



STATE OF MAINE  
Department of Environmental Protection

Paul R. LePage  
GOVERNOR

Patricia W. Aho  
COMMISSIONER

March 12, 2012

Mr. Bryan L. Fitch  
Town of Kingfield  
38 School Street  
Kingfield, Maine 04947

RE: Permit Compliance System #MEU506272  
Maine Waste Discharge License (WDL) Application # W006272-6B-E-R  
**Final License**

Dear Mr. Fitch:

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

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

If you have any questions regarding this matter, please feel free to call me at (207) 287-7693 or contact me via email at [gregg.wood@maine.gov](mailto:gregg.wood@maine.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "G. Wood".

Gregg Wood  
Division of Water Quality Management  
Bureau of Land and Water Quality

Enc.

cc: Beth DeHaas, DEP/CMRO  
Sandy Mojica, USEPA



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

**DEPARTMENT ORDER**

**IN THE MATTER OF**

TOWN OF KINGFIELD	)	PROTECTION AND IMPROVEMENT
KINGFIELD, FRANKLIN COUNTY, MAINE	)	OF WATERS
PUBLICLY OWNED TREATMENT WORKS	)	
SUBSURFACE WASTEWATER DISPOSAL	)	WASTE DISCHARGE LICENSE
MEU506272	)	
W006272-6B-E-R	)	RENEWAL
		<b>APPROVAL</b>

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

**APPLICATION SUMMARY**

The licensee has submitted a timely and complete application to the Department for the renewal of Waste Discharge License (WDL) #W006272-5L-D-R / Permit Compliance System (PCS) tracking #MEU506272, which was issued by the Department on April 24, 2007, for a five-year term. The WDL authorized the discharge of up 0.077 million gallons per day (MGD) or 77,000 gallons per day (gpd) of treated sanitary wastewater from a series of 55 sub-surface wastewater disposal systems to the groundwater, Class GW-A, in Kingfield, Maine.

**LICENSE SUMMARY**

This license carries forward all the terms and conditions of the previous license except that this license:

1. Eliminates the requirement to submit a "Subsurface System Performance Report" as an exhibition to the application for license renewal as the license requirements for conducting periodic inspections, maintaining maintenance logs and conducting septic tank inspections and maintaining pumping logs are sufficient to ensure the system is maintained and operated as designed.

## CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated February 3, 2012 and subject to the Conditions listed below, the Department makes the following conclusions:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, 38 MRSA Section 464(4)(F), will be met, in that:
  - (1) Existing water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
  - (2) Where high quality waters of the State constitute an outstanding natural resource, that water quality will be maintained and protected;
  - (3) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause of contribute to the failure of the water body to meet the standards of classification;
  - (4) 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
  - (5) 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 the TOWN OF KINGFIELD, to discharge 0.077 million gallons per day (77,000 gallons per day) of treated sanitary wastewater to groundwater, Class GW-A, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

1. Standard Conditions of Approval for POTW Waste Discharge Licenses dated July 16, 1996, copy attached.
2. The attached Special Conditions, including effluent limitations and monitoring requirements.
3. This license becomes effective upon the date of signature below and expires at midnight five (5) after that date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this license, the terms and conditions of this license and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective April 1, 2003)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

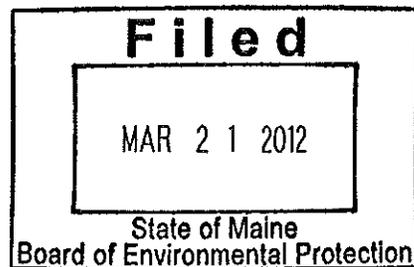
DONE AND DATED AT AUGUSTA, MAINE, THIS 20<sup>th</sup> DAY OF March 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Patricia W. Aho* FOR  
For Patricia W. Aho, Commissioner

Date of initial receipt of application: January 23, 2012

Date of application acceptance: January 31, 2012



Date filed with Board of Environmental Protection

This Order prepared by Gregg Wood, BUREAU OF LAND & WATER QUALITY

## **SPECIAL CONDITIONS**

### **A. TREATMENT PLANT OPERATOR**

The treatment facility must be operated by a person holding a minimum of a **Grade I** certificate (or Registered Maine Professional Engineer) pursuant to *Sewerage Treatment Operators*, 32 M.R.S.A. §§ 4171-4182 and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). All proposed contracts for facility operation by any person must be approved by the Department before the permittee may engage the services of the contract operator.

### **B. AUTHORIZED DISCHARGES**

The licensee is authorized to discharge treated sanitary wastewater only in accordance with the terms and conditions of this license and only from the existing subsurface system as designed. Discharge of wastewater from any other source or expected flows in excess of design capacity requires a formal modification of this license.

