STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

March 5, 2021

Mr. Roger Brown
Passamaquoddy Tribal Government
P.O. Box 301
Princeton, Maine 04668
Indtownshipww@gmail.com

Sent via electronic mail
Delivery confirmation requested

RE: ICIS Tracking Number #MEU500872
Maine Waste Discharge License (WDL) Application #W000872-6B-G-R
Finalized Waste Discharge License

Dear Mr. Brown:

Enclosed please find a copy of your **final** Maine WDL which was approved by the Department of Environmental Protection. Please read this permit and its attached conditions carefully. Compliance with this license will protect water quality.

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

If you have any questions regarding the matter, please feel free to call me at 287-1939.

Your Department compliance inspector copied below is also a resource that can assist you with compliance. Please do not hesitate to contact them with any questions.

Thank you for your efforts to protect and improve the waters of the great state of Maine!

Sincerely,

Aaron Dumont
Division of Water Quality Management
Bureau of Water Quality
Aaron.A.Dumont@maine.gov

Enc.

Pcc:
Clarissa Trasko, MEDEP
Lori Mitchell, MEDEP
Pamela Parker, MEDEP
John Hopeck, MEDEP
Sandy Mojica, USEPA
Richard Carvalho, USEPA
Nathan Chien, MEDEP

DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: November 2018 **Contact: (207) 287-2452**

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) an administrative process before the Board of Environmental Protection (Board); or (2) 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. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S. § 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. §§ 341-D(4) & 346; the *Maine Administrative Procedure Act*, 5 M.R.S. § 11001; and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 C.M.R. ch. 2.

DEADLINE 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 more than 30 calendar days after the date on which the Commissioner's decision was filed with the Board will be dismissed unless notice of the Commissioner's license decision was required to be given to the person filing an appeal (appellant) and the notice was not given as required.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017. An appeal may be submitted by fax or e-mail if it contains a scanned original signature. It is recommended that a faxed or e-mailed appeal be followed by the submittal of mailed original paper documents. The complete appeal, including any attachments, must be received at DEP's offices in Augusta on or before 5:00 PM on the due date; materials received after 5:00 pm are not considered received until the following day. The risk of material not being received in a timely manner is on the sender, regardless of the method used. The appellant must also send a copy of the appeal documents to the Commissioner of the DEP; the applicant (if the appellant is not the applicant in the license proceeding at issue); and if a hearing was held on the application, any intervenor in that hearing process. All of the information listed in the next section of this information sheet must be submitted at the time the appeal is filed.

INFORMATION APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time the appeal is submitted:

1. *Aggrieved Status*. The appeal must explain how the appellant has standing to maintain an appeal. This requires an explanation of how the appellant 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.* The appeal must identify the specific findings of fact, conclusions regarding compliance with the law, license conditions, or other aspects of the written license decision or of the license review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the license decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific licensing requirements that the appellant believes were not properly considered or fully addressed.
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 matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for public hearing must be filed as part of the notice of appeal, and must include an offer of proof in accordance with Chapter 2. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the application, the request and the proposed evidence must be submitted with the appeal. The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered in an appeal only under very limited circumstances. The proposed evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Specific requirements for supplemental evidence are found in Chapter 2 § 24.

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, and is made easily accessible by the DEP. Upon request, the DEP will make application materials available during normal working hours, provide space to review the file, and provide an 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 general questions regarding the appeal process.
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. Unless a stay of the decision is requested and granted, 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, and will provide 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, any materials submitted in response to the appeal, and relevant excerpts from the DEP's application review file will be sent to Board members with a recommended decision from DEP staff. The appellant, the license holder if different from the appellant, and any interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. The appellant and the license holder will have an opportunity to address the Board at the Board meeting. 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, the 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. § 346(1); 06-096 C.M.R. ch. 2; 5 M.R.S. § 11001; and 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. 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. § 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.

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-G-R **APPROVAL**	)	**RENEWAL**

Pursuant to *Conditions of licenses*, 38 M.R.S. § 414-A, and applicable regulations, the Department of Environmental Protection (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 January 2, 2020, the Department accepted as complete for processing an application from PTG for renewal of Waste Discharge License (WDL) W000872-6B-F-R, which was issued on March 2, 2015 for a five-year term. The 3/2/2015 WDL authorized PTG to operate a surface wastewater disposal system with a total design capacity of 0.095 million gallons per day (MGD) for the treatment and seasonal (April 15-November 15) discharge of up to 1,990,535 gallons per week via spray irrigation, to ground water, Class GW-A, in Indian Township, Maine. The facility has been assigned Integrated Compliance Information System (ICIS) tracking number MEU500872.

LICENSE SUMMARY

This licensing action is carrying forward all the terms and conditions of the previous license.

CONCLUSIONS

Based on the findings summarized in the attached Fact Sheet dated March 3, 2021, 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.§ 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. § 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), on 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. *Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable to All Permits*, revised July 1, 2002, copy attached.

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

3. This license and the authorization to discharge become effective upon the date of signature below and expire at midnight five (5) years from the effective date. 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. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (amended June 9, 2018)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS _4_ DAY OF __March_____ 2021.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:_____
for Melanie Loyzim, Commissioner

Date of initial receipt of application: December 10, 2020
Date of application acceptance: January 2, 2020

FILED

MAR 4, 2021

State of Maine
Board of Environmental Protection

Date filed with Board of Environmental Protection _____

This Order prepared by Aaron Dumont, BUREAU OF WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The licensee is authorized to operate a surface wastewater treatment and disposal system. The **STORAGE LAGOON EFFLUENT (OUTFALL #001A)** must be limited and monitored as specified below[(1)(2)]:

Effluent Characteristic	**Discharge Limitations**		**Minimum Monitoring Requirements**	
	Daily Minimum	**Daily Maximum**	**Measurement 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[(3)] *[01/5Y]*	Grab *[GR]*
Specific Conductance[(4,5)] *[00095]*		Report (umhos/cm) *[11]*	2/Year[(6)] *[02/YR]*	Measure *[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 9 through 10 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**		**Minimum Monitoring Requirements**	
	Daily Minimum	**Daily Maximum**	**Measurement Frequency**	**Sample Type**
Lagoon Freeboard *[82564]*	3 ft.[(7)] *[27]*	---	2/Year[(8)] *[02/YR]*	Measure[(9)] *[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 9 through 10 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

