



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
COMMISSIONER

January 12, 2022

Chuck Applebee  
P.O. Box 812789  
Wellesley, MA 02482

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #MEU506097  
Maine Waste Discharge License (WDL) Application #W006097-5J-G-R  
**Final License**

Dear Mr. Applebee,

Enclosed please find a copy of your **final** Maine WDL **renewal** which was approved by the Department of Environmental Protection. Please read this license renewal 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 287-1298.

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,

Breanne Blaisdell  
Bureau of Water Quality

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

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

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

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

Enc.

cc:

Cindy Dionne, MDEP  
David Bowie, MDEP  
Pamela Parker, MDEP  
Tom Danielson, MDEP  
Lori Mitchell, MDEP  
Irene Saumur, MDEP  
Sandy Mojica, USEPA  
Nathan Chien, USEPA  
Richard Carvalho, USEPA



# 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.

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

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

**DEPARTMENT ORDER  
IN THE MATTER OF**

CAMP MATOAKA	)	PROTECTION AND IMPROVEMENT
SMITHFIELD, SOMERSET COUNTY, MAINE	)	OF WATER
SURFACE WASTEWATER DISPOSAL SYSTEM	)	
MEU506097	)	WASTE DISCHARGE LICENSE
W006097-5J-G-R	)	<b>RENEWAL</b>
<b>APPROVAL</b>	)	

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

**APPLICATION SUMMARY**

On October 7, 2020, the Department accepted as complete for processing from the licensee a renewal application for the renewal of Waste Discharge License (WDL) #W006097-5J-F-R, which was issued by the Department on December 3, 2015, for a five-year term. The application is for the continuing operation of a spray irrigation wastewater disposal system on a 3.245 acre site for the treatment and seasonal disposal of sanitary wastewater generated at a rate of up to 54,300 gallons per acre per week (or up to 176,200 gallons over the 3.245 acre spray irrigation area per week) from Camp Matoaka in Smithfield, Maine.

**LICENSE SUMMARY**

This licensing action is carrying forward all the terms and conditions of the previous licensing action except that this licensing action:

1. Amends the “Lagoon Effluent” footnote, in the Footnotes section of Special Condition A; and
2. Eliminates Special Condition K, *Disposal of Transported Waste in Wastewater Treatment Facility Prohibited*. No additional waste streams or transported wastes are approved by this licensing action.

## CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated January 10, 2022, 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 M.R.S. 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 CAMP MATOAKA, to operate a surface waste water disposal system to discharge up to 54,300 gallons per acre per week (or up to 176,200 gallons over the 3.245 acre spray irrigation area per week) SUBJECT TO THE FOLLOWING 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 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 11 DAY OF January 2022.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 

For Melanie Loyzim, Commissioner

**FILED**

**JAN 11, 2022**

**State of Maine  
Board of Environmental Protection**

Date filed with Board of Environmental Protection \_\_\_\_\_

Date of initial receipt of application: October 5, 2020

Date of application acceptance: October 7, 2020

This Order prepared by Breanne Blaisdell, BUREAU OF WATER QUALITY



**SPECIAL CONDITIONS**

**A. LIMITATIONS AND MONITORING REQUIREMENTS**

1. The licensee is authorized to operate a surface wastewater treatment and disposal system. The **LAGOON MONITORING (OUTFALL #001)** <sup>(1)</sup> must be limited and monitored as specified below.

***APRIL 1<sup>st</sup> – NOVEMBER 30<sup>th</sup>***

	<b><u>Daily Maximum</u></b>	<b><u>Minimum Measurement Frequency</u></b>	<b><u>Sample Type</u></b>
Biochemical Oxygen Demand (Lagoon Effluent) [00310]	Report [19]	2/Year <sup>(2)</sup> [02/YR]	Grab [GR]
Lagoon Level (Freeboard) <sup>(3)</sup> [82564]	Report, Feet [27]	1/Week [01/07]	Measure [MS]
Total Suspended Solids (Lagoon Effluent) [00530]	Report [19]	2/Year <sup>(2)</sup> [02/YR]	Grab [GR]
Nitrate-Nitrogen (Lagoon Effluent) [00620]	Report mg/L [19]	2/Year <sup>(2)</sup> [02/YR]	Grab [GR]

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

**FOOTNOTES:** See page 7 of this license.

**SPECIAL CONDITIONS**

**A. LIMITATIONS AND MONITORING REQUIREMENTS**

2. Application of wastewater to the land via a spray irrigation system must be limited to the time frame of April 1<sup>st</sup> – November 30<sup>th</sup> of each year. The **SPRAY IRRIGATION AREAS (OUTFALL #002)** must be limited and monitored as specified below.

***APRIL 1<sup>st</sup> – NOVEMBER 30<sup>th</sup>***

	<b>Monthly <u>Total</u> as specified</b>	<b>Weekly <u>Maximum</u> as specified</b>	<b>Daily <u>Maximum</u> as specified</b>	<b>Minimum Measurement <u>Frequency</u> as specified</b>	<b>Sample <u>Type</u> as specified</b>
Application Rate (Weekly) <sup>(5)</sup> [01287]	---	54,300 gal/acre/week <sup>(6)</sup> [8G]	---	1/Day [01/01]	Calculate [CA]
Flow - Total Gallons <sup>(4)</sup> [82220]	Report (Gallons) [8D]	---	---	1/Month [01/30]	Calculate [CA]

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 of this license.