Also, the collection, treatment or discharge of wastewater from commercial, industrial or residential sources, which has constituents unlike that or is significantly higher strength than that of domestic wastewater is prohibited without formal modification of the license.

### **C. DISPOSAL OF TRANSPORTED WASTE IN WASTEWATER TREATMENT FACILITY**

The Department acknowledges that the Town of Kingfield currently treats its own septage filtrate produced from a portable dewatering unit. The amount of septage filtrate from the dewatering operation shall not cause any system to exceed its design flow or organic loading, or interfere with the proper performance of the system. The licensee is authorized to receive and dewater septage from residents within the Town of Kingfield, and compost it with sludge from town operated systems. The licensee is prohibited from receiving any other transported wastes into its wastewater treatment facility.

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

## SPECIAL CONDITIONS

### D. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain materials in concentrations or combinations, which would impair the usages designated for the classification of the groundwater.
2. Notwithstanding specific conditions of this license 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. GENERAL OPERATIONAL CONSTRAINTS

1. The licensee shall operate the system consistent with the requirements of the *Maine Subsurface Wastewater Disposal Rules* (144A CMR 241 authorized under Title 22 MRSA §42) and other pertinent regulations, as well as the limitations of the design.
2. The licensee is responsible for proper operation and maintenance of the subsurface wastewater system in order to facilitate groundwater protection, including the education of system users in the proper use of the system.
3. The Department shall be notified as soon as the licensee becomes aware of any threat to public health, unlicensed discharge of wastewater, sanitary system overflows (SSO's), or any malfunction that threatens the proper operation of the system, and of action taken to repair/correct, and prevent recurrence. Notification shall be made in accordance with the attached Standard Conditions dated July 16, 1996, attached to this license.

*A sanitary sewer overflow (SSO)* is the release of raw sewage from a sanitary collection system prior to reaching the treatment plant or facility (spills out of manholes, into basements, onto municipal property, etc, and into waters of the United States are all considered to be SSO's).

4. All upgrades, replacements or authorized expansions of the treatment systems shall be in accordance with *Maine Subsurface Wastewater Disposal Rules* and be approved by the Department.

Department authorized upgrades, replacements, expansions of systems with a design flow of less than 2000 gallons per day shall be under the direction of a Site Evaluator licensed in Maine. Upgrades, replacements, and authorized expansions of systems with a design flows greater than 2000 gallons per day shall be under the direction of both a licensed Site Evaluator and Professional Engineer, both licensed by the State of Maine.

5. The licensee shall maintain a file on the location of all system components and relevant features. Each component shall be mapped and field located sufficiently to allow adequate inspections and monitoring by both the licensee and the Department. Septic tanks and distribution box covers shall be accessible for inspections and pumping. Risers shall be installed as necessary.

## **SPECIAL CONDITIONS**

### **E. GENERAL OPERATIONAL CONSTRAINTS**

6. All system components including collection pipes, tanks, distribution boxes, pumps, pumping stations, disposal fields, and manholes shall be identified and referenced by a unique system identifier in all logs and reports.

### **F. OPERATIONAL REQUIREMENTS**

It shall be the responsibility of the licensee to ensure that:

1. Roof drains and foundation drains are not connected to the system.
2. Occurrences of excessive inflow and infiltration are corrected immediately.
3. Garbage disposal systems are not connected to the system unless specific measures have been taken to accommodate the increased loading to the system.
4. Backwash from home water softeners are not connected to the system.
5. Ponding of surface water over the disposal field does not occur and all sources of surface water are diverted away from the fields.
6. Driving or parking over any part of the system is prohibited, except in cases where weight-bearing components (H-20) have been installed and approved for use in the design.
7. Covering the disposal field with a hard surface such as concrete or asphalt is prohibited.
8. The field is kept free of woody vegetation and the digging or planting of anything other than grass or other similar herbaceous plants is prohibited.
9. Stockpiling of snow or soil on the disposal field is prohibited.

### **G. SEPTIC TANKS**

1. All septic tanks shall be watertight and tanks must be constructed of materials approved by the Department and in accordance with the *Maine Subsurface Wastewater Disposal Rules*. Metal septic tanks are prohibited.
2. Inlet and outlet connections of each septic tank or compartment shall be designed to obtain effective retention of scum and sludge. All connections and baffles shall be fastened with and constructed of, or coated with, materials that are resistant to corrosion.

## **SPECIAL CONDITIONS**

### **G. SEPTIC TANKS (cont'd)**

3. Septic tanks and other treatment tanks shall be regularly inspected (as specified in Special Condition I) and maintained to ensure that they are providing best practicable treatment.
4. Tank contents shall be removed whenever the sludge and scum occupies one-third of the tank's liquid capacity or whenever levels approach maximum design capacity.