3. The application of treated sanitary wastewater to the land at **SPRAY IRRIGATION FIELD OUTFALLS: SF#1 (6.65 acres), SF#2 (6.57 acres), SF#3 (7.9 acres) and SF#4 (8.2 acres)**

Spray irrigation system must be limited to the time period of **April 15 to November 15 of each calendar year.**

Effluent Characteristic	**Discharge Limitations**		**Minimum Monitoring Requirements**	
	Monthly Total	**Weekly Maximum(10)**	**Measurement Frequency**	**Sample Type**
Application Rate *[51128]*				
SF-1	---	451,469 Gallons	1/Week	Calculate
SF-2	---	446,037 Gallons	1/Week	Calculate
SF-3	---	536,331 Gallons	1/Week	Calculate
SF-4	---	556,698 Gallons	1/Week	Calculate
		[8B]	*[01/07]*	*[CA]*
Flow – Total Gallons *[51500]*				
SF-1	Report Gallons	---	1/Month	Calculate
SF-2	Report Gallons	---	1/Month	Calculate
SF-3	Report Gallons	---	1/Month	Calculate
SF-4	Report Gallons	---	1/Month	Calculate
	[57]		*[01/30]*	*[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 9 through 10 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 (ICIS) 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)[(11)] *[27]*	2/Year[(6)] *[02/YR]*	Measure *[MS]*
Depth of Well Below Land Surface *[72025]*	Report (feet)[(11)] *[27]*	2/Year[(6)] *[02/YR]*	Measure *[MS]*
Nitrate-Nitrogen *[00620]*	10 mg/L *[19]*	2/Year[(6)] *[02/YR]*	Grab *[GR]*
Specific Conductance[(4,5)] *[00095]*	Report (umhos/cm) *[11]*	2/Year[(6)] *[02/YR]*	Measure *[MS]*
Temperature [(4)] *[00010]*	Report (°C) *[04]*	2/Year[(6)] *[02/YR]*	Grab *[GR]*
pH (Standard Units)[(4)] *[00400]*	Report (S.U.) *[12]*	2/Year[(6)] *[02/YR]*	Grab *[GR]*
Total Suspended Solids *[00530]*	Report (mg/L) *[19]*	2/Year[(6)] *[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[(3)] *[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 9 through 10 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**	
	Weekly 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 9 through 10 of this license for applicable footnotes.

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 publicly owned treatment works (POTW) pursuant to *Waste discharge licenses,* 38 M.R.S. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules,* 10-144 CMR 263 (effective December 19, 2018). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10 – 144 CMR 263. 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 (DMR).

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. PTG is not required to test for the monthly parameters during a month in which no wastewater was disposed of via the disposal system.

3. **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.

4. **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.

5. **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.

6. **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. Samples from Outfalls #001A, 001B, 001C, MW-1, MW-2, MW-4, MW-5 and MW-6 must all be taken on the same day.

7. **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.

SPECIAL CONDITIONS

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

FOOTNOTES

8. **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.

9. **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.

10. **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.

11. **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.

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.

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 are hazardous or toxic to aquatic life, or which would impair the use designated by the classification of the groundwater.

2. The effluent must not lower the quality of any classified body of groundwater below such classification, (groundwater is a classified body of water under 38 M.R.S. § 465-C) or lower the existing quality of any body of water if the existing quality is higher than the classification.

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SPECIAL CONDITIONS

C. TREATMENT PLANT OPERATOR

The person who has management responsibility over the treatment facility must hold a minimum of a **Maine Grade II** biological certificate (or Registered Maine Professional Engineer) pursuant to *Sewage Treatment Operators*, 32 M.R.S. §§ 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.

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 January 2, 2020; 2) the terms and conditions of this license; and 3) only to the existing spray-irrigation fields. Discharges of wastewater from any other point source(s) are not authorized under this license and must be reported in accordance with Standard Condition D(1)(F), *Twenty-four-hour reporting*, of this license.

E. NOTIFICATION REQUIREMENT

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

1. 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.

2. 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.

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SPECIAL CONDITIONS

F. GENERAL OPERATIONAL CONSTRAINTS (cont'd)

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. § 2611.

   In the event that groundwater monitoring results indicate lowering of the existing groundwater quality, 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, groundwater remediation, or ceasing operation of the system until the groundwater attains applicable standards.

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 D 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.

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SPECIAL CONDITIONS

F. GENERAL OPERATIONAL CONSTRAINTS (cont'd)

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.

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 observation wells to collect data on soil saturation in the spray fields. Data collected must be reported in column "F" of **Attachment A** of this license.

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SPECIAL CONDITIONS

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.

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.

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SPECIAL CONDITIONS

K. GROUNDWATER MONITORING WELLS AND WATER QUALITY MONITORING PLAN DETAILS

1. All monitoring wells must be equipped with a cap and lock to limit access and must always be maintained in a secured state. The integrity of the monitoring wells must also be verified annually in order to insure representative samples of groundwater quality.

2. 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)

This facility must have a current written comprehensive 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. One item of importance is the management of the spray application sites such that the spray sites are given ample periods of rest to prevent over application.

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.

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SPECIAL CONDITIONS

N. MONITORING AND REPORTING

Electronic Reporting

NPDES Electronic Reporting, 40 C.F.R. 127, requires MEPDES permit holders to submit monitoring results obtained during the previous month on an electronic discharge monitoring report to the regulatory agency utilizing the USEPA electronic system.

Electronic Discharge Monitoring Reports (DMRs) submitted using the USEPA NetDMR system, must be:

1. Submitted by a facility authorized signatory; and
2. Submitted no later than **midnight on the 15th day of the month** following the completed reporting period.