**SPECIAL CONDITIONS**

**A. LIMITATIONS AND MONITORING REQUIREMENTS**

3. During the period beginning the effective date of the license, **GROUND WATER MONITORING WELLS; MW-1 & MW-2** must be limited and monitored as follows:

***MAY and OCTOBER***

<b><u>Monitoring Parameters</u></b>	<b><u>Daily Maximum as specified</u></b>	<b><u>Minimum Measurement Frequency as specified</u></b>	<b><u>Sample Type as specified</u></b>
Depth to Water Level Below Land Surface [72019]	Report (feet) <sup>(7)</sup> [27]	2/Year <sup>(8)</sup> [02/YR]	Measure [MS]
Nitrate-Nitrogen [00620]	10 mg/L [19]	2/Year <sup>(9)</sup> [02/YR]	Grab [GR]
Specific Conductance [00095]	Report (umhos/cm) [11]	2/Year <sup>(9)</sup> [02/YR]	Grab [GR]

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 of this license.

## **SPECIAL CONDITIONS**

### **A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)**

**FOOTNOTES** : *Special Condition A(1), A(2) & A(3)*

#### Lagoon Effluent

1. Lagoon effluent must be sampled (sampling location is the sampling port on the effluent pipe leading from the lagoon pumphouse to the spray irrigation area) and must 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 must be analyzed by a laboratory certified by the State of Maine's Department of Human Services. Samples sent to a POTW licensed 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). 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 this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the DMR.
2. Lagoon parameters/effluent must be sampled in the months of **July and August** of each calendar year. The licensee is not required to test for these parameters during a month where no wastewater was disposed of via the spray irrigation system.
3. Lagoon Level (Freeboard) must be reported as the number of feet (nearest 0.1 feet) between the lagoon water level and the lowest elevation of the lagoon berms. For reporting on the DMR form, the minimum freeboard level must be recorded. If freeboard is less than two (2) feet, then measurement frequency must be once per day.
4. The licensee must estimate the flow of wastewater to the irrigation area based upon the number of hours that the pump is operated per day (e.g., timer settings) and the maximum flow rate of the pump as determined by the manufacturer's pump curves. Pump calibration must be checked after pump repair or replacement.

#### Spray-Irrigation

5. A field's daily or weekly application rate is the total gallons sprayed over the applicable period of time divided by the size of the wetted area of the spray-irrigation field in acres or the size in acres of that portion of the field utilized. Field calibration of spray irrigation rates must be conducted in April of each year.

A Note: 27,152 gallons is equivalent to one inch-acre. Weekly is defined as Sunday through Saturday.

## **SPECIAL CONDITIONS**

### **A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)**

#### **FOOTNOTES** : *Special Condition A(1), A(2) & A(3)*

6. For Discharge Monitoring Report (DMR) reporting purposes, the licensee must report the highest weekly application rate for the month in the applicable box on the form and the monthly total discharge. The highest weekly application rate must be determined using only data from the week ending in the month.

#### Ground Water Monitoring

7. Measured to the nearest one-tenth ( $1/10^{\text{th}}$ ) of a foot as referenced from the surface of the ground at the base of the monitoring well.
8. Depth to water level below land surface must be conducted in the months of **May, and October** of each calendar year.
9. **Groundwater sampling** must be conducted in the months of **May and October** of each year. Sampling, handling and preservation must be conducted in accordance with federally approved methods. The licensee is required to test for these parameters whether wastewater was disposed of via the spray-irrigation system or not. Specific Conductance values greater than 275 umhos/cm, consistent trends approaching 275 umhos/cm or sudden spikes from previous levels must be reported immediately to the Department, and may necessitate the need for additional ground water testing requirements.

### **B. TREATMENT PLANT OPERATOR**

The person responsible for the management and operation of 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 *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 licensee may engage the services of the contract operator.

### **C. AUTHORIZED DISCHARGES**

The licensee is authorized to discharge treated sanitary wastewater only in accordance with the terms and conditions of this license and only to the existing spray irrigation areas (#002) and from those sources as indicated in the Waste Discharge License Application. Discharge of wastewater to any other location or from sources other than those indicated on said application requires formal modification of this license. The collection, treatment or discharge of wastewater which has constituents unlike that or significantly higher in strength than that of domestic wastewater is prohibited without formal modification of this license.

## **SPECIAL CONDITIONS**

### **D. NARRATIVE EFFLUENT LIMITATIONS**

1. The effluent must not contain materials in concentrations or combination that would impair the uses designated for the classification of the groundwater.
2. The effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

### **E. NOTIFICATION REQUIREMENT**

In accordance with Standard Condition D of this license, the licensee must promptly notify the Department of the 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 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 wastewaters must receive pretreatment through the properly designed, operated and maintained tanks and lagoon system prior to disposal via spray irrigation.
2. The spray irrigation facilities must 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 wastewater disposal system must 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 *Drinking Water Regulations*, 22 M.R.S. § 2611. In the event groundwater monitoring 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 must 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 must be notified of any action taken to repair/correct, and prevent recurrence. Any such notification must be made in accordance with the attached Standard Conditions #4 and #5 of this license.