### **H. GREASE TRAPS**

1. The licensee shall require any commercial or institutional food preparation facility including but not limited to a restaurant, cafeteria, or institutional kitchen to install an external grease interceptor in accordance with the *Maine Subsurface Wastewater Disposal Rules*.
2. Grease interceptors serving year round facilities shall be inspected by the licensee at least three times per year and seasonal facilities shall be inspected at least twice per year to determine the volume of grease present. Tanks shall be cleaned when the volume of grease equals more than 50% of the liquid capacity of the tank or at any level that impairs the proper function of the unit.
3. On or before January 15, 2013, the licensee shall submit to the Department a list of all commercial or institutional food preparation facilities located in the Town of Kingfield and serviced by the Town's waste water treatment systems. The list shall include a) the name of the facility, b) the street address of the facility, c) whether the facility is seasonal or year-round, d) whether the facility operated in the past year, e) if the facility is served by an external grease trap and f) the date the trap was last pumped.

### **I. LICENSEE INSPECTIONS**

1. All inspections shall include an evaluation of any repair, upgrades, pumping, operational and/or maintenance needs.
2. The inspection report or log shall include the date of the inspection, the names of the person performing the inspection, relevant system observations and be signed by the person conducting the inspection.
3. System (single operational unit) inspections shall include: quantification of the source and type of sanitary sewage (and whether or not the facility being served is occupied at the time of inspection); and water use records. The form shall contain a general description of the system components and layout.

## **SPECIAL CONDITIONS**

### **I. LICENSEE INSPECTIONS (cont'd)**

4. Septic tank inspections shall include: the approximate age, size and condition of the tank; depth and location of the scum layer; depth and location of the sludge layer; solids % of capacity; physical condition of the baffles, inlet and outlet tees; evidence of significant leakage into or out of tank (watertightness); evidence of backup of effluent; and cleaning of the effluent filter (if present).
5. Distribution box and dosing chamber inspections shall include: condition of the box; evidence of solids carryover; leakage into or out of the box (watertightness); the static liquid level in the box; equal distribution of flow (level); evidence of backup; and other pertinent operational characteristics.
6. Disposal field inspections shall include: any signs of hydraulic failure; condition of the surface vegetation; level of ponding within the chamber and on the disposal area; examination of texture and color of the adjacent soil; physical encroachments into the disposal area; and other sources of hydraulic loading. Evidence of system failure to note may include: sewage surfacing, sewage back-up, lush green growth, slow draining, sewage odors, sogginess or ponding.
7. Where practicable the licensee shall maintain and keep logs that record water level measurements in disposal fields at least once per week. Significant changes in water levels over the previous year will be identified, recorded and reported to the Department.
8. Systems with electrical or mechanical components, such as pumps, timers, control panels and alarms, need to be inspected and serviced according to manufacturer recommendations and in accordance with the facility operations and maintenance manual.
9. Inspections shall be performed by the licensee at least once during the calendar year and as necessary to investigate problems. Inspections are to be conducted more frequently for problem systems, large systems, or where required by the operations and maintenance manual.

Systems serving restaurants and other businesses or institutions must be inspected more frequently than residential systems (at least three times per year), due to waste that is generally higher in strength and volume.

### **J. MAINTENANCE LOGS**

Maintenance logs shall be maintained for each system component including pumps, dosing chambers, distribution boxes, septic tanks and absorption fields. At a minimum the log shall include the alphanumeric ID, the date of maintenance, type or maintenance performed, names of persons performing the maintenance, volumes directed to each field and other relevant system observations.

**SPECIAL CONDITIONS**

**K. PUMPING STATIONS AND QUANTITY OF FLOW**

1. The system shall be operated with a duplex pump system, or stand-by pump(s) should be available on-site (or satisfactory arrangement to obtain) for immediate use in order to prevent sewer overflows.
2. All pumps and controls must be tested and calibrated as recommended by the manufacturer and in accordance with the facility operations and maintenance manual, and repaired and replaced as necessary.
3. There shall be a high-level detection system with an alarm designed to promptly notify responsible persons in the event of a malfunction. The level detection system in the tank shall be set to activate at a level that will leave ample capacity in the pump tank in order to make repairs and or activate the standby pump.
4. Wherever feasible, agreements are to be made with nearby residents, patrolling police officers, and other Town employees to report activated alarms to the licensee as soon as possible.
5. A manual check of the operation of the pump, testing all level controls, switches and alarms shall be performed at least once per month.
6. Pump flows shall be recorded weekly and the average daily usage shall be compared month to month for signs of abnormal flow or overloading of the disposal field(s) in excess of design capacity.
7. Pumping rates shall be verified at least once per year for multi-bed systems or where changes in use are occurring. For single bed systems, pumping rates shall be verified at least once every three years.

