



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS
GOVERNOR

GERALD R. REID
COMMISSIONER

May 11, 2020

Mr Steve Fernald
P.O. Box 146
Ellsworth, ME 04605
e-mail: gifd1984@gmail.com

RE: Integrated Compliance Information System (ICIS) #MEU503601
Maine Waste Discharge License (WDL) Application #W003601-5J-G-T
Final License Transfer

Dear Mr. Fernald,

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

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

If you have any questions regarding the matter, please feel free to call me at 446-1875 or send me an e-mail at rodney.robort@maine.gov.

Sincerely,

Rodney Robert
Division of Water Quality Management
Bureau of Water Quality

Enc.

cc: Clarissa Trasko, DEP/EMRO Lori Mitchell DEP/CMRO
Sandy Mojica, USEPA

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-3901 FAX: (207) 287-3435
RAY BLDG., HOSPITAL ST.

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

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

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-6477 FAX: (207) 764-1507

web site: www.maine.gov/dep



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

DEPARTMENT ORDER

IN THE MATTER OF

FERNALD ENTERPRISES LLC)	PROTECTION AND IMPROVEMENT
BREWER, PENOBSCOT COUNTY, MAINE)	OF WATERS
SURFACE WASTEWATER DISPOSAL SYSTEM)	
MEU503601)	WASTE DISCHARGE LICENSE
W003601-5J-G-T)	TRANSFER
APPROVAL)	

Pursuant to the provisions of 38 M.R.S., Section 414-A et seq., and applicable regulations, the Department of Environmental Protection (Department hereinafter) has considered the application of Fernald Enterprises LLC (licensee hereinafter) with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On January 24, 2020, the licensee submitted an application to the Department for the transfer of Integrated Compliance Information System (ICIS) #MEU503601/ Maine Waste Discharge License (WDL) #W003601-5J-F-R, (license hereinafter) issued on October 16, 2015, to R & K Mobile Home Park LLC for a five-year term. The license authorized the continued operation of a surface waste water disposal (spray-irrigation) system on a 5.4 acre site for the treatment and seasonal disposal of sanitary waste water generated at a rate of up to 8,500 gallons per day from the Town & Country Mobile Home Park in Brewer, Maine.

The licensee has been duly qualified by the Maine Secretary of State to be in good standing and authorized the corporation to conduct business under the laws of the State of Maine as of the date of this transfer. The licensee has submitted information demonstrating that it has legal title, right, and or interest in the facility and has provided a statement that it possesses the financial capacity and technical ability to operate the facility in compliance with the terms and conditions of the October 16, 2015 WDL.

CONCLUSIONS

BASED on the findings on page 1 of this license transfer dated May 11, 2020, 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, 38 MRS Section 464(4)(F), will be met, in that:
 - (a) Existing water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing 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 discharge will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the above noted application of FERNALD ENTERPRISES LLC, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

1. Maine Waste Discharge License (WDL) #MEU503601/WDL #W003601-5J-F-R, dated October 16, 2015, copy attached.
2. The attached Special Conditions, including effluent limitations and monitoring requirements.
3. This license transfer becomes effective upon the date of signature below and expires at midnight on October 16, 2020, concurrent with WDL #MEU503601/WDL #W003601-5J-F-R, dated October 16, 2020. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this license, the terms and conditions of the license and all subsequent 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 11 DAY OF May, 2020.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 

 for Gerald R. Reid, Commissioner

Date of initial receipt of application: January 24, 2020.

Date of application acceptance: January 24, 2020.

FILED
MAY 11, 2020
State of Maine Board of Environmental Protection

Date filed with Board of Environmental Protection _____

This Order prepared by Rodney Robert, BUREAU OF WATER QUALITY



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

PAUL R. LEPAGE
GOVERNOR

AVERY T. DAY
ACTING COMMISSIONER

October 16, 2015

Mr. Rodney Buswell
R & K Mobile Home Park, LLC
18 Whitetail Rd
Brewer, ME 04412
Rodjr-peaveymfg@roadrunner.com

RE: Integrated Compliance Information System (ICIS) #MEU503601
Maine Waste Discharge License (WDL) Application #W003601-5J-F-R
License Final

Dear Mr. Buswell:

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

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

If you have any questions regarding the matter, please feel free to call me at 485-2404.

Sincerely

Irene Saumur
Division of Water Quality Management
Bureau of Water Quality

Enc.

cc: Clarissa Trasko, DEP/EMRO
Lori Mitchell, DEP/CMRO

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-3901 FAX: (207) 287-3435

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

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

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143



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

DEPARTMENT ORDER

IN THE MATTER OF

R & K MOBILE HOME PARK, LLC)	PROTECTION AND IMPROVEMENT
BREWER, PENOBSCOT COUNTY, MAINE)	OF WATERS
SURFACE WASTEWATER DISPOSAL SYSTEM)	
MEU503601)	WASTE DISCHARGE LICENSE
W003601-5J-F-R)	RENEWAL
APPROVAL)	

Pursuant to the provisions of 38 M.R.S.A., Section 414-A et seq., and applicable regulations, the Department of Environmental Protection (Department hereinafter) has considered the application of R & K MOBILE HOME PARK, LLC (licensee hereinafter) with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The licensee has submitted a timely and complete application with the Department for the renewal of Waste Discharge License (WDL) #W003601-5J-D-R, which was issued to Roger Tracy d/b/a Town & Country Mobile Home Park on October 13, 2010 and is scheduled to expire on October 13, 2015. The WDL was transferred from Roger Tracy d/b/a Town & Country Mobile Home Park to the licensee by issuance of WDL #W003601-5J-E-T on May 2, 2014. The licensee owns and operates a spray irrigation waste water disposal system on a 5.4 acre site for the treatment and seasonal disposal of sanitary waste water generated at a rate of up to 8,500 gallons per day from the R & K Mobile Home Park in Brewer, Maine.