## **SPECIAL CONDITIONS**

### **F. GENERAL OPERATIONAL CONSTRAINTS (cont'd)**

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. Septic tanks must be accessible for inspections and pumping. Risers must be installed as necessary.
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.

### **G. SPRAY IRRIGATION OPERATIONAL CONSTRAINTS**

1. Wastewater 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 must be no significant runoff within or out of the spray irrigation area due to the spray irrigation events.
2. **Each day prior to irrigating**, the licensee must visually inspect the spray irrigation site to determine if the soil moisture conditions are appropriate for spraying and all the operational constraints listed in this Special Condition are met
3. 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 walk the spray irrigation site to check the system for leakage in the piping system and determine if individual spray heads and pump(s) are functioning as designed, and verify that application rates are appropriate for the existing site conditions. Maintenance staff must also periodically monitor the spray equipment throughout the day. 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 of the spray system. The licensee must cease irrigation if ponding or runoff is observed outside the designated boundaries of the spray field(s).
4. At least 10 inches of separation from the ground surface to the groundwater table must be present prior to each spray irrigation event.
5. No wastewater must be applied to the site 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.

## **SPECIAL CONDITIONS**

### **G. SPRAY IRRIGATION OPERATIONAL CONSTRAINTS (cont'd)**

6. No wastewater must be applied where there is snow present on the surface of the ground.
7. No wastewater must be applied when there is any evidence of frost or frozen ground within the upper 10 inches of the soil profile.
8. No traffic or equipment is allowed in the spray-irrigation field except where installation occurs or where normal operations and maintenance are performed.
9. **Prior to the commencement of spray irrigation for the season**, the licensee must notify the Department's compliance inspector that they have verified that site conditions are appropriate (frozen ground, soil moisture etc.) for spray irrigation.
10. The licensee must install the equivalent of one groundwater level inspection well per spray field to verify that 10 inches of separation from the ground surface to the observed groundwater level is present each day prior to spraying.
11. **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*" provided as **Attachment A** of this license, or other similar format approved by the Department. The *Monthly Operations Log* for each month must 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.

### **H. VEGETATION MANAGEMENT**

1. The licensee must 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 wastewater over the desired application area and 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.



## **SPECIAL CONDITIONS**

### **I. LAGOON MAINTENANCE**

1. The banks of the lagoon must be inspected weekly during the operating season and properly maintained. There must be no overflow through or over the banks. Any signs of leaks, destructive animal activity, or soil erosion of the berms must be repaired immediately.
2. Maintenance of the banks of the lagoon must 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 must be kept free of all vegetation (i.e. grasses, reeds, cattails, etc.) that hinders the operation of the lagoon.
4. The lagoon must 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) must be properly disposed of in accordance with all applicable State and Federal rules and regulations.
5. The licensee must maintain the lagoon freeboard at design levels or at least two (2) feet whichever is greater. The lagoon must be operated in such a way as to balance the disposal of wastewater via spray irrigation, including the necessary storage capacity for precipitation, to ensure that design freeboard levels are maintained.

### **J. SEPTIC TANKS**

1. All septic treatment tanks and other holding or treatment tanks must 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 maximum design capacity whichever is less. Following pumping, the tanks must be checked for damage at key joints and the inlet and outlet baffles, and repaired promptly if damaged. The licensee must 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.

### **K. 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 for each major system component including pumps, pump stations, septic tanks, lagoons, spray apparatus, and pipes. At a minimum, the logs must 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.

## **SPECIAL CONDITIONS**

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

**This facility must have a current written comprehensive Operation & Maintenance (O&M) Plan.** The plan must provide a systematic approach by which the licensee must at all times, properly operate and maintain all facilities and 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. The O&M Plan must be kept on-site at all times and made available to Department and EPA personnel upon request.

**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.

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

### **M. PUBLIC ACCESS TO LAND APPLICATION SITES AND SIGNAGE**

Public access to the land-application sites must be controlled during the season of active site use. The licensee must 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. Each sign must be placed such that at least two other signs (one left, one right) may be seen from any one posted sign. 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.

### **N. GROUND WATER MONITORING WELLS**

1. All monitoring wells must be equipped with a cap and lock to limit access and must be maintained in a secured state at all times.
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.

## **SPECIAL CONDITIONS**

### **O. 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 (**April through November**) 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 15<sup>th</sup> 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 15<sup>th</sup> day of the month following the completed reporting period.

#### Non-electronic Reporting

If you have received a waiver from the Department concerning the USEPA electronic reporting rule, or are permitted to submit hardcopy DMR's to the Department, then your monitoring results obtained during the previous month must be summarized for each month and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department and **postmarked on or before the thirteenth (13<sup>th</sup>) day of the month or hand-delivered to a Department Regional Office such that the DMR's are received by the Department on or before the fifteenth (15<sup>th</sup>) 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.

