modify its Industrial User permit to revise the monthly average limit of 14.5 mg/L to be equivalent to the daily maximum local limit of 95 mg/L while it completes the pollution prevention project. The proposed change to the local limit is a factor of 6.6. ( $95/14.5 = 6.6$ ) The entities engaged in the pollution prevention project have established a project completion date of December 31, 2011.

In consideration of the proposed pollution prevention project, anticipated reduction in chromium discharge to the Sebasticook River upon successful completion of the project, and assurance that all water quality standards will be achieved as a result of holding the monthly average mass limit at 4.0 lbs./day as established in the December 6, 2007 permit, the Department concludes that a temporary reduction in the monthly average total chromium concentration limitation established in the December 6, 2007 permit is consistent with the provisions of 06-096 CMR 530(3)(D)(1) and will not cause or contribute to non-attainment of receiving water quality standards. This action does not violate the requirements of the State’s antidegradation policy, *Classification of Maine waters*, 38 M.R.S.A. § 464(4)(F).

Therefore, this permitting action is revising the monthly average total chromium concentration limit established in the December 6, 2007 permit from 0.48 mg/L to 3.2 mg/L based on a multiplying factor of 6.6.

The Department may reopen the December 6, 2007 permit for reasons set forth in Special Condition P of the December 6, 2007 permit and those reasons set forth in 38 M.R.S.A. § 414-A(5). The Department intends to consider new information regarding chromium following successful completion of the so-called Buffing Dust Collection Bag House project.

## 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, *Certain deposits and discharges prohibited*, 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. RECEIVING WATER QUALITY STANDARDS

*Classification of major river basins*, 38 M.R.S.A., § 467(4)(H)(2)(b) classifies the West Branch of the Sebasticook River from the outlet of Great Moose Lake to its confluence with the East Branch, including all impoundments, which includes the river at the point of discharge, as Class C waters. *Standards for classification of fresh surface waters*, 38 M.R.S.A., § 465(3) describes the standards for Class C waters.

## 4. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, 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 C classification.

## 5. 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](mailto:bill.hinkel@maine.gov)



# 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.

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

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