**L. PUMPING (SOLIDS REMOVAL FROM SEPTIC TANKS, DOSING CHAMBERS, DISTRIBUTION BOXES AND OTHER TREATMENT TANKS)**

1. The licensee shall keep a pumping log including the date of pumping, quantity of material removed (solids % of capacity), name and number of licensed contractor, pumping frequency and other relevant observations.
2. Following pumping, the tanks shall be checked for damage at key joints and the inlet and outlet baffles, and repaired promptly.
3. On or before January 15<sup>th</sup> of each year, the licensee shall submit a signed copy of the previous year's pump logs to the Department for review.

**SPECIAL CONDITIONS**

**M. LOADING OF DISPOSAL FIELDS AND LEACH BED DISCHARGE SCHEDULE**

The licensee shall maintain logs of loading (flows) to disposal field(s) and frequency of discharge events to individual leach beds, to assure that the beds are not being loaded in excess of design capacity and that they are being alternated properly. The logs shall be kept on forms approved by the Department and shall be submitted weekly prior to Thursday of the following week.

**N. OPERATIONS AND MAINTENANCE (O & M) PLAN**

The facility shall have a current written comprehensive Operation & Maintenance (O & M) Plan. The plan shall provide a systematic approach by which the licensee shall at all times, properly operate and maintain all facilities and the systems of treatment and control (and related appurtenances) which are installed or used by the licensee to achieve compliance with the conditions of this license.

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

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

The site plan(s) and schematic(s) should be suitable for reproduction and shall include but not limited to all manholes, septic tanks and other treatment tanks including holding and polishing tanks, pump stations and disposal fields. Each system component shall be provided with a unique alphanumeric identifier.

**O. MONITORING AND REPORTING**

Any submittals required or monitoring requirements shall be reported in accordance with the attached Standard Conditions and directed to the attention of the assigned Facility Inspector at:

Department of Environmental Protection  
Bureau of Land and Water Quality  
17 State House Station  
Augusta, ME. 04333

**SPECIAL CONDITIONS**

**P. REOPENING OF LICENSE MODIFICATIONS**

Upon evaluation of any required test results, results of inspections and/or reporting required by the Special Conditions of this licensing action, additional site specific or any other pertinent information or test results obtained during the term of this license, the Department may, at anytime and with notice to the licensee, modify this license to require additional monitoring, inspections and/or reporting based on the new information.

**Q. SEVERABILITY**

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

**MAINE WASTE DISCHARGE LICENSE**

**FACT SHEET**

Date: February 3, 2012

COMPLIANCE TRACKING NUMBER: MEU506272  
WASTE DISCHARGE LICENSE NUMBER: W006272-6B-E-R

NAME AND MAILING ADDRESS OF APPLICANT:

**TOWN OF KINGFIELD  
Attn: Bryan Fitch  
38 School Street  
Kingfield, ME. 04947-4214**

COUNTY: FRANKLIN

NAME AND ADDRESS OF FACILITY:

**Kingfield Wastewater Treatment System  
171 Main Street  
Kingfield, ME 04947**

RECEIVING WATER/ CLASSIFICATION: Groundwater/Class GW-A

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: Mr. Bryan Fitch  
(207) 491-2992  
e-mail: [kingfieldwastewater@gmail.com](mailto:kingfieldwastewater@gmail.com)

**1. APPLICATION SUMMARY:**

- a. Application: The Town of Kingfield (Town/licensee hereinafter) has submitted a timely and complete application to the Department for the renewal of Waste Discharge License (WDL) #W006272-5L-D-R / Permit Compliance System (PCS) tracking #MEU506272, which was issued by the Department on April 24, 2007, for a five-year term. The WDL authorized the discharge of up 0.077 million gallons per day (MGD) or 77,000 gallons per day (gpd) of treated sanitary wastewater from a series of 55 sub-surface wastewater disposal systems to the groundwater, Class GW-A, in Kingfield, Maine.

## 1. APPLICATION SUMMARY (cont'd)

- b. Source Description: Sanitary waste water is generated by residential and commercial entities within the Town of Kingfield. There are no known industrial sources on the system. Design flows total over 77,000 gallons per day (gpd). See **Attachment A** of this Fact Sheet for a listing of the system design flows.
- c. Waste Water Treatment: Wastewater treatment in Kingfield consists of 55 sub-surface "systems". A treatment "system" consists of a collection pipe(s), a treatment tank(s), a distribution device (either by gravity or pumping) and a sub-surface disposal field (conventional absorption fields or concrete chambers) designed, installed and operated as a single unit.