## **SPECIAL CONDITIONS**

### **O. MONITORING AND REPORTING (cont'd)**

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  
Bureau of Water Quality  
Division of Water Quality Management  
State House Station 17  
Augusta, Maine 04333-0017

### **P. REOPENING OF LICENSE FOR MODIFICATIONS**

In accordance with *Conditions of licenses*, 38 M.R.S. § 414-A(5) and upon evaluation of the tests results or monitoring requirements specified in Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at any time and with notice to the permittee, modify this permit to: 1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded, (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on 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

**Camp Matoaka Monthly Operations Log**

MEPDES Permit #MEU506097

Sprayfield 002

Month/Year \_\_\_\_\_

A	B	D	E	F	G	
Date	Precipitation Prev.24 hrs (inches)	Weather	Windspeed/ Direction	Depth To GW in Observation well (inches)	Gallons Pumped	Total Gallons/acre /week
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						
				TOTAL		

\* Total gallons sprayed/week on 3.245 acres must be  $\leq 176,203$  gallons. If one or more spray guns are not in use than total gallons sprayed must be reduced proportionally.

Signature of Responsible Official: \_\_\_\_\_ Date \_\_\_\_\_

# MAINE WASTE DISCHARGE LICENSE

## FACT SHEET

DATE: **JANUARY 10, 2022**

PERMIT COMPLIANCE TRACKING  
SYSTEM NUMBER: **MEU506097**

LICENSE NUMBER: **W006097-5J-G-R**

NAME AND MAILING ADDRESS OF  
APPLICANT:

(Summer)  
**CAMP MATOAKA**  
**One Great Place**  
**Smithfield, ME. 04978**

(Winter)  
**Jason Silberman**  
**P.O. Box 812789**  
**Wellesley, MA 02482**

COUNTY: **SOMERSET COUNTY**

NAME AND ADDRESS OF FACILITY:  
**CAMP MATOAKA**  
**SMITHFIELD, MAINE 04978**

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

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:  
**CHUCK APPLEBEE**  
**207-380-4261**  
[chuck@waterqualityme.com](mailto:chuck@waterqualityme.com)

### **1. APPLICATION SUMMARY**

- a. Application: On October 7, 2020, the Department of Environmental Protection (Department) accepted as complete for processing from Camp Matoaka (licensee) a renewal application for the renewal of Waste Discharge License (WDL) #W006097-5J-F-R, which was issued by the Department on December 3, 2015, for a five-year term. The application is for the continuing operation of a spray irrigation wastewater disposal system on a 3.245 acre site for the treatment and seasonal disposal of sanitary wastewater generated at a rate of up to 54,300 gallons per acre per week (or up to 176,200 gallons over the 3.245 acre spray irrigation area per week) from Camp Matoaka in Smithfield, Maine. See **Attachment A** of this Fact Sheet for a location map.

## 1. APPLICATION SUMMARY (cont'd)

- b. Source Description: Camp Matoaka is a recreational, seasonal, residential camp that accommodates up to 315 campers, and 150 staff. It typically operates between June and September during 10 weeks in the summer with lesser quantities of wastewater generated during a 4-week pre-camp and post-camp season. Sources generating wastewater at the facility include the cafeteria building, several residential bunk houses, gymnasium building, administrative offices, an infirmary, a maintenance building, and other ancillary structures. Wastewater generated is characterized as similar to typical residential wastewater without toxic compounds or non-conventional pollutants.
- c. Wastewater Treatment (Spray-Irrigation): The surface wastewater disposal system commenced operation in 1984. Wastewaters generated from the campground receive primary treatment via twelve (12) on-site septic tanks (eight-1,000 gallon, one-1,500 gallon, two-2,000 gallon, and a 5,500-gallon capacity). The tanks are pumped of solids annually and supernatant from the tanks is conveyed to the treatment lagoon via pump stations. The septic tanks are connected to sewer pipes outside of certain buildings (such as the cafeteria, crafts building, bunkhouses, etc.). The wastewater lagoon is located along the westerly edge of the developed portion of the campground (800 feet easterly of the Bickford Road) and covers 31,921 square feet of ground area. The lagoon has a storage volume of 652,000 gallons with a full lagoon level of 126.6 feet above sea level. The lagoon's berm embankment height extends to 128.6 feet, thus providing at least 2 feet of vertical freeboard during periods of full lagoon water levels.

The spray irrigation area is located westerly of the Bickford Road and includes two main lateral lines with 10 spray distribution nozzles on each line. 16 spray nozzles are currently in use. Each nozzle is designed to equally distribute wastewater from the center of a 100-foot diameter circular area. The nozzles themselves are equally spaced 100 feet apart along the main lateral lines. Each 100-foot diameter circular area contains 7,854 square feet of ground area or a total of 157,076 square feet of area (3.69 acres) to dispose of wastewater generated by the facility. See **Attachment B** of this Fact Sheet for a schematic showing the layout of the spray irrigation system. The spray area is located in an area characterized by mixed hardwoods and softwoods in a moderately well drained silt loam (predominately Buxton soil series). Historic operations of the system indicates that the in-situ soils have the capacity to treat and attenuate the hydraulic and pollutant load in the wastewater if the prescribed application rates are adhered to.