Documentation submitted in support of the electronic DMR may be attached to the electronic DMR. Toxics reporting must be done using the DEP toxsheet reporting form. An electronic copy of the Toxsheet reporting document must be submitted to your Department compliance inspector as an attachment to an email. In addition, a hardcopy form of this sheet must be signed and submitted to your compliance inspector, or a copy attached to your NetDMR submittal will suffice.

Documentation submitted electronically to the Department in support of the electronic DMR must be submitted no later than midnight on the 15th day of the month following the completed reporting period.

Toxsheet reporting forms must be submitted electronically as an attachment to an email sent to your Department compliance inspector. In addition, a signed hardcopy of your toxsheet must also be submitted.

A signed copy of the DMR and all other reports required herein must be submitted to the Department assigned compliance inspector (unless otherwise specified) following address:

Department of Environmental Protection
Eastern Maine Regional Office
Bureau of Water Quality
Division of Water Quality Management
106 Hogan Road
Bangor, Maine 04401

Alternatively, if you are submitting an electronic DMR, the completed DMR 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 DMR must be submitted not later than close of business on the 15th day of the month following the completed reporting period.

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SPECIAL CONDITIONS

O. REOPENING OF LICENSE FOR MODIFICATION

In accordance with 38 M.R.S. § 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.

CONTENTS

A. GENERAL PROVISIONS

1. **General compliance**. All discharges shall be consistent with the terms and conditions of this permit; 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 permit; it shall be a violation of the terms and conditions of this permit 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 permit.

2. 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

(i) 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
(ii) Known to be hazardous or toxic by the licensee.

(b) The discharge of such materials will not violate applicable water quality standards.

3. Duty to comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of State law and the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

(a) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act, and 38 MRSA, §420 or Chapter 530.5 for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
(b) Any person who violates any provision of the laws administered by the Department, including without limitation, a violation of the terms of any order, rule license, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

4. Duty to provide information. The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

5. Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6. Reopener clause. The Department reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedule of compliance or other provisions which may be authorized under 38 MRSA, §414-A(5).

7. Oil and hazardous substances. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under section 311 of the Federal Clean Water Act; section 106 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; or 38 MRSA §§ 1301, et. seq.

8. Property rights. This permit does not convey any property rights of any sort, or any exclusive privilege.

9. Confidentiality of records. 38 MRSA §414(6) reads as follows. "Any records, reports or information obtained under this subchapter is available to the public, except that upon a showing satisfactory to the department by any person that any records, reports or information, or particular part or any record, report or information, other than the names and addresses of applicants, license applications, licenses, and effluent data, to which the department has access under this subchapter would, if made public, divulge methods or processes that are entitled to protection as trade secrets, these records, reports or information must be confidential and not available for public inspection or examination. Any records, reports or information may be disclosed to employees or authorized representatives of the State or the United States concerned with carrying out this subchapter or any applicable federal law, and to any party to a hearing held under this section on terms the commissioner may prescribe in order to protect these confidential records, reports and information, as long as this disclosure is material and relevant to any issue under consideration by the department."

10. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

11. Other laws. The issuance of this permit does not authorize any injury to persons or property or invasion of other property rights, nor does it relieve the permittee if its obligation to comply with other applicable Federal, State or local laws and regulations.

12. Inspection and entry. The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the EPA Administrator), upon presentation of credentials and other documents as may be required by law, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

B. OPERATION AND MAINTENACE OF FACILITIES

1. General facility requirements.

(a) The permittee shall collect all waste flows designated by the Department 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 permittee shall at all times maintain in good working order and operate at maximum efficiency all waste water 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 and specifications must be submitted to the Department for review prior to the construction or modification of any treatment facilities.

(e) The permittee shall install flow measuring facilities of a design approved by the Department.

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

2. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

3. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Bypasses.

(a) Definitions.

(i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

(ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.

(c) Notice.

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D(1)(f), below. (24-hour notice).

(d) Prohibition of bypass.

(i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
(C) The permittee submitted notices as required under paragraph (c) of this section.

(ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (d)(i) of this section.

6. Upsets.

(a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and that the permittee can identify the cause(s) of the upset;
(ii) The permitted facility was at the time being properly operated; and
(iii) The permittee submitted notice of the upset as required in paragraph D(1)(f) , below. (24 hour notice).
(iv) The permittee complied with any remedial measures required under paragraph B(4).

(d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

C. MONITORING AND RECORDS

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

2. 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 permittee shall ensure samples are representative of times when production is 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.

3. Monitoring and records.

(a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(b) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

(c) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;
(ii) The individual(s) who performed the sampling or measurements;
(iii) The date(s) analyses were performed;
(iv) The individual(s) who performed the analyses;
(v) The analytical techniques or methods used; and
(vi) The results of such analyses.

(d) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.

(e) State law provides that any person who tampers with or renders inaccurate any monitoring devices or method required by any provision of law, or any order, rule license, permit approval or decision is subject to the penalties set forth in 38 MRSA, §349.

D. REPORTING REQUIREMENTS

1. Reporting requirements.

(a) Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

(ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D(4).

(iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

(b) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(c) Transfers. This permit is not transferable to any person except upon application to and approval of the Department pursuant to 38 MRSA, § 344 and Chapters 2 and 522.

(d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.

(ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.

(iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

(e) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(f) Twenty-four hour reporting.

(i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance

has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit.
(B) Any upset which exceeds any effluent limitation in the permit.
(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

(iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (f)(ii) of this section if the oral report has been received within 24 hours.

(g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this section.

(h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

2. Signatory requirement. All applications, reports, or information submitted to the Department shall be signed and certified as required by Chapter 521, Section 5 of the Department's rules. State law provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained by any order, rule, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

3. Availability of reports. Except for data determined to be confidential under A(9), above, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by State law, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal sanctions as provided by law.