LICENSE SUMMARY

The licensee has not requested any modifications to the previous licensing action. This licensing action is carrying forward all the terms and conditions of the 10/13/10 WDL except that this license is;

1. Converting the weekly application rate expressed as gal/acre/week to gal/week to provide the licensee with more flexibility to manage the spray site given the varying soil types within the 5.4-acre designated spray field.
2. Requires the installation of one ground water observation well for each spray field to verify 10 inches of separation from the ground surface to the observed groundwater level is present prior to spraying.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated October 16, 2015, and subject to the Conditions listed below, the Department makes the following conclusions:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, 38 MRSA Section 464(4)(F), will be met, in that:
 - (a) Existing water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - (c) 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 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 discharge will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the above noted application of R & K MOBILE HOME PARK, LLC, to operate a spray irrigation waste water disposal system on a 5.4 acre site for the treatment and seasonal disposal of sanitary waste water generated at a rate of up to 8,500 gallons per day from the R & K Mobile Home Park in Brewer, Maine, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

1. *Standard Conditions of Industrial Waste Discharge Licenses* (revised: August 14, 1996), copy attached.
2. The attached Special Conditions, including effluent limitations and monitoring requirements.
3. This license expires five (5) years from the date of signature below. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this license, the terms and conditions of the this license and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective April 1, 2003)].

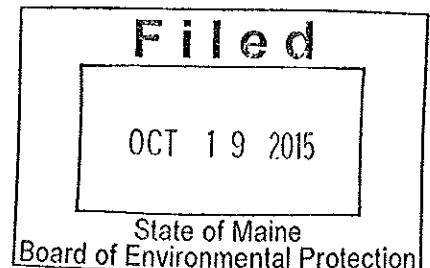
PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 16th DAY OF October, 2015.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhn
for Avery T. Day, Acting Commissioner

Date of initial receipt of application: July 14, 2015
Date of application acceptance: July 14, 2015



This Order prepared by Irene Saumur, BUREAU OF WATER QUALITY
MEU503601 2015 10/16/15

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. The licensee is authorized to operate a surface waste water treatment and disposal system. The **LAGOON MONITORING (OUTFALL #001)** ⁽¹⁾ shall be limited and monitored as specified below.

	Daily <u>Maximum</u> as specified	Minimum Measurement <u>Frequency</u> as specified	Sample <u>Type</u> as specified
Lagoon Influent Quantity ⁽²⁾ (Flow – Total Gallons) <i>[82220]</i>	Report, Gallons <i>[80]</i>	Continuous <i>[99/99]</i>	Measure <i>[MS]</i>
Biochemical Oxygen Demand (Lagoon Effluent) <i>[00310]</i>	Report, mg/L <i>[19]</i>	2/Year ⁽³⁾ <i>[02/YR]</i>	Grab <i>[GR]</i>
Total Suspended Solids (Lagoon Effluent) <i>[00530]</i>	Report, mg/L <i>[19]</i>	2/Year ⁽³⁾ <i>[02/YR]</i>	Grab <i>[GR]</i>
Nitrate – Nitrogen (Lagoon Effluent) <i>[00620]</i>	Report, mg/L <i>[19]</i>	2/Year ⁽³⁾ <i>[02/YR]</i>	Grab <i>[GR]</i>
Lagoon Freeboard ⁽⁴⁾ <i>[82564]</i>	Report, Feet <i>[27]</i>	1/Month <i>[01/30]</i>	Measure <i>[MS]</i>

The bracketed italicized numeric values in the table above are code numbers that the Department personnel utilize to code the monthly Discharge Monitoring Reports.

Footnotes: See page 7 - 8 of this license;

Note: Lagoon influent quantity shall be a report flow requirement and is not intended to reflect a specific limitation or maximum value.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

2. Application of waste water to the land via a spray irrigation system shall be limited to the time frame of April 15th – November 15th of each year. The **SPRAY IRRIGATION AREAS (SI #1, SI #2 AND SI #3)** shall collectively be limited and monitored as specified below.

	Monthly Total as specified	Weekly Maximum as specified	Minimum Measurement Frequency as specified	Sample Type as specified
Application Rate (Weekly) ⁽⁵⁾ <i>[51125]</i>	---	73,305 Gallons/Week/Field ⁽⁶⁾ <i>[8G]</i>	1/Week <i>[01/07]</i>	Calculate <i>[CA]</i>
Flow Total Gallons ⁽⁷⁾ <i>[82220]</i>	Report, Gallons	---	1/Month <i>[01/30]</i>	Calculate <i>[CA]</i>

The bracketed italicized numeric values in the table above are code numbers that the Department personnel utilize to code the monthly Discharge Monitoring Reports.

Footnotes: See page 7 – 8 of this license.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

3. **GROUND WATER MONITORING WELLS; MW-1, MW-2, MW-3 AND DW-5.** MW-1 is located up-gradient of the spray site, MW-2 and MW-3 are located down-gradient of the spray site. DW-5 is located at 18 Whitetail Road.

	Daily <u>Maximum</u> as specified	Minimum Measurement <u>Frequency</u> as specified	Sample <u>Type</u> as specified
Depth to Water Level Below Land Surface <i>[72019]</i>	Report, Feet <i>[27]</i>	2/Year ⁽⁸⁾ <i>[02/YR]</i>	Measure <i>[MS]</i>
Nitrate-Nitrogen <i>[00620]</i>	10 mg/L <i>[19]</i>	2/YR ⁽⁹⁾ <i>[02/YR]</i>	Grab <i>[GR]</i>
Specific Conductance ⁽¹⁰⁾ <i>[00095]</i>	Report, umhos/cm <i>[11]</i>	2/Year ⁽¹⁰⁾ <i>[2/YR]</i>	Grab <i>[GR]</i>

FOOTNOTES: - See page 7 - 8 of this license. Note: DW-5 does not need to be sampled for Depth to Water Level two times per year as is required for the groundwater monitoring wells.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (CONTINUED)

Footnotes – [Special Condition A(1), A(2) & A(3)]