## 2. LICENSE SUMMARY

- a. Terms and conditions - This licensing action is carrying forward all the terms and conditions of the previous licensing action except that this licensing action:
1. Amends the “Lagoon Effluent” footnote, in the Footnotes section of Special Condition A; and
  2. Eliminates Special Condition K, *Disposal of Transported Waste in Wastewater Treatment Facility Prohibited*. No additional waste streams or transported wastes are approved by this licensing action.
- b. History: Recent Department licensing actions include the following:

<i>July 28, 1989</i>	The Department issued WDL #W006097-66-B-R authorizing the operation of a surface wastewater disposal system on the Bickford Road in Smithfield for a five-year term.
<i>December 8, 2000</i>	The Department issued WDL #W006097-5J-C-R that authorized the licensee to treat and discharge up to 18,000 gpd of sanitary wastewater for a five-year term.
<i>July 22, 2005</i>	The Department issued WDL #W006097-5J-D-R that authorized the licensee to treat and discharge up to 18,000 gpd of sanitary wastewater for a five-year term.
<i>June 11, 2010</i>	The Department issued WDL #W006097-5J-E-R that authorized the licensee to treat and discharge up to 176,200 gallons per week of sanitary wastewater for a five-year term.
<i>March 16, 2015</i>	The licensee submitted a timely and complete application to the Department for the renewal of its Waste Discharge License.
<i>December 3, 2015</i>	The Department issued WDL #W006097-5J-F-R that authorized the licensee to treat and discharge up to 176,200 gallons per week of sanitary wastewater for a five-year term.
<i>October 5, 2020</i>	The licensee submitted a timely and complete application to the Department for the renewal of its Waste Discharge License.

## 3. CONDITIONS OF THE 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 applicable state law, and ensure that the receiving waters attain the State water quality standards as described in Maine's Water Classification System.

#### 4. RECEIVING WATER QUALITY STANDARDS

*Classification of ground water*, 38 M.R.S. § 470 indicates the groundwater at the point of discharge is classified as Class GW-A receiving waters. *Standards of classification of ground water*, 38 M.R.S. §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

##### Lagoon Effluent:

- a. Lagoon Effluent: The July 25, 2005 licensing action established twice per year (July and August) monitoring and reporting requirements for *lagoon level*, *biochemical oxygen demand (BOD<sub>5</sub>)*, *total suspended solids (TSS)*, and *nitrate-nitrogen* for lagoon effluent as it exits the lagoon to be sprayed. Monitoring for BOD, TSS, and nitrate nitrogen serves as an indicator of the effectiveness of the lagoon treatment process and the condition of the wastewater being applied. Lagoon freeboard levels were also required to be monitored and reported on DMR forms to be submitted to the Department in order to assess the lagoon mass balance and to properly manage lagoon volumes. To be consistent with other like WDLs for small surface wastewater disposal systems, the monitoring and reporting requirements in the previous licensing action are being carried forward in this licensing action.

A review of the effluent monitoring data for the period August 2016 – August 2021 indicates values for influent flow, BOD<sub>5</sub>, TSS, nitrate nitrogen have been reported as follows:

Parameter	Limit	Range	Mean
BOD <sub>5</sub>	Report mg/L	12 - 200	99
TSS	Report mg/L	22 - 74	46
Nitrate Nitrogen	Report mg/L	0.25 - 0.50	0.41
Lagoon Freeboard	Report feet	0.58 - 3.8	2.5

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

### b. Spray Irrigation Application Rates (Weekly, Daily)

The previous licensing action established a weekly maximum rate 54,300 gallons per acre per week (2.0 inches/week) based on the characteristics of the in-situ soils. This application rate is being carried forward in this licensing action.

Parameter	License Limit	Equivalent Inches	Based on total spray area of 3.245 acres**
Application Rate (weekly)	54,300 gallons/acre/week	2.0 inches	176,200 gallons per week or 704,800 gallons/month

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

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

A review of the DMR data for the period August 2016 – August 2021 indicates values for weekly average spray rates and total application rates have been reported as follows. It is noted that there was a weekly average spray rate exceedance in April 2017.

Parameter	Range	Mean
Weekly average applied	10,000 – 56,570 gal/acre	33,202 gallons/acre
Monthly total applied	56,400-659,200 gallons	659,200 gallons

### c. Groundwater Monitoring Wells

Good geologic science typically requires a minimum of three monitoring wells for monitoring wastewater disposal (spray-irrigation) systems. One well is typically installed upgradient from the lagoon to monitor ambient groundwater conditions, one well installed downgradient from the lagoon to monitor lagoon leakage, and one well installed downgradient from the spray field to monitor effects on the groundwater from the spray operation. Camp Matoaka has two groundwater monitoring wells to determine the treatment efficiency of the wastewater system (one well is adjacent to the lagoon, the other in the spray irrigation area). The third monitoring well was eliminated from the December 3, 2015 license, as the ground water table was consistently at or above the level of the ground. Due to this, results from the well may not have been representative of ground water quality below the surface of the ground.

In the case of Camp Matoaka, the Department has found that (1) the effluent has been consistently treated to a high degree; and (2) the on-site soils are relatively efficient at attenuating pollutant given the limited hydraulic load. The Department finds that groundwater monitoring wells have been providing samples that are representative of the ground water in the vicinity.