4. Existing manufacturing, commercial, mining, and silvicultural dischargers. In addition to the reporting requirements under this Section, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Department as soon as they know or have reason to believe:

(a) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(i) One hundred micrograms per liter (100 ug/l);
(ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
(iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
(iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

(b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following ``notification levels'':

(i) Five hundred micrograms per liter (500 ug/l);
(ii) One milligram per liter (1 mg/l) for antimony;
(iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
(iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

5. Publicly owned treatment works.

(a) All POTWs must provide adequate notice to the Department of the following:

(i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA or Chapter 528 if it were directly discharging those pollutants.
(ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
(iii) For purposes of this paragraph, adequate notice shall include information on (A) the quality and quantity of effluent introduced into the POTW, and (B) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

(b) When the effluent discharged by a POTW for a period of three consecutive months exceeds 80 percent of the permitted flow, the permittee shall submit to the Department a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.

E. OTHER REQUIREMENTS

1. Emergency action - power failure. Within thirty days after the effective date of this permit, the permittee shall notify the Department of facilities and plans to be used in the event the primary source of power to its wastewater pumping and treatment facilities fails as follows.

(a) For municipal sources. During power failure, all wastewaters which are normally treated shall receive a minimum of primary treatment and disinfection. Unless otherwise approved, alternate power supplies shall be provided for pumping stations and treatment facilities. Alternate power supplies shall be on-site generating units or an outside power source which is separate and independent from sources used for normal operation of the wastewater facilities.

(b) For industrial and commercial sources. The permittee shall either maintain an alternative power source sufficient to operate the wastewater pumping and treatment facilities or halt, reduce or otherwise control production and or all discharges upon reduction or loss of power to the wastewater pumping or treatment facilities.

2. Spill prevention. (applicable only to industrial sources) Within six months of the effective date of this permit, the permittee shall submit to the Department for review and approval, with or without conditions, a spill prevention plan. The plan shall delineate methods and measures to be taken to prevent and or contain any spills of pulp, chemicals, oils or other contaminates and shall specify means of disposal and or treatment to be used.

3. **Removed substances.** Solids, sludges trash rack cleanings, filter backwash, or other pollutants removed from or resulting from the treatment or control of waste waters shall be disposed of in a manner approved by the Department.

4. **Connection to municipal sewer.** (applicable only to industrial and commercial sources) All wastewaters designated by the Department as treatable in a municipal treatment system will be cosigned to that system when it is available. This permit will expire 90 days after the municipal treatment facility becomes available, unless this time is extended by the Department in writing.

F. DEFINITIONS. For the purposes of this permit, the following definitions shall apply. Other definitions applicable to this permit may be found in Chapters 520 through 529 of the Department's rules

Average means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For bacteria, the average shall be the geometric mean.

Average monthly discharge limitation means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. Except, however, bacteriological tests may be calculated as a geometric mean.

Average weekly discharge limitation means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best management practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Composite sample means a sample consisting of a minimum of eight grab samples collected at equal intervals during a 24 hour period (or a lesser period as specified in the section on monitoring and reporting) and combined proportional to the flow over that same time period.

Continuous discharge means a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

Daily discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.

Discharge Monitoring Report ("DMR") means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by approved States as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

Flow weighted composite sample means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

Grab sample means an individual sample collected in a period of less than 15 minutes.

Interference means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
(2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Maximum daily discharge limitation means the highest allowable daily discharge.

New source means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or
(b) After proposal of standards of performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

Pass through means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Permit means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40 CFR parts 122, 123 and 124. Permit includes an NPDES general permit (Chapter 529). Permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

Person means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity.

Point source means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

Pollutant means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or byproducts, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Publicly owned treatment works ("POTW") means any facility for the treatment of pollutants owned by the State or any political subdivision thereof, any municipality, district, quasi-municipal corporation or other public entity.

Septage means, for the purposes of this permit, any waste, refuse, effluent sludge or other material removed from a septic tank, cesspool, vault privy or similar source which concentrates wastes or to which chemicals have been added. Septage does not include wastes from a holding tank.

Time weighted composite means a composite sample consisting of a mixture of equal volume aliquots collected over a constant time interval.

Toxic pollutant includes any pollutant listed as toxic under section 307(a)(1) or, in the case of sludge use or disposal practices, any pollutant identified in regulations implementing section 405(d) of the CWA. Toxic pollutant also includes those substances or combination of substances, including disease causing agents, which after discharge or upon exposure, ingestion, inhalation or assimilation into any organism, including humans either directly through the environment or indirectly through ingestion through food chains, will, on the basis of information available to the board either alone or in combination with other substances already in the receiving waters or the discharge, cause death, disease, abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in such organism or their offspring.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Whole effluent toxicity means the aggregate toxic effect of an effluent measured directly by a toxicity test.

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							
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	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

FACT SHEET

DATE: **March 3, 2021**

PERMIT COMPLIANCE TRACKING NUMBER: **MEU500872**

WASTE DISCHARGE LICENSE: **W000872-6B-G-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. ROGER BROWN
(207) 214-4763
EMAIL: Indtownshipww@gmail.com

1. APPLICATION SUMMARY

On January 2, 2020, the Department accepted as complete for processing an application from PTG for renewal of Waste Discharge License (WDL) W000872-6B-F-R, which was issued on March 2, 2015 for a five-year term. The 3/2/2015 WDL authorized PTG to operate a surface wastewater disposal system with a total design capacity of 0.095 million gallons per day (MGD) for the treatment and seasonal (April 15-November 15) discharge of up to 1,990,535 gallons per week via spray irrigation, to ground water, Class GW-A, in Indian Township, Maine. The facility has been assigned Integrated Compliance Information System (ICIS) tracking number MEU500872.

2. LICENSE SUMMARY

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

March 2, 2015 – The Department issued ICIS MEU500872/WDL W000872-6B-F-R to PGT for a five-year term.

December 10, 2019 − The licensee submitted a timely and complete general application to the Department for renewal of the March 2, 2015 WDL. The application was accepted for processing on January 2, 2020 and was assigned ICIS MEU500872/WDL W000872-6B-G-R.

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.

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2. LICENSE SUMMARY (cont'd)

Raw wastewater for the Peter Dana Point area flows through septic tanks like 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. 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.

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.