Lagoon Effluent

1. Storage lagoon effluent shall be sampled (sampling location is the sampling port on the effluent pipe leading from the lagoon pumphouse to the spray irrigation area) and shall be representative of what is actually sprayed on the fields. Any change in sampling location must be approved by the Department in writing. Sampling and analysis must be conducted in accordance with; a) methods approved in 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 shall be analyzed by a laboratory certified by the State of Maine's Department of Human Services. Samples that are sent to another POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended February 13, 2000).
2. Lagoon influent quantity shall be determined by flow meter readings from the on-site drinking water wells.
3. Lagoon effluent sampling shall be conducted in the months of **July and August** of each calendar year.
4. Lagoon freeboard shall be reported as the mathematical difference between the water level in the lagoon and the lowest elevation point in the top of the lagoon berm. It shall be measured monthly to the nearest one tenth (1/10th) of a foot, with the minimum monthly value reported on the DMR. If site conditions prevent safe or accurate measurements, the licensee shall estimate this value and indicate this to the Department.
5. The licensee shall measure the flow of waste water to the irrigation area based upon a meter that has been installed in the effluent pipeline. The meter shall be checked for calibration at least once per calendar year.

Spray-Irrigation Fields

6. A field's daily or weekly application rate is the total gallons sprayed over the spray-irrigation field in acres or the size in acres of that portion of the field utilized. Note: 27,152 gallons is equivalent to one inch-acre. Weekly is defined as Sunday through Saturday.
7. For Discharge Monitoring Report (DMR) reporting purposes, the licensee shall report the highest daily and 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.

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Ground Water Monitoring

8. Measured to the nearest one tenth (1/10th) of a foot as referenced from the surface of the ground at the base of the monitoring well.
9. **May and October** of each calendar year.
10. Specific conductance (calibrated to 25.0° C) is considered to be a "field" parameter and shall be measured in the field via instrumentation. The licensee is required to test for this parameter whether waste water was disposed of via the spray-irrigation system or not. Specific conductance (calibrated to 25.0° C) may be measured either in the field or the laboratory pursuant to sampling guidance above. Specific conductance values indicating a statistically significant trend upwards or sudden spikes from previous levels may necessitate the need for additional ground water testing requirements.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain a visible oil sheen, foam or floating solids at any time which would impair the use designated by the classification of the receiving waters.
2. The effluent shall 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 receiving waters.
3. Notwithstanding specific conditions of this permit the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on July 14, 2015; 2) the terms and conditions of this permit; and 3) only from Spray Irrigation Areas #SI#1, SI#2, and SI#3. Discharges of waste water from any other point source are not authorized under this permit, and shall be reported in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*, of this permit.

D. NOTIFICATION REQUIREMENT

In accordance with Standard Condition #6 of this license, the licensee shall notify the Department of any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system. For the purposes of this section, notice regarding substantial change shall include information on:

D. NOTIFICATION REQUIREMENT (cont'd)

- (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.

E. GENERAL OPERATIONAL CONSTRAINTS

1. All waste waters shall receive pretreatment through the properly designed, operated and maintained tanks and lagoon system prior to land irrigation.
2. The spray irrigation facilities shall be effectively maintained and operated at all times so that there is no discharge to surface waters, nor any contamination of ground waters which will render them unsatisfactory for usage as a public drinking water supply.
3. The surface waste water disposal system shall not cause lowering of the quality of the ground water, below the State Primary and Secondary Drinking Water Standards specified in the Maine State Drinking Water Regulations pursuant to Maine Law 22 M.R.S.A. § 2611.

In the event groundwater indicates adverse effects, the licensee may be required to take immediate remedial action(s), which may include but are not limited to, adjustment of the irrigation schedule or application rates, a reduction of the pollutant loading, or ceasing operation of the system until the ground water attains applicable standards.

4. The Department shall be notified as soon as the licensee becomes aware of any threat to public health, unlicensed discharge of wastewater, or any malfunction that threatens the proper operation of the system, and action taken to repair/correct, and prevent recurrence. Notification shall be made in accordance with the attached Standard Condition #5 of this license.

F. SPRAY IRRIGATION OPERATIONAL CONSTRAINTS, LOGS AND REPORTS

1. Waste water may not be applied to areas without sufficient vegetation or ground cover as to prevent erosion or surface water runoff within or outside the designated boundaries of the spray fields. There shall be no significant runoff within or out of the spray irrigation area due to the spray irrigation events.
2. At least 10 inches of separation from the ground surface to the ground water table shall be present prior to spray irrigation.
3. No waste water shall be applied to the site following a rainfall accumulation exceeding 1.0 inches within the previous 24-hour period. **A rain gauge shall be located on site to monitor daily precipitation.** The licensee shall also manage application rates by taking into consideration the forecast for rain events in the 48-hour period in the future.

F. SPRAY IRRIGATION OPERATIONAL CONSTRAINTS, LOGS AND REPORTS (cont'd)

4. No waste water shall be applied where there is snow present on the surface of the ground.
5. No waste water shall be applied when there is any evidence of frost or frozen ground within the upper 10 inches of the soil profile.
6. No traffic or equipment shall be allowed in the spray-irrigation field except where installation occurs or where normal operations and maintenance are performed.
7. **Prior to the commencement of spray irrigation for the season**, the licensee shall notify the Department's compliance inspector that they have verified that site conditions are appropriate (frozen ground, soil moisture etc) for spray irrigation.
8. The permittee shall install one observation well for each spray field to verify that 10 inches of separation from the ground surface to the observed groundwater level is present prior to spraying.
9. The licensee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities. Should significant malfunctions or leaks be detected, the licensee must shut down the malfunctioning portion of the spray system and make necessary repairs before resuming operation. The licensee shall cease irrigation if runoff is observed outside the designated boundaries of the spray field.
10. **The licensee shall 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 shall be in accordance with the general format of the "*Monthly Operations Log*" provided as **Attachment A** of this license, or other similar format approved by the Department. Weekly application rates shall be reported in accordance with the general format of the "*Spray Application Report by Week*" 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 shall be submitted to the Department as an attachment to the monthly Discharge Monitoring Reports (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. VEGETATION MANAGEMENT

1. The licensee shall remove 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 waste water over the desired application area and to optimize nutrient uptake and removal.
2. The vegetative buffer zones along the perimeter of the site shall be maintained to maximize vegetation and forest canopy density in order to minimize off-site drift of spray.