Systems serving individual residences or businesses have been termed "residential" and generally consist of individual septic tanks and disposal fields. "Neighborhood" or clusters systems generally consist of individual septic tanks serviced by a common disposal area. The central disposal system (No. 55), which services the Kingfield business district, consists of a gravity sewer collection system, two large septic tanks, a duplex pumping system, and a network of disposal fields. The pumping system and disposal fields for System No. 55 are located in a 24-acre field off Route 27 at the entrance to Town, overlooking the Carabassett River. The access road to System No. 55 and the facility maintenance building is located opposite where School Street intersects Main Street.

The 55 sub-surface systems provide a secondary level of treatment via septic tanks that provide settling and other physical, chemical and biological actions; and sub-surface disposal fields that distribute the flow and utilize the soil to further attenuate the pollutants in the wastewater.

See **Attachment B** of this Fact Sheet for a location map of the system service areas.

- d. Collections Lines - The applicant reports that except for a few house connections, the collection lines were installed new at the time of the sub-surface installation (in or about 1985) and therefore the Town expects to receive only relatively small amounts of infiltration and inflow.
- e. Pumps: - Pump stations consist of nine "residential" stations (identified as R-1 through R-9) and nine (duplex pumps) "neighborhood" stations (identified as N-1 through N-9). In addition four (4) pumps service the central downtown system (No. 55). In 1987, the floodwaters were 15 inches high within the central system pump house which prompted the raising of certain controls in the building. The applicant currently records pump flow estimates once a week.

**Attachment A** of this Fact Sheet is a listing of pump station flow rates currently reported by the applicant.

## 1. APPLICATION SUMMARY (cont'd)

f. Disposal Bed Water Levels:

Currently liquid level observations are made on the following systems utilizing existing observation ports or vent pipes: 14, 18, 19, 33, 39, 47, 48, 49, 54, and 55. By a December 26, 1996 letter to the licensee, the Department relieved the Town of their obligation to measure liquid levels for systems 20 and 21.

g. Combined Sewer Overflows (CSO's): There are no known combined sewer overflow points on the system.

h. Septage: The treatment facility only accepts septage into its systems as outlined in WDL Special Condition C. The licensee pumps septage from its own and residential septic tanks annually.

i. Septage Handling: In calendar year 2000, a Green Mountain portable septage dewatering unit was purchased. Filtrate from the dewatering unit is put back into treatment system and dewatered sludge is composted with sawdust at a new composting facility.

## 2. LICENSE SUMMARY

a. Terms and Conditions - This license carries forward all the terms and conditions of the previous license except that this license:

1. Eliminates the requirement to submit a "Subsurface System Performance Report" as an exhibition to the application for license renewal as the license requirements for conducting periodic inspections, maintaining maintenance logs and conducting septic tank inspections and maintaining pumping logs are sufficient to ensure the system is maintained and operated as designed.

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

- November 11, 1984 - The Town of Kingfield submitted an application to the Department to install, operate and maintain a series of sub-surface wastewater disposal systems. Wastewater generated prior to that date was discharged to the Carabassett River (Class A) untreated.
- April 15, 1985 - The Department issued WDL #W006272-45-A-N which authorized the Town of Kingfield to discharge approximately 56,000 gallons per day (gpd) of wastewaters to the ground water via 55 sub-surface systems.
- November 1, 1996 - The Department issued WDL #006272-59-B-R for the continued use of the 55 sub-surface systems. Expired on November 1, 2001.

## 2. LICENSE SUMMARY

- |                  |  |
|------------------|--|
| May 29, 2002     | - The Department issued WDL #W006272-5L-C-R renewing and modifying Kingfield's license to discharge 0.077 MGD of treated sanitary wastewater from a series of 55 sub-surface treatment systems. The WDL was issued for a five year period. |
| April 14, 2004   | - The Department issued an Administrative Modification of WDL #W006272-5L-C-R, addressing receipt and dewatering of septage as well as inspection of grease interceptors and the treatment system.   |
| April 24, 2007   | The Department issued WDL #W006272-5L-D-R renewing Kingfield's license to discharge 0.077 MGD of treated sanitary wastewater from a series of 55 sub-surface treatment systems. The WDL was issued for a five year period.                 |
| January 23, 2012 | The Town of Kingfield submitted a timely and complete application to the Department for the renewal of Waste Discharge License (WDL) #W006272-5L-D-R / Permit Compliance System (PCS) tracking #MEU506272.                                 |

## 3. CONDITIONS OF THE LICENSE

Maine law, 38 M.R.S.A. Section 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water and Groundwater Classification Systems.

## 4. RECEIVING WATER QUALITY STANDARDS

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

## 5. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

This licensing action carries forward certain operational constraints and use restrictions from the previous licensing action that the Department feels are germane to the successful operation of subsurface treatment systems.