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

A review of the DMR data for the period August 2016 - August 2021 ground water quality monitoring data (expressed at a mean) has been reported as follows:

Well #	Conductance (uhmos/cm)	Nitrate-Nitrogen (mg/L)	Depth To GW (feet)
MW-1	191	0.39	4.5
MW-2	41	0.37	3.7

## 7. SYSTEM CALIBRATION

Discharge rates, application rates and uniformity of application change over time as equipment gets older and components wear, or if the system is operated differently from the assumed design. Operating below design pressure greatly reduces the coverage diameter and application uniformity (resulting in increased ponding). For these reasons, the licensee should field calibrate their equipment on a regular basis to ensure proper application and uniformity, and when operating conditions are changed from the assumed design.

Calibration involves collecting and measuring flow at several locations in the application area (typically a grid pattern of containers with uniform diameters). Rain gauges work best because they already have a graduated scale from which to read the application amount without having to perform additional calculations.

## 8. 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.

## 9. PUBLIC COMMENTS

Public notice of this application was made in the *Portland Press Herald*, a newspaper with circulation in the area of the proposed discharge on or about August 28, 2020. 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 must 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.

## **10. DEPARTMENT CONTACTS**

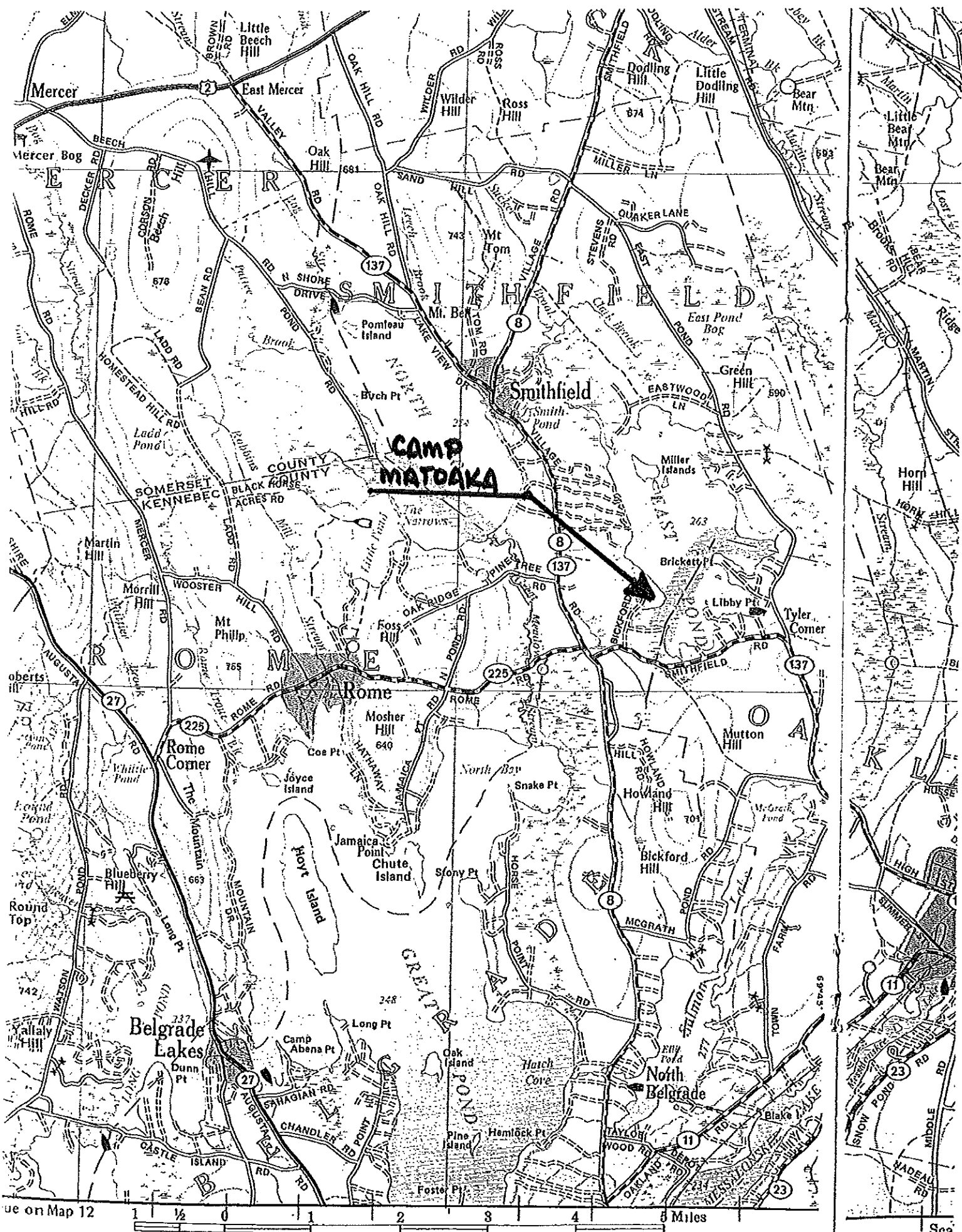
Additional information concerning this licensing action may be obtained from and written comments should be sent to:

Breanne Blaisdell  
Bureau of Water Quality  
Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017  
Telephone (207) 287-1298  
e-mail: [Breanne.Blaisdell@maine.gov](mailto:Breanne.Blaisdell@maine.gov)

## **11. RESPONSE TO COMMENTS**

During the period of December 7, 2021, through the issuance date of the license, the Department solicited comments on the proposed draft permit/license to be issued for the discharge(s) from the permittee's facility. The Department did not receive comments from the permittee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.