H. LAGOON MAINTENANCE

1. The banks of the lagoon shall be inspected weekly during the operating season and properly maintained. There shall be no overflow through or over the banks. Any signs of leaks, destructive animal activity or soil erosion of the berms shall be repaired immediately.
2. Maintenance of the banks of the lagoon shall be conducted to keep them free of woody vegetation and other vegetation that may be detrimental to the integrity of the berm and or lagoon liner.
3. The waters within the lagoon shall be kept free of all vegetation (i.e. grasses, reeds, cattails, etc) that hinders the operation of the lagoon.
4. The lagoon shall be dredged as necessary to maintain the proper operating depths that will provide best practicable treatment of the wastewater. All material removed from the lagoon(s) shall be properly disposed of in accordance with all applicable State and Federal rules and regulations.
5. The licensee shall maintain the lagoon freeboard at design levels or at least two (2) feet whichever is greater. The storage lagoon shall be operated in such a way as to balance the disposal of waste water via spray irrigation, including the necessary storage capacity for precipitation, to ensure that design freeboard levels are maintained.

I. SEPTIC TANKS

1. The three septic treatment tanks and other holding or treatment tanks shall be regularly inspected (at least once per calendar year) and maintained to ensure that they are providing best practicable treatment.
2. Tank contents should be removed whenever the sludge and scum occupies one-third of the tank's liquid capacity or whenever levels approach the tank's maximum design capacity. Following pumping, the tanks shall be checked for damage at key joints and the inlet and outlet baffles, and repaired promptly if damaged. The licensee shall keep a pumping log including the date of pumping, quantity of material removed, name and number of licensed contractor, pumping frequency and other relevant observations.

J. DISPOSAL OF TRANSPORTED WASTE IN WASTE WATER TREATMENT FACILITY

The permittee is prohibited from accepting transported wastes for disposal into any part or parts of the wastewater disposal system. "Transported wastes" means any liquid non-hazardous waste delivered to a wastewater treatment facility by a truck or other similar conveyance that has different chemical constituents or a greater strength than the influent described on the facility's application for a waste discharge license. Such wastes may include, but are not limited to septage, industrial wastes or other wastes to which chemicals in quantities potentially harmful to the treatment facility or receiving water have been added.

K. INSPECTIONS AND MAINTENANCE

The licensee shall periodically inspect all system components to ensure the facility is being operated and maintained in accordance with the design of the system. Maintenance logs shall be maintained for each major system component including pumps, pump stations, septic tanks, lagoons, spray apparatus, and pipes. At a minimum, the logs shall include the specific location of the maintenance, the date of maintenance, type of maintenance performed, names or person performing the maintenance, and other relevant system observations.

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

This facility shall have a current written comprehensive Operation & Maintenance (O&M) Plan. The plan shall provide a systematic approach by which the licensee 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 licensee to achieve compliance with the conditions of this permit.

By December 31 of each year, or within 90 days of any process changes or minor equipment upgrades, the licensee shall evaluate and modify the O&M Plan including site plan(s) and schematic(s) for the waste water treatment facility to ensure that it is up-to-date. The O&M Plan shall be kept on-site at all times and made available to Department and EPA personnel upon request.

Within 90 days of completion of new and or substantial upgrades of the waste water treatment facility, the licensee shall submit the updated O&M Plan to their Department inspector for review and comment.

M. GROUND WATER MONITORING WELLS

1. All monitoring wells shall be equipped with a cap and lock to limit access and shall be maintained in a secured state at all times.
2. The Department reserves the right to require increasing the depth of and/or relocating any groundwater monitoring well if the well is dry or is determined by the Department to be not representative of groundwater conditions.

N. PUBLIC ACCESS TO LAND APPLICATION SITES AND SIGNAGE

Public access to the land application sites shall be controlled during the season of active site use. Such controls shall include the posting of signs showing the activities being conducted at each site. The licensee shall install signs measuring at least 8 ½" x 11" around the perimeter of the lagoon and spray irrigation site that inform the general public that the area is being used to dispose of sanitary waste waters. The signs must be constructed of materials that are weather resistant. The licensee must walk the perimeter of the lagoon and spray site prior to the beginning of each spray season and make any necessary repairs to the signage to comply with this condition.

O. TREATMENT PLANT OPERATOR

The treatment facility must be operated by a person holding a minimum of a Maine **Grade SITS-I** certificate (or a Maine Professional Engineer [P.E.]) pursuant to *Sewerage Treatment Operators*, Title 32 M.R.S.A., Sections 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 licensee may engage the services of the contract operator.

P. REOPENING OF LICENSE FOR MODIFICATIONS

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 or any other pertinent information or test results obtained during the term of this license, the Department may, at anytime and with notice to the licensee, modify this license to require additional monitoring, inspections and/or reporting based on the new information.