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2. LICENSE SUMMARY (cont'd)

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. In accordance with Special Condition K of the 2015 WDL required that the PTG repair or replace MW-1. The Department acknowledges that remedial actions were taken and MW-1 was replace within 180 days after the permit was issued.

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: Outfalls 001B and 001C refer to Pit Valve E and Pit Valve L, respectively. Samples from Outfall 001B represent the underdrain system that is 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. § 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. § 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. § 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 use of these waters, other than that occurring from natural phenomena.

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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, 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 the DMRs that were submitted for the period March 2015–June 2020. A review of data indicates the following:

BOD_5 concentration (DMRs=13)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	100	6 – 18	11.3

TSS concentration (DMRs=14)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	100	2.5 – 53	14

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.

The Department reviewed the DMRs that were submitted for the period March 2015–June 2020. A review of data indicates the following:

Nitrate-nitrogen concentration (DMRs=14)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	Report	0.50 – 2.70	1.06

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

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

The Department reviewed the DMRs that were submitted for the period March 2015–June 2020. A review of data indicates the following:

pH (DMRs=13)

Value	Limit (S.U.)	Range (mg/L)
Daily Maximum	6.0–9.0	7.1 – 9.35

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. 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.

The Department reviewed the DMRs that were submitted for the period March 2015–June 2020. A review of data indicates the following:

Storage Lagoon Freeboard Outfall #001 (DMRs=10)

Value	Minimum (feet)	Maximum (feet)	Mean (feet)
Report Daily Minimum	1.70	16	7.12

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 10/31/2018 indicates the following:

Parameter	Daily Maximum Limit (µg/L)	Result (µg/L)
Arsenic	Report only	1.2
Cadmium		<0.2
Chromium		<1.0
Copper		2.81
Lead		<0.2
Nickel		1.26
Zinc		4.1

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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. The previous license established a weekly maximum application rate of 1,990,096 gallons/week in order to allow for flexibility in managing the spray irrigation fields. The 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 the DMRs that were submitted for the period March 2015–June 2020. A review of data indicates the following:

Weekly Application Rate (DMRs=30)

Spray Field	Weekly Maximum (gallons/week)	Minimum (gallons/week)	Maximum (gallons/week)	Mean (gallons/week)
SF#1	451,469	91,598	1,790,000	383,676
SF#2	446,037	91,598	1,790,000	380,343
SF#3	536,331	103,207	2,054,500	426,155
SF#4	556,698	103,207	2,054,500	426,138

SF#1–For the period March 2015–June 2020 there were a total of 4 excursions from the weekly maximum of 451,469 gallons/week.
SF#2–For the period March 2015–June 2020 there were a total of 5 excursions from the weekly maximum of 446,037 gallons/week.
SF#3–For the period March 2015–June 2020 there were a total of 2 excursions from the weekly maximum of 536,331 gallons/week.
SF#4– For the period March 2015–June 2020 there were a total of 2 excursions from the weekly maximum of 536,331 gallons/week.

Total Monthly Flow (DMRs=30)

Spray Field	Monthly Total Limit (gallons)	Minimum (gallons)	Maximum (gallons)	Mean (gallons)
SF#1	Report	123,000	6,305,000	1,222,322
SF#2		123,000	6,305,000	1,222,322
SF#3		219,500	7,226,500	1,368,909
SF#4		219,500	11,226,500	1,502,243

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

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 March 2015–June 2020. A review of the data indicates:

Ground Water Monitoring Wells:

Metals

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	<1.0	<0.25	<1.0	0.<0.6	<0.2	1.04	<2.0
MW-2	<1.0	<0.2	<1.0	<0.6	0.46	1.80	<2.0
MW-4	<1.0	<0.2	<1.0	2.56	<0.2	0.64	2.3
MW-5	<1.0	<0.2	<1.0	<0.6	<0.2	0.92	<2.0
MW-6	<1.0	<0.2	<1.0	<0.6	<0.2	<0.4	<2.0

Depth to Water Level Below Land Surface (DMRs=11)

Monitoring Well ID	Limit	Minimum (feet)	Maximum (feet)	Mean (feet)
MW-1	Report Daily Maximum	1.7	8.2	3.0
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

Nitrate-Nitrogen (DMRs=11)

Monitoring Well ID	Limit	Minimum (mg/L)	Maximum (mg/L)	Mean (mg/L)
MW-1	10 mg/L	0.50	1.0	0.9
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

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

Ground Water Monitoring Wells**:**

Specific Conductance (DMRs=11)

Monitoring Well ID	Limit	Minimum (umhos/cm)	Maximum (umhos/cm)	Mean (umhos/cm)
MW-1	Report Daily Maximum	56	203	103
MW-2		50	83	59
MW-4		235	435	296
MW-5		99	147	108
MW-6		148	217	163

Temperature (DMRs=11)

Monitoring Well ID	Limit	Minimum (°C)	Maximum (°C)	Mean (°C)
MW-1	Report Daily Maximum	5.2	13.1	9.3
MW-2		5.5	11.0	9.0
MW-4		5.4	11.0	8.5
MW-5		6.2	15.7	9.9
MW-6		6.3	11.6	9.0

pH (DMRs=11)

Monitoring Well ID	Limit	Minimum (S.U.)	Maximum (S.U.)
MW-1	Report Daily Maximum	5.5	7.2
MW-2		5.3	6.1
MW-4		6.8	7.4
MW-5		6.1	6.6
MW-6		6.1	6.9

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

Ground Water Monitoring Wells:

TSS (DMRs=11)

Monitoring Well ID	Limit	Minimum (mg/L)	Maximum (mg/L)	Mean (mg/L)
MW-1	Report Daily Maximum	1.0	5.2	2.5
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

During the 2009 licensee renewal 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 is required to 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 used best professional judgment and 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.