## **ATTACHMENT A**

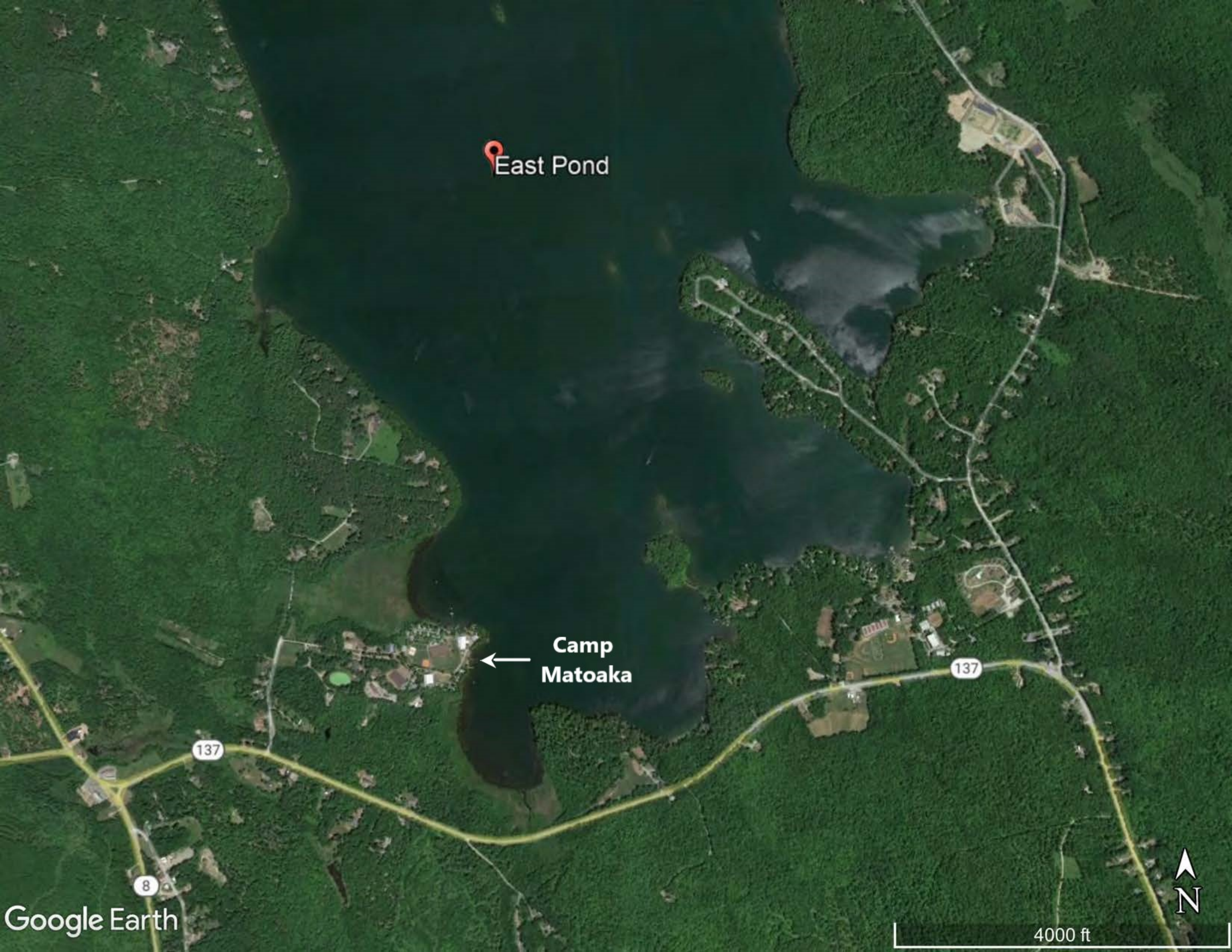


ue on Map 12

1 1/2 0 1 2 3 4 5 6 7 8 Miles

Sea





East Pond

This is a satellite map from Google Earth showing a large, dark, irregularly shaped pond. The pond is surrounded by dense green forest. To the south of the pond, there is a small cluster of buildings and a road, labeled 'Camp Matoaka' with a white arrow pointing to it. A yellow road, labeled '137', runs horizontally across the bottom of the image. Another road, labeled '8', runs vertically on the left side. A north arrow and a scale bar are in the bottom right corner.