Q. SEVERABILITY

In the event that any provision, or part thereof, of this license is declared to be unlawful by a reviewing court, the remainder of this license shall remain in full force and effect, and shall be construed and enforced in all respects as if such unlawful provision or part thereof, had been omitted, unless otherwise ordered by the court

ATTACHMENT A

Attachment A

Monthly Operations Log

R & K Mobile Home Park, LLC (WDL #W003601) (Month/Year) _____

Spray Field # _____ Weekly Application Rate _____ gallons/week

A	B	C	D	E	F	G
Date	Precipitation Previous 24 hours (Inches)	Air Temp (°F)	Weather	Wind- Direction Speed (mph)	Depth To GW in Observation well (Inches)	Total Gallons Pumped (gallons)
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						

Signature of Responsible Official: _____ Date _____

ATTACHMENT B

Attachment B

Spray Application Report by Week

R & K Mobile Home Park, LLC (WDL #W003601) (Month/Year) _____

Spray Field #	Weekly Limit (Gallons/Week)	Spray Application Rates (Gallons/Week)					Monthly Total
		Week 1	Week 2	Week 3	Week 4	Week 5	

Signature of Responsible Official: _____ Date _____

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

CONTENTS

SECTION	TOPIC	PAGE
1	GENERAL CONDITIONS	2
2	TREATMENT PLANT OPERATOR	2
3	WASTE WATER TREATMENT AND SAMPLING FACILITIES	3
4	MONITORING AND REPORTING	3
5	NON-COMPLIANCE NOTIFICATION	4
6	CHANGE OF DISCHARGE	5
7	TRANSFER OF OWNERSHIP	5
8	RECORDS RETENTION	6
9	OTHER MATERIALS	6
10	REMOVED SUBSTANCES	6
11	BYPASS OF WASTE TREATMENT FACILITIES	6
12	EMERGENCY ACTION-ELECTRIC POWER FAILURE	6
13	SPILL PREVENTION AND CONTAINMENT	7
14	CONNECTION TO MUNICIPAL TREATMENT SYSTEM	7
15	PRETREATMENT	7
	DEFINITIONS	7

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

1. GENERAL CONDITIONS

- A. All discharges shall be consistent with the terms and conditions of this license; any changes in production capacity or process modifications which result in changes in the quantity or the characteristics of the discharge must be authorized by an additional license or by modifications of this license; it shall be a violation of the terms and conditions of this license to discharge any pollutant not identified and authorized herein or to discharge in excess of the rates or quantities authorized herein or to violate any other conditions of this license.
- B. the licensee shall permit the Department of Environmental Protection Staff upon the presentation of proper credentials:
- 1) To enter upon licensee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this license;
 - 2) To have access to and copy any records required to be kept under the terms and conditions of this license;
 - 3) To inspect any monitoring equipment or monitoring method required in this license; or,
 - 4) To measure and/or sample at any intake, process or cooling effluent stream, wastewater treatment facility and/or outfall.
- C. This license shall be subject to such monitoring requirements as may be reasonably required by the Department of Environmental Protection including the installation, use and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). The licensee shall provide the Department of Environmental Protection with periodic reports on the proper Department of Environmental Protection reporting form of monitoring results obtained pursuant to the monitoring requirements contained herein.
- D. This license does not preclude obtaining other required Federal, State, or Municipal permits and does not authorize or approve the construction of any onshore physical structures or facilities or the undertaking of any work in any navigable waters.
- E. The issuance of this license does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights nor any infringement of Federal, State or local laws or regulations.
- F. Nothing in this license shall be construed to relieve the licensee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond his control, such as an accident, equipment breakdown, labor disputes or natural disaster.

2. TREATMENT PLANT OPERATOR

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

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

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

3. WASTE WATER TREATMENT AND SAMPLING FACILITIES

- a. The licensee shall collect all waste flows designated by the Department of Environmental Protection as requiring treatment and discharge them into an approved waste treatment facility in such a manner as to maximize removal of pollutants unless authorization to the contrary is obtained from the Department.
- b. The licensee shall at all times maintain in good working order and operate at maximum efficiency all wastewater collection, treatment and/or control facilities.
- c. All necessary waste treatment facilities will be installed and operational prior to the discharge of any wastewaters.
- d. Final plans and specifications must be submitted to the staff of the Department of Environmental Protection and approved prior to the construction or modification of any treatment facilities.
- e. The licensee shall install flow measuring facilities of a design approved by the Department of Environmental Protection.
- f. The licensee must provide an outfall of a design approved by the Department of Environmental Protection which is placed in the receiving waters in such a manner that maximum mixing and dispersion of the wastewaters will be achieved as rapidly as possible.

4. MONITORING AND REPORTING

a. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. If effluent limitations are based wholly or partially on quantities of a product processed, the licensee shall ensure samples are representative of times when production 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.

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

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

c. Reporting

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

monthly
- (2) All reports shall be submitted to the Department by not later than the tenth of the month following the end of the monitoring period.
- (3) Any reports or records of monitoring activities and results shall include for all samples: (a) the date, exact place, and time of sampling; (b) the dates and times analyses; (d) the analytical techniques/methods used; including sampling, handling, and preservation techniques; and (e) the results of all required analyses.

d. All reports shall be signed by:

- (1) In the case of corporations, by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the reporting form originates.
- (2) In the case of a partnership, by a general partner or duly authorized representative.
- (3) In the case of a sole proprietorship, the proprietor or duly authorized representative.
- (4) All monitoring reports and future correspondence regarding monitoring facilities should be directed to:

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

5. NON-COMPLIANCE NOTIFICATION

- a. In the event the licensee bypasses collection or treatment facilities or is unable to comply with any of the conditions of this license due, among other reasons, to:
 1. breakdown of waste treatment equipment;
 2. accidents caused by error or negligence;
 3. high strength, high volume or incompatible wastes; or
 4. other causes such as acts of nature,

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

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

- b. Within five (5) days of becoming aware of such condition the licensee shall provide the Department of Environmental Protection in writing, the following information:
 - 1. A description of the discharge and cause of noncompliance; and
 - 2. The period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the non complying discharge.
- c. If the licensee knows in advance of changes in licensed facilities or activities which may result in non-compliance or of the need to bypass, it shall submit prior notice at least ten days in advance of such occurrence.
- d. In the event of a bypass is due to inflow or infiltration of uncontaminated water into a sewer system, reporting requirements may be adjusted by the Department to a monthly basis.