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 March 2015–June 2020. A review of the data indicates:

Ground Water Monitoring Wells:

Storage Lagoon Underdrain System (Outfall #001B)

Parameter	Minimum	Maximum	Average
Flow Rate (gal/minute)	0.5	2.0	0.75
Specific Conductance	163 umhos/cm	214 umhos/cm	187 umhos/cm
Temperature (ºC)	14.3	20.0	17.6

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

Storage Lagoon Underdrain System (Outfall #001C)

Parameter	Minimum	Maximum	Average
Flow Rate (gal/minute)	0.5	5.0	2.75
Specific Conductance	170 umhos/cm	213 umhos/cm	191 umhos/cm
Temperature (°C)	5.5	11.0	8.8

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 December 12, 2019. 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

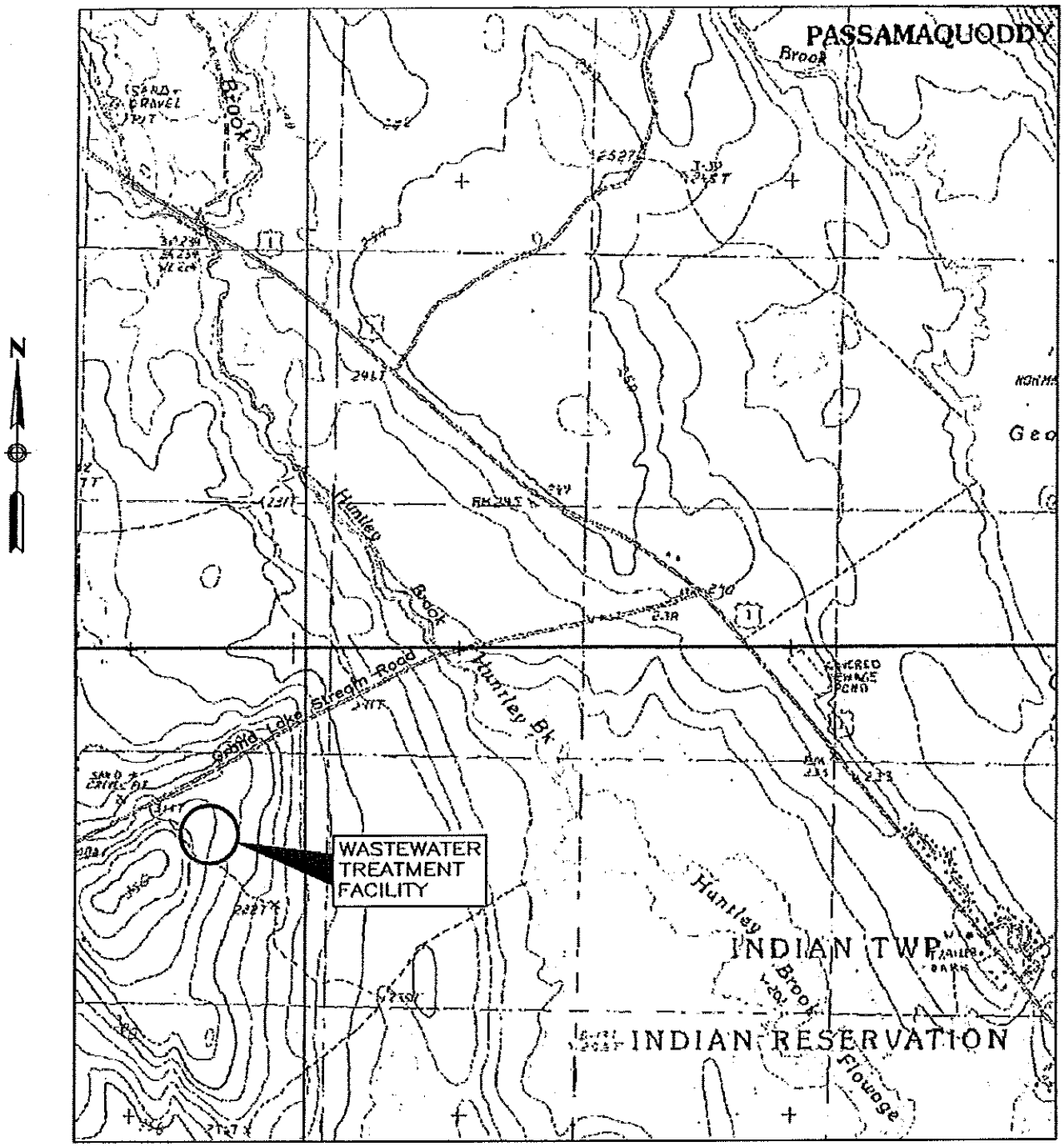
Additional information concerning this licensing action may be obtained from, and written comments sent to:

Aaron Dumont
Division of Water Quality Management
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-1939
e-mail: Aaron.A.Dumont@maine.gov

9. RESPONSE TO COMMENTS

During the period of January 25, 2021 through the effective date of this final agency action, the Department solicited comments on the draft MEPDES permit. The Department did not receive any comments that resulted in any substantive changes to the draft permit. It is noted that typographical and grammatical errors identified in comments were not summarized in this section, but were corrected, where necessary, in the final permit.