## **6. USER EDUCATION**

User education in the proper use and maintenance of the subsurface system is critical to the long-term operation of the disposal fields and the protection of groundwater. Therefore, the licensee is expected to provide system users with regular informational mailings, or similar means of public contact, on the proper use and maintenance of the subsurface wastewater system such as: proper disposal of hazardous waste, elimination of harmful household cleaners, grease and other non-degradables in the system; and water conservation practices.

## **7. MAINTAIN ADEQUATE BUFFERS AND LAND FOR REPLACEMENT**

The licensee is expected to provide adequate buffers from other land uses, and retain where possible land for system expansion or replacement.

## **8. GARBAGE DISPOSALS**

Garbage disposal systems can increase the amount of solids added to the system up to 50 percent and should not be used with subsurface systems. However, if such units are proposed or in use, it is the responsibility of the licensee to ensure that the subsurface system can accommodate the additional waste and that all necessary measures are taken, as specified in the *Maine Subsurface Wastewater Disposal Rules*, to prevent excess suspended solids from entering the disposal system.

## **9. BACKWASH FROM HOME WATER SOFTENERS**

Backwash from home water softeners are believed to hinder the operation of septic tanks under certain conditions and it shall be the responsibility of the licensee to ensure that such systems are prohibited.

## **10. 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.

## 11. PUBLIC COMMENTS

Public notice of this application was made in the Sugarloaf Irregular newspaper on or about January 18, 2012. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft licenses shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

## 12. DEPARTMENT CONTACTS

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

Gregg Wood  
Division of Water Quality Management  
Bureau of Land and Water Quality  
Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017

Telephone (207) 287-7693  
Fax (207) 287-3435  
email: [gregg.wood@maine.gov](mailto:gregg.wood@maine.gov)

## 13. RESPONSE TO COMMENTS

During the period of February 3, 2012, through the issuance date of this license, the Department solicited comments on the proposed draft license to be issued for the discharge(s) from the licensee's facility. The Department did not receive comments from the licensee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the license. Therefore, the Department has not prepared a Response to Comments.



# ATTACHMENT A

Town of Kingfield-#W006272-5L-C-R  
 Fact Sheet Attachment "A"  
 Waste Discharge Licenxse Application  
 Revised February 2007

System #	Pump ID	Party Served	Street Address	Tax Map/ Lot #	Design Flow (GPD)	Comments
<b>Upper Maple Street</b>						
1		Mark Sweeney	79 Maple	06/25	360	
2		Whitfield Horn	73 Maple	18/44	360	
3		John Lander	59 Maple	18/45	360	
4		Lois Gould	51 Maple	18/46	360	
5		Merlin White	47 Maple	18/47	360	
6		James Hosington	48 Maple	18/48	360	
7A	R-1	Olan Johnston	41 Maple	18/49	360	
7		Lorna Campbell	37 Maple	18/50	360	
8		Wendell Dunham	31 Maple	18/51	280	
		David Hart	29 Maple	18/51	360	
9		Ralph Parker	21 Maple	16/06	360	
10		Everett Jordan	74 Maple	18/38	360	
11		Stephen Neal	32 Maple	16/43	280	
12		Ginny Bousum	28 Maple	15/42	360	
13		Donald Murray	24 Maple	15/41	<u>360</u>	
		<b>Total Upper Maple Street</b>			<b>5240</b>	
<b>Maple Street Neighborhood System</b>						
14	N-1	David Loane	19 Maple	15/40 16/07	360	
		Dubeau/Files	17 Maple	16/08	280	
		George Slekman	15 Maple	16/09	280	
		William Holtham	22 Maple	15/40	280	
		Steven Sitz	13 Maple	16/10	360	
		Michelle Lucey	1 Island	15/33	<u>480</u>	
		<b>Total Maple Street Neighborhood System</b>			<b>2040</b>	
<b>Lower Maple Street Residential Systems</b>						
15	R-3	William Holtham	12 Maple	15/29	360	
16		Fred Nildas	5 Maple	16/22	360	
17	R-2	Robert Tripl.	1 Maple	16/23	360	
		Susan Davis	26 Lexington	16/24	<u>360</u>	
		<b>Total Lower Maple Street Residential System</b>			<b>1440</b>	
<b>Roxbury Street Neighborhood System</b>						
N-2		Thomas McCafferty	19 Stanley Ave	16/12 16/15	480	
		Dan Davis	3 Stanley Ave	16/16	600	
		Dan Davis	1 Stanley Ave	16/16	1050	
		Hubert Norton	21 Stanley Ave	16/14	360	
		Scott Taylor	29 Stanley Ave	16./13	360	
		David Guernsey	20 Stanley Ave	16/19	600	
		Courtney Oland	2 Stanley Ave	16/17	360	
		Henry Williams	35 Stanley Ave	16/11	<u>225</u>	
		<b>Total Roxbury Street Neighborhood System</b>			<b>4035</b>	

Town of Kingfield-#W006272-5L-C-R  
 Fact Sheet Attachment "A"  
 Waste Discharge Licenxse Application  
 Revised February 2007

System #	Pump ID	Party Served	Street Address	Tax Map/ Lot #	Design Flow (GPD)	Comments
		David Shanahan	322 Main	15/21	660	
		Robert Woodhouse	12 West Branch	15/22	360	
		David Shanahan	7 West Branch	18/04	360	
		Paul White	9 West Branch	18/03	360	
		<b>Total North Main Street Neighborhood System</b>			<b>3100</b>	
34		Maurice Lambert	298 Main	15/19	360	
		<b>Salem Street Residential System</b>				
35		Kathy Grimes	12 Pleasant	15/77	360	
36		Jean Ferris	13 Pleasant	15/01	360	
37		Gulliver/Joyal	1 Pleasant	15/02	360	
38	R-8	Margaret Winter	36 Salem	13/06	360	
		Thelma Cyr	31 Curve	13/07	<u>480</u>	
		<b>Total Salem Street Residential System</b>			<b>1920</b>	
		<b>Upper School Street Residential Systems</b>			<b>15/65</b>	
39	R-7	Duane Plum	50 High	15/65	480	
	N-5	Baptist Church	40 High	13/42	200	
		Nadine Nichols	63 School	13/24	280	
		John Winter	59 School	13/25	280	
		Tami Ellis	57 School	13/26	360	
		American Legion	62 School	13/23	250	
		Shari Dufreesne	60 School	13/22	<u>360</u>	
		<b>Total Upper School Street Residential Systems</b>			<b>2210</b>	
		<b>High &amp; School Street Residnetial Systems</b>				
40		Roanld Layton	34 High	13/41	480	
41		John Hagerstrom	43 School	13/28	360	
42		John Ritzo	18 High	13/39	280	Replaced 2000
43		Baptist Parsonage	14 High	13/38	360	
44		Paul Wilthee	8 High	13/37	360	
45		Robert O'Conner	21 School	13/33	280	
46		Richard McNell	18 School	13/36	<u>360</u>	
		<b>Total High &amp; School Street Residnetial Systems</b>			<b>2480</b>	
		<b>Lower School Street Neighborhood System</b>			<b>03/18</b>	
47	N-7	Neal Trask	25 School	13/32	460	
		Katherine Hewey	33 School	13/30	360	
		Albert Woods	37 School	13/29	320	
		Michael Kankainen	28 School	13/57	320	
		Town of Kingfield	38 School	13/58	<u>325</u>	
		<b>Total Lower School Street Neighborhood System</b>			<b>1785</b>	

Town of Kingfield-#W006272-5L-C-R  
 Fact Sheet Attachment "A"  
 Waste Discharge License Application  
 Revised February 2007

System #	Pump ID	Party Served	Street Address	Tax Map/ Lot #	Design Flow (GPD)	Comments
<b>Lower Riverside Neighborhood System</b>						
19	N-3	Nok Hem	28 Lexington	16/31-1 16/25	360	
		Victor Nichols	30 Lexington	16-26	360	
		Robert Brown	31 Lexington	16/03	360	
		Barbara Nickerson	40 Lexington	16/27	360	
		Poulin/Towle	41 Lexington	16/02	280	
		Joanne Nickerson	52 Lexington	16/28	360	
		Clayton Wilbur	56 Lexington	16/29	360	
		<b>Total Lower Riverside Neighborhood System</b>			<b>2440</b>	
<b>Middle Riverside Road Neighborhood System</b>						
20		James Meyers	58 Lexington	16/31	920	
		Wayne Plummer	60 Lexington	16/32	360	
		Cecelia Stanley	62 Lexington	16/33	360	
		Paul Giroux	63 Lexington	14/09	360	
		<b>Total Middle Riverside Road Neighborhood System</b>			<b>2000</b>	
<b>Upper Riverside Neighborhood System</b>						
21		Christopher Rushton	1 Riverside	14/06 14/08	360	
		Marjorie Trenholm	5 Riverside	14/07	280	
		David Taylor	6 Riverside	14/10	360	
		Marilyn Oliver	9 Riverside	14-06	360	
		<b>Total Upper Riverside Neighborhood System</b>			<b>1360</b>	
22		Babson/Dumont	19 Riverside	14/05	360	
<b>North Main Street Residential System</b>						
23		Kingfield Woodsman	372 Main	18/20	1050	Replaced bed enlarged 1998
24		Greg West	368 Main	18/17	480	
25		Tranten's II	361 Main	18/29	720	
26		James Willamson	359 Main	18/30	360	
27	R-4	Stacy Cuppernell	355 Main	18/31	360	
28	R-5	Colby Robinson	353 Main	18/32	280	
		Russell Dunham	345 Main	18/33	360	
29		Jane Daly	341 Main	18/34	280	
30		Randy Cousineau	333 Main	18/35	360	
31		Randy Cousineau	329 Main	18/35	360	
32		Donavon Gaston	4 West Kingfield	18/09	360	
		<b>Total North Main Street Residential System</b>			<b>4970</b>	
<b>North Main Street Neighborhood System</b>						
33	N-9	Sid Savage	342 Main	18/08	360	
		Weikko Sillampa	334 Main	18/07	360	
		Richard Keenan	332 Main	18/06	360	
		Paul Rawson	328 Main	18/05	280	