6. CHANGE OF DISCHARGE

The licensee shall notify the department in writing as soon as it has knowledge of any significant changes or proposed changes in its discharge, including but not limited to:

- a) the temporary or permanent termination of the discharge;
- b) changes in the waste collection, treatment or disposal facilities;
- c) changes in the volume or character of wastewater flows;
- d) permanent changes in industrial production rates;
- e) the proposed addition, directly or indirectly, of toxic pollutants not authorized by the license or reflected in the application filed with the department;
- f) the addition to a municipal or quasi-municipal treatment system of industrial wastes which are categorically regulated by the U.S. EPA pursuant to the agency's pretreatment program.

7. TRANSFER OF OWNERSHIP

In the event that any person possessing a license issued by the Department shall transfer the ownership of the property, facility or structure which is the source of a licensed discharge, without transfer of the license being approved by the Department, the license granted by the Department shall continue to authorize a discharge within the limits and subject to the terms and conditions stated in the license, provided that the parties to the transfer shall be jointly and severally liable for any violation thereof until such time as the Department approves transfer or issuance of a waste discharge license to the new owner. The Department may in its discretion require the new owner to apply for a new license, or may approve transfer of the existing license upon a satisfactory showing that the new owner can abide by its terms and conditions.

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

8. RECORDS RETENTION

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

9. OTHER MATERIALS

Other materials ordinarily produced or used in the operation of this facility, which have been specifically identified in the application, may be discharged at the maximum frequency and maximum level identified in the application, provided:

- a. They are not
 - (1) designated as toxic or hazardous under the provisions of Sections 307 and 311 respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law, or
 - (2) known to be hazardous or toxic by the licensee.
- b. The discharge of such materials will not violate applicable water quality standards.

10. REMOVED SUBSTANCES

Solids, sludges, trash rack cleanings, filter backwash, or other pollutants removed from or resulting from the treatment or control of wastewaters shall be disposed of in a manner approved by the Department of Environmental Protection.

11. BYPASS OF WASTE TREATMENT FACILITIES

The diversion or bypass of any discharge from facilities utilized by the licensee to maintain compliance with the terms and conditions of this license is prohibited, except (1) where unavoidable to prevent loss of life or severe property damage, or (2) where excessive storm drainage or runoff would damage any facilities necessary for compliance with the terms and conditions of this license. The licensee shall notify the Department of Environmental Protection of each such diversion or bypass in accordance with the procedure specified in paragraph 6 above for reporting non-compliance. It is the duty of the licensee to take all feasible steps to prevent, minimize and mitigate bypasses. If infiltration or inflow of stormwater or ground water contribute to bypasses, the licensee shall submit to the department for approval, a wet weather flow management plan. The plan shall describe measures implemented to maximize the volume of flow through the treatment facilities and the efficiency of the treatment process. Submission of this plan shall not remove any responsibilities of the licensee pursuant to paragraph 6.

12. EMERGENCY ACTION-ELECTRIC POWER FAILURE

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

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

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

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

13. SPILL PREVENTION AND CONTAINMENT

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

14. CONNECTION TO MUNICIPAL TREATMENT SYSTEM

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

15. PRETREATMENT

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

DEFINITIONS

FOR THE PURPOSE OF THIS LICENSE THE FOLLOWING SHALL APPLY

- A. Grab Sample: An individual sample collected in a period of less than 15 minutes.
- B. Composite Sample: A sample consisting of a minimum of eight grab samples collected at equal intervals during a 24-hour period (or a lesser period if specified in the section on Monitoring and Sampling) and combined proportional to flow or a sample continuously collected proportionally to flow over the same time period.
- C. Daily Maximum For Concentration: The maximum value not to be exceeded at any time.
- D. Daily Maximum For Quantity: The maximum value not to be exceeded during any day.
- E. Weekly or Monthly Average: The sum of all daily samples measurement or test results made during a week or month divided by the number of tests or measurement made during the respective time period. Exception: bacteriological tests shall be calculated as a geometric mean.
- F. Bypass: The diversion of wastewater, either by act or by design, from any portion of a treatment facility or conveyance system.

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: October 16, 2015

PERMIT COMPLIANCE TRACKING SYSTEM NUMBER: MEU503601

LICENSE NUMBER: W003601-5J-F-R

NAME AND MAILING ADDRESS OF APPLICANT:

R & K Mobile Home Park, LLC
18 Whitetail Road
Brewer, ME 04412

COUNTY: Penobscot County

NAME AND ADDRESS OF FACILITY:

R & K Mobile Home Park, LLC
191 Day Road
Brewer, Maine

RECEIVING WATER/ CLASSIFICATION: Groundwater /Class GW-A

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: Mr. Rodney G. Buswell, II
207-991-1092
e-mail: rodjr-peaveymfg@roadrunner.com

1. APPLICATION SUMMARY:

- a. Application: R & K Mobile Home Park, LLC has submitted a timely and complete application with the Department for the renewal of Waste Discharge License (WDL) #W003601-5J-D-R, which was issued by the Department on October 13, 2010 and is scheduled to expire on October 13, 2015. The licensee owns and operates a spray irrigation waste water disposal system on a 5.4 acre site for the treatment and seasonal disposal of sanitary waste water generated at a rate of up to 8,500 gallons per day from the Town & Country Mobile Home Park on the Day Road in Brewer, Maine. See Attachment A of this Fact Sheet for a location map.
- b. Source Description: The Town & Country facility is a 58-unit mobile home park located on 35 acres on the westerly side of the Day Road in Brewer. Sources generating waste water at the facility are limited to the residential mobile home units in the park. The mobile home park is served by two drilled wells for domestic drinking water supply.

1. APPLICATION SUMMARY

- c. Waste Water Treatment (Spray-Irrigation): The surface waste water disposal system commenced operation in 1982. Waste water generated receives a primary level of treatment in three septic tanks, each have a capacity of 2,000 gallons. Waste water generated by each unit is conveyed to the tanks via a 6-inch diameter gravity sewer pipe. The supernatant from the tanks is conveyed to a small pump station via a common gravity sewer and then conveyed to the lagoons via a three inch force main for secondary treatment.