ATTACHMENT A



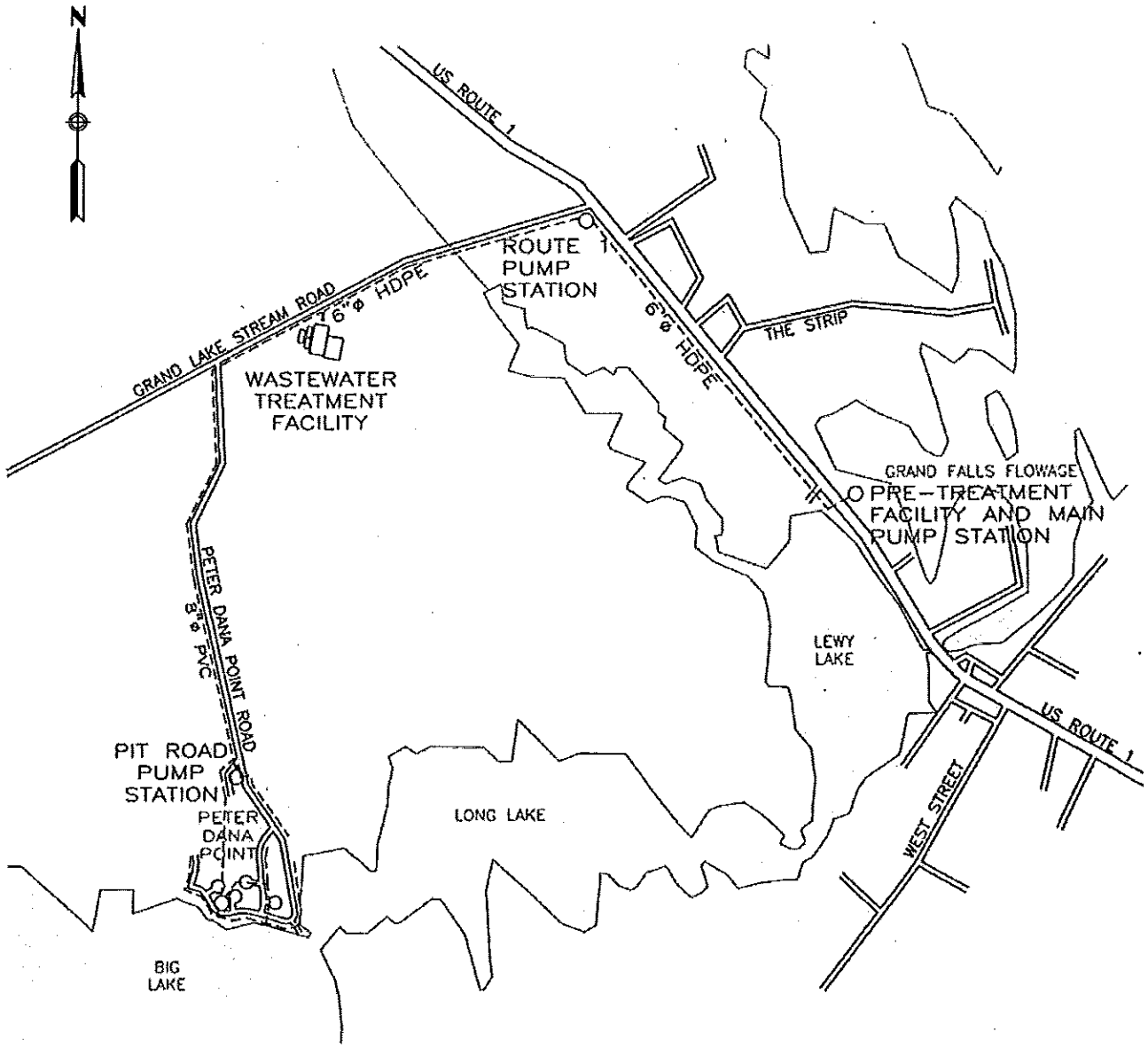
PASSAMAQUODDY TRIBAL GOVERNMENT
AT INDIAN TOWNSHIP

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



PASSAMAQUODDY TRIBAL GOVERNMENT
AT INDIAN TOWNSHIP

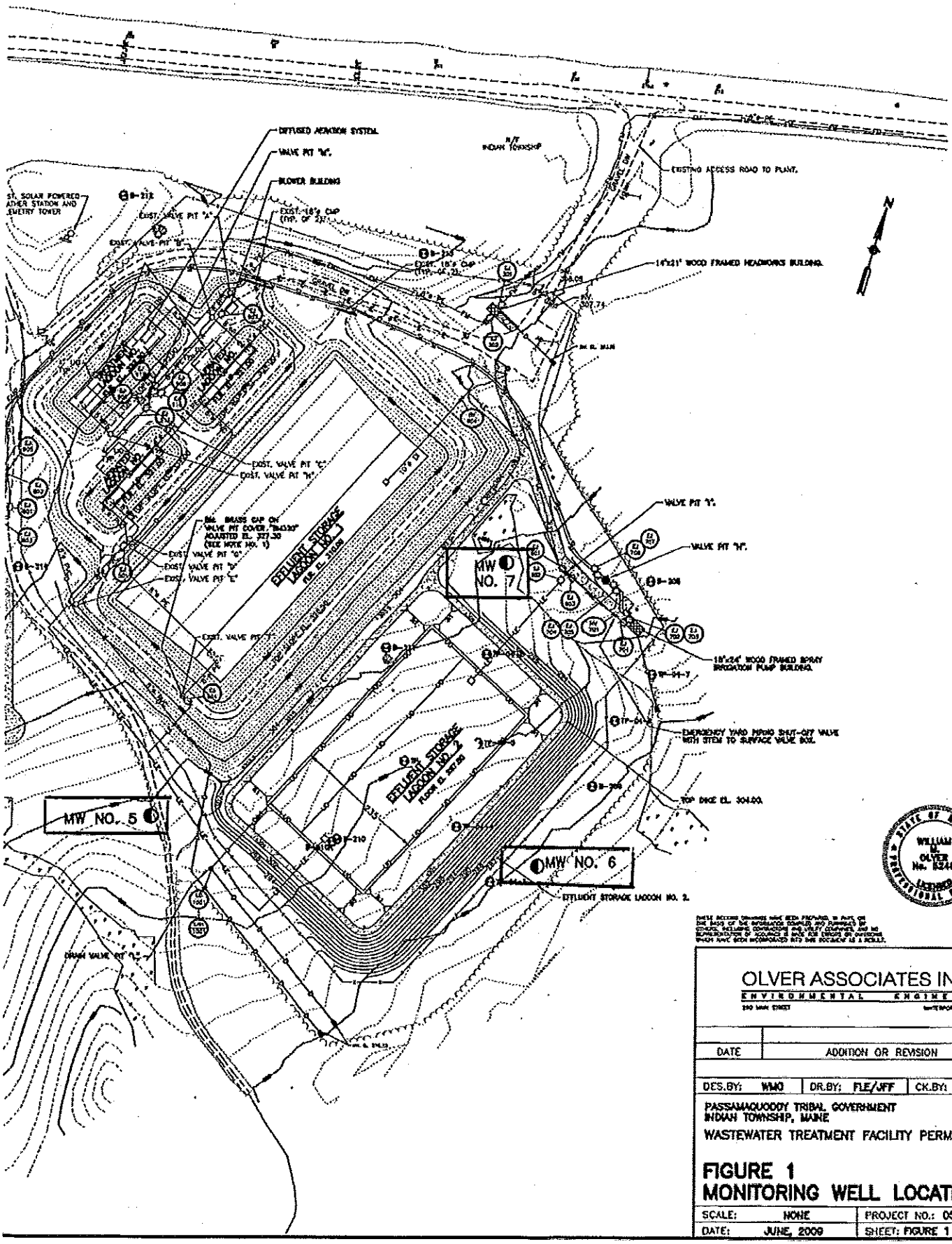
EXISTING WASTEWATER
COLLECTION SYSTEM

FIGURE 3

0 MILES 1 MILE

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

ATTACHMENT B



WILLIAM M. OLVER No. 8248 REGISTERED PROFESSIONAL ENGINEER STATE OF MAINE

OLVER ASSOCIATES INC.
ENVIRONMENTAL ENGINEERS
340 MAIN STREET WINTHROP, MAINE

DATE	ADDITION OR REVISION