Camp  
Matoaka

137

8

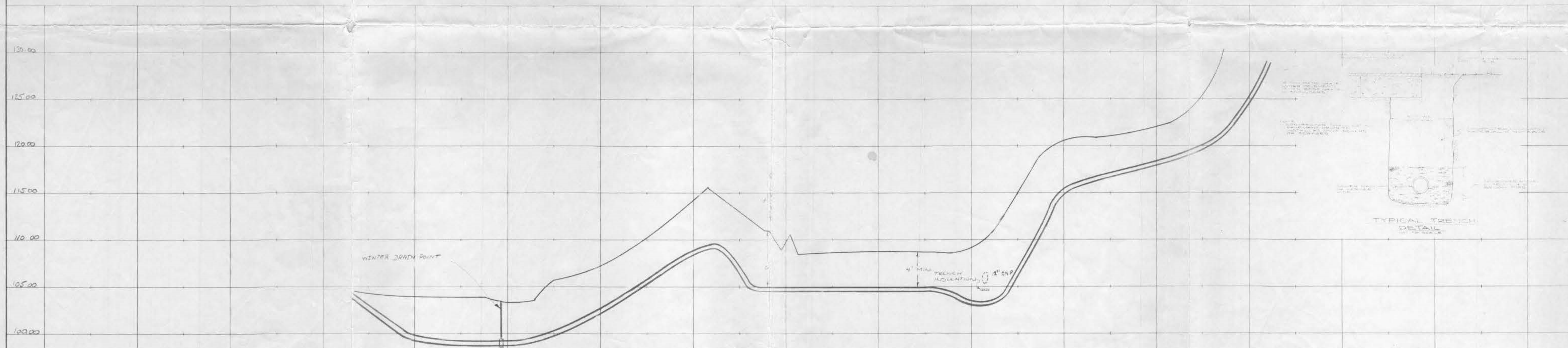
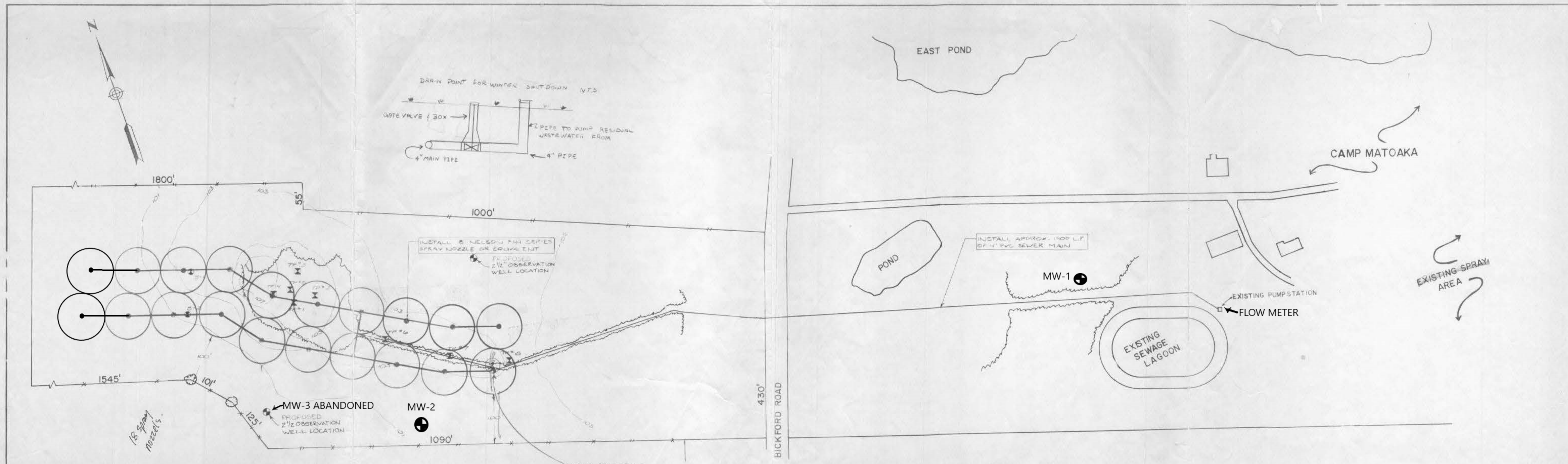
Google Earth

4000 ft





## **ATTACHMENT B**



No.	Revisions	Date	App'd.
<b>CAMP MATOAKA</b>			
<b>NEW WASTEWATER SPRAY IRRIGATION SYSTEM</b>			
A. E. Hodsdon Consulting Engineers 10 Common St., Waterville, Me.			
Drawn By: RRG		Scale: 1" = 100' HORIZ. 1" = 5' VERT.	
Checked By: DML		Date: 3/2/89	
Approved By:		Date:	
Book No. 52		Project No. 57-89	

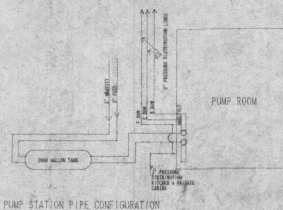


NOTES:

1. ALL WATER LINES PVC
2. 3" AND 4" WATER LINES INSULATED
3. WATER STORAGE TANKS INSULATED
4. ALL SLOPE COEFFICIENTS LESS THAN 1% ABOVE THE WATER LINES SHALL BE ENCASED IN CONCRETE.

MAGNETIC  
1994

LOCUS 1" = 2 MILES



1"=100'

LEGEND:

1. WELL
2. 1200 GALLON SEPTIC TANK
3. SEWER PUMP STATION
4. SEWER LINE
5. EXISTING WATER LINE

CAMP MATOAKA  
SMITHFIELD SOMERSET COUNTY MAINE  
NOVEMBER 1994

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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# MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

## STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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### 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).

## MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

### STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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**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 of 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 MAINTENANCE 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

## MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

### STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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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.

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(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.



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### 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.

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**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

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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).

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(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.

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**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 contaminants 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.

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**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.

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**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.