The facultative lagoons were enlarged as part of the 1992 Consent Agreement. Sizing of the new lagoons had been based on standard design flow rates of 145 gallons generated by each unit in the mobile home park for a total of approximately 8,500 gallons per day. Lagoon #1 measures approximately 300 by 95 feet, 7.5 feet deep (mean) and a working capacity of 1.7 million gallons, ("MG") (assuming a two foot freeboard). Lagoon #2 measures 235 by 135 feet, 7.5 feet deep (mean) and has a working capacity of 1.8 MG. The two lagoons are operated in series and provide 242 days of detention time.

The spray irrigation system is located northwest of the lagoons on 7.7 acres, of which 5.4 are considered the wetted perimeter. The soils in the spray area are predominately Lamoine, silty loam with a 5-8% slope with a northerly aspect that slopes toward a small stream. The stream runs west to east. Lamoine has a seasonal high water elevation within 12 inches of the surface. A one-hundred foot setback from the stream and a 50 foot setback from the toe of the slope of the lagoons and the adjacent property line to the west have been established and are maintained in this licensing action.

The spray system is comprised of a total of 27 spray heads – 9 laterals distributed are spaced evenly along the force main. There are 3 spray heads on each lateral distribution line. Four laterals are located on the southerly side of the force main and six are located northerly of the force main. Each spray head distributes waste water over a circular area that measures 100 feet in diameter.

The secondary treated waste waters from Lagoon #2 are conveyed to the spray area via a two inch force main from the pump station in the northwest corner of Lagoon #2. The Department issued an administrative modification of the WDL on April 7, 2003 that authorized the increase of the spray irrigation rate from 1.0 to 1.5 inches per week.

Refer to the schematic in **Attachment B** to this Fact Sheet for locations of the mobile home park's collection system, lagoons, layout of the spray irrigation area, groundwater monitoring and drinking water wells, and other relevant features.

2. LICENSE SUMMARY

- a. Terms and conditions - This licensing action is carrying forward all the terms and conditions of the 10/13/10 licensing action except that this license:
1. Converting the weekly application rate expressed as gal/acre/week to gal/week to provide the licensee with more flexibility to manage the spray site given the varying soil types within the 5.4-acre designated spray field.
 2. Requires the installation of one ground water observation well for each spray field to verify 10 inches of separation from the ground surface to the observed groundwater level is present

- b. History: Recent Department licensing actions include the following:

October 22, 1981 - The Department issued the original WDL #3601 to Hutchins, Inc., for disposal of secondary treated wastewater via a surface waste water disposal system for a proposed 58 unit mobile home park.

March 3, 1982 - The Department issued a modification of WDL #3601 that transferred the license from Hutchins, Inc. to Paula Parda.

August 24, 1984 - The Department issued another modification to WDL #3601 that transferred the license from Paula Parda to Edward & Marcy Holland.

August 13, 1986 - Country Acres Associates (CAA) submitted an application for license transfer. No action was taken on the application due to chronic non-compliance with the terms of the WDL.

March 17, 1992 - CAA sold its title, right and interest in the facility to Green Acres Mobile Home Park, Inc (GAMHP).

April 22, 1992 - GAMHP executed an Administrative Consent Agreement with the Department to correct chronic non-compliance with the WDL and required structural improvements to the facility to ensure best practical treatment of waste water generated at the facility.

February 1, 2000 - GAMHP submitted an application to the Department to renew WDL #3601.

March 21, 2000 - The Department issued WDL #W003601-5J-B-R authorizing the continued discharge from the facility.

Summer 2000 - GAMHP transferred its ownership in the facility to Town & Country Mobile Home Park (TCMHP).

April 7, 2003 - The Department issued an administrative Modification to TCMHP authorizing the increase of the spray irrigation rate to 1.5 inches per week.

April 27, 2005 - The Department issued WDL #W003601-5J-C-R for a five year term.

2. LICENSE SUMMARY (cont'd)

April 1, 2010 – TCMHP submitted an application to the Department for renewal of WDL #W003601-5J-C-R.

October 13, 2010 – The Department issued WDL #W003601-5J-D-R for a five year term.

March 12, 2014 – Rodney G. Buswell, II submitted an application for transfer of the WDL on behalf of R & K Mobile Home Park, LLC.

May 2, 2014 – The Department issued WDL #W003601-5J-E-T. The WDL is scheduled to expire on October 13, 2015.

July 14, 2015 – Rodney G. Buswell, II submitted an application for renewal of the WDL on behalf of R & K Mobile Home Park, LLC

3. CONDITIONS OF THE LICENSE

Maine law, 38 M.R.S.A. Section 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT) 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

Maine law, 38 M.R.S.A § 470 indicates the groundwater at the point of discharge is classified as Class GW-A receiving waters. Maine law, 38 M.R.S.A., §465-C describes the standards for Class GW-A waters as the highest classification of groundwater and shall be of such quality that it can be used for public water supplies. These waters shall be free of radioactive matter or any matter that imparts color, turbidity, taste or odor which would impair the usage of these waters, other than occurring from natural phenomena.

5. TREATMENT

Slow rate land irrigation treatment is an environmentally sound and appropriate technology for best practicable treatment and disposal of sanitary wastewater. The soils and vegetation within the irrigation area will provide adequate filtration and absorption to preserve the integrity of the soil, and both the surface and groundwater quality in the area.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- a. Lagoon Effluent: The previous licensing action carried forward the twice per year (**July and August**) monitoring and reporting requirements for *Influent Flow*, *Biochemical Oxygen Demand (BOD)*, *Total Suspended Solids (TSS)*, and *Nitrate-Nitrogen* for lagoon effluent as it exits the lagoon to be sprayed. Monitoring for BOD, TSS, pH and Nitrate serves as an indicator of the effectiveness of the lagoon treatment process and the condition of the waste water being applied. Lagoon influent flow is also required to be monitored and reported on DMR forms to be submitted to the Department in order to calculate the lagoon mass balance and to properly manage lagoon volumes. Lagoon influent and effluent monitoring requirements in the previous licensing action are being carried forward in this licensing action.