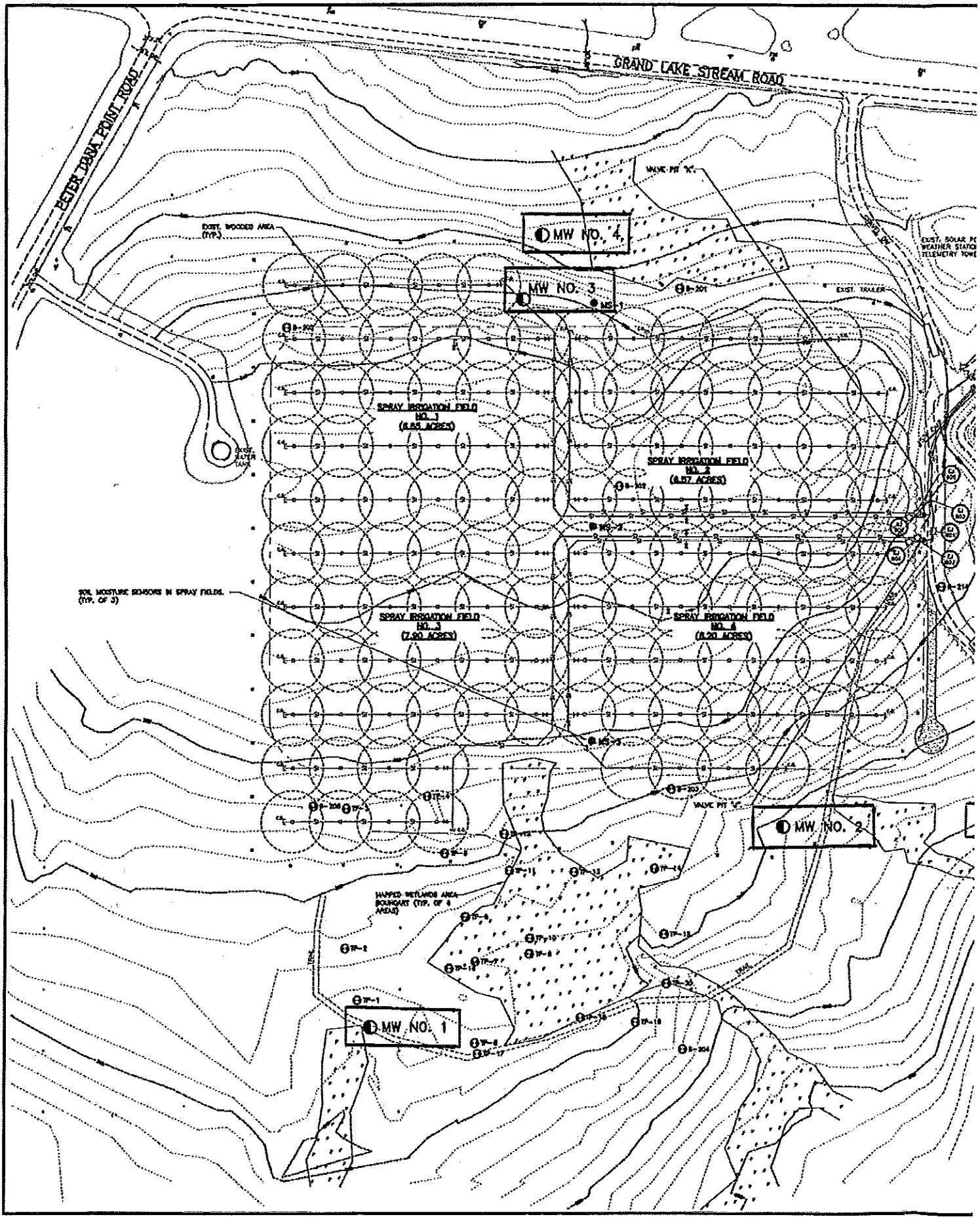
DES.BY: WMO	DR.BY: FLE/JFF	CK.BY: WMO

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


GRAND LAKE STREAM ROAD
PETER DANA POINT ROAD
MW NO. 4
MW NO. 3
MW NO. 2
MW NO. 1
SPRAY IRRIGATION FIELD NO. 1 (8.85 ACRES)
SPRAY IRRIGATION FIELD NO. 2 (6.57 ACRES)
SPRAY IRRIGATION FIELD NO. 3 (7.90 ACRES)
SPRAY IRRIGATION FIELD NO. 4 (8.20 ACRES)
EXIST. WOODED AREA (TYP.)
EXIST. TRAILER
VALVE PIT "A"
VALVE PIT "B"
SOIL MOISTURE SENSORS IN SPRAY FIELDS (TYP. OF 3)
MAPPED WETLANDS AREA BOUNDARY (TYP. OF 6 AREAS)