Town of Kingfield-#W006272-5L-C-R  
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 Waste Discharge Licenxse Application  
 Revised February 2007

System #	Pump ID	Party Served	Street Address	Tax Map/ Lot #	Design Flow (GPD)	Comments	
48	N-6	<b>Mid School Street Neighborhood System</b>			<b>13/28</b>		
		Methodist Parsonage	56 School	13/21	360		
		Mary Beth LaMotte	53 School	13/27	360		
		Joyce Howe	52 School	13/19	360		
		Floyd Norton	48 School	13/18	360		
		Wendell Gilmore	4 Sumner	13/58-1	300		
		Stanley Museum	38 School	13/58	<u>270</u>		
		<b>Total Mid School Street Neighborhood System</b>				<b>2010</b>	
49	N-8	<b>Curve Street Neighborhood System</b>			<b>13/58</b>		
		Jay Scribner	24 Curve	13/61	360		
		James Daigle	22 Curve	13/59	360		
		David Kent	13 Curve	13/14	360		
		Tynne Pillman	12 Curve	13/16	360		
		Naida Woodcock	11 Sumner	13/17	360		
		Vernon Dexter	5 Curve	13/15	<u>360</u>		
		<b>Total Curve Street Neighborhood System</b>				<b>2160</b>	
50 51 52 53		<b>Main &amp; High Street Residential System</b>					
		Prindle/Barnham	41 High	13/43	360		
		Peter Davenport	37 High	13/44	360		
		Danny Hallowell	218 Main	13/48	360		
		Francis Doherty	25 School	13/46	<u>360</u>	Replaced Bed Enlarged	
<b>Total Main &amp; High Street Residential System</b>				<b>1440</b>			
54	N-4	<b>Main Street Neighborhood System</b>			<b>03/19</b>		
		Patricia Cunningham	215 Main	13/50	360		
		Rose Winter	211 Main	13/51	480		
		Donald Handrahan	203 Main	13/53	360		
		Michael Eareckson	26 High	13/40	360		
		Barbara Spark	21 High	13/46	360		
		Twiss/Masterson	15 High	13/47	360		
		Alan Stewart	184 Main	13/36	360		
		Paul Croteau	180 Main	13/35	225		
		Paul Croteau	180 Main	13/35	140		
William Niemi	11 School	13/34	<u>360</u>				
					<b>3365</b>		
55	PS-1	<b>Downtown Area System</b>				30000	
	PS-2	<b>Total Designed Flow</b>				<b>77020</b>	

Town of Kingfield - #W006272-5L-C-R  
 Fact Sheet Attachment "C"  
 Pump Station Flow Rates as Reported by the Applicant 10/18/01

**Residential Pump Stations**

Pump ID	System No.	Location	Gallons per Minute
R-1	7A	Maple Street	30
R-2	17	Riverside (Route 16)	33
R-3	15	Maple Street	38
R-4	27	North Main Street	38
R-5	28	North Main Street	56
R-6	29	North Main Street	38
R-7	39	Upper School Street	40
R-8	38	Salem Street	36
R-9	53	South Main/High Street	38

**Neighborhood Pump Stations**

Pump ID	System No.	Location	Gallons per Event
N-1	14	Maple Street	176
N-2	18	Roxbury Street	335
N-3	19	Riverside (Route 16)	317
N-4	54	South Main Street	335
N-5	39	Upper School Street	123
N-6	48	Middle School Street	440
N-7	47	Lower School Street	405
N-8	49	Curve Street	335
N-9	33	North Main Street	255

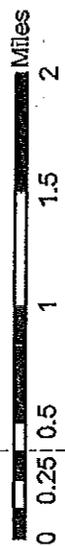