A review of the effluent monitoring data for the period June 2011 – August 2014 indicates values for influent Flow, BOD, TSS, Nitrate Nitrogen have been reported as follows:

Value	Limit	Range	Average	N
Flow	Report (gallons for month)	122,627 – 291,301	195,112	n = 38
BOD	100 mg/L	10 - 65	25	n = 7
TSS	100 mg/L	10 - 65	29	n = 7
Nitrate Nitrogen	Report mg/L	<0.5 – 1.0	0.9	n = 7

- b. Spray Irrigation Application Rates (Weekly, Monthly)

The previous licensing action established a weekly maximum rate 40,725 gallons per acre (1.5 inches/week) based on the characteristics of the in-situ soils which is being carried forward in this licensing action. However, the limit is being expressed as the total quantity to be applied to each field on a weekly basis.

	License Limit	Equivalent Inches	Based on total spray area of 1.8 acres per field**
Application Rate (weekly)	40,725 gallons/acre	1.5 inches	73,305 gallons per week/field 219,915 gallons/month/field

Note: 1 acre-inch is equivalent to 27,150 gallons

**Regardless of the calculated rate, the system operator shall monitor each waste application to verify adequate infiltration of the waste into the soil and an irrigation cycle should be stopped if runoff starts to occur.

A review of the DMR data for the period July 2011 – August 2014 indicates values for weekly average spray rates and total application rates have been reported as follows:

SI#1 (n = 17)

	Range	Mean
Weekly average applied	16,014 – 55,736 gal/acre	36,696 gallons/acre
Monthly total applied	28,372 – 222,580 gallons	148,121 gallons

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

SI#2 (n = 17)

	Range	Mean
Weekly average applied	17,732 – 51,638 gal/acre	35,285 gallons/acre
Monthly total applied	54,782 – 222,580 gallons	149,048 gallons

SI#3 (n = 17)

	Range	Mean
Weekly average applied	17,246 – 51,589 gal/acre	35,821 gallons/acre
Monthly total applied	27,593 – 222,580 gallons	148,959 gallons

c. Groundwater Monitoring Wells and Drinking Water Well

At the time of the 10/13/10 licensing action, the spray system had four ground water monitoring wells established around its perimeter. The ground water monitoring wells had been designated MW-1 (northeast side of spray area), MW-2 (west side of spray), and MW-4 (south of spray area). In addition, the domestic drinking water well was designated for reporting purposes on DMR's as DW-5. DW-5 is located on site (mobile home site #21) was monitored according to the same schedule as the ground water monitoring wells (except for water level) and is considered representative of background groundwater conditions. This licensing action carries forward the required sampling of the four monitoring wells twice annually (in May and October only) for biochemical oxygen demand (BOD), total suspended solids (TSS), pH, nitrate-nitrogen, chloride, temperature and depth to water level established in the previous licensing action

A review of the DMR data for the period July 2011 – August 2014 summarized the mean values reported as follows:

Well #	Conductance Umhos/cm	Nitrate Nitrogen Mg/L	Depth-to-Water Level Feet
MW1A	180	<0.5	2.8
MW2A	120	<0.6	2.2
MW3A	218	3.25	4.4
DW5A	485	<0.4	n/a

7. 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.

8. PUBLIC COMMENTS

Public notice of this application was made in the Bangor Daily News newspaper with circulation in the area of the proposed discharge on or about July 11, 2015. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft licenses shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

9. DEPARTMENT CONTACTS

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

Irene Saumur
Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
17 State House Station
Augusta, Maine 04333-0017
Telephone (207) 485-2404
e-mail: irene.saumur@maine.gov

10. RESPONSE TO COMMENTS

During the period of September 15, 2015 through the issuance of this license, the Department solicited comments on the proposed draft Waste Discharge License to be issued to R & K Mobile Home Park, LLC for the proposed discharge. The Department did not receive comments from the licensee, state or federal agencies, or interested parties that resulted in any substantive change(s) in the terms and conditions of the license. Therefore the Department has not prepared a Response to Comments. It is noted that minor typographical and grammatical errors identified in comments are not included in this section, but were corrected, where necessary, in the final license.

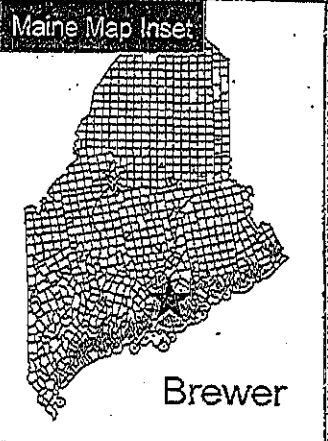
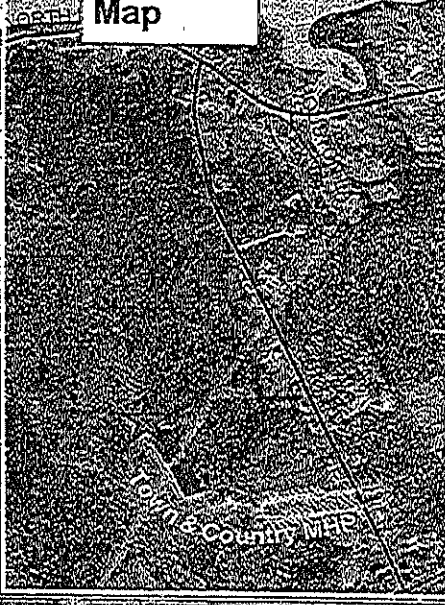
ATTACHMENT A

ATTACHMENT B

R & K Mobile Home Park LLC

**Inset
Location
Map**

Penobscot River



Brewer

MW-1

Pump Station

Spray Distribution
Area 5.4 Acres

MW-2

#2

Lagoons

Water Supply
Well #DS-5

#1

Mobile Home park

MW-3





DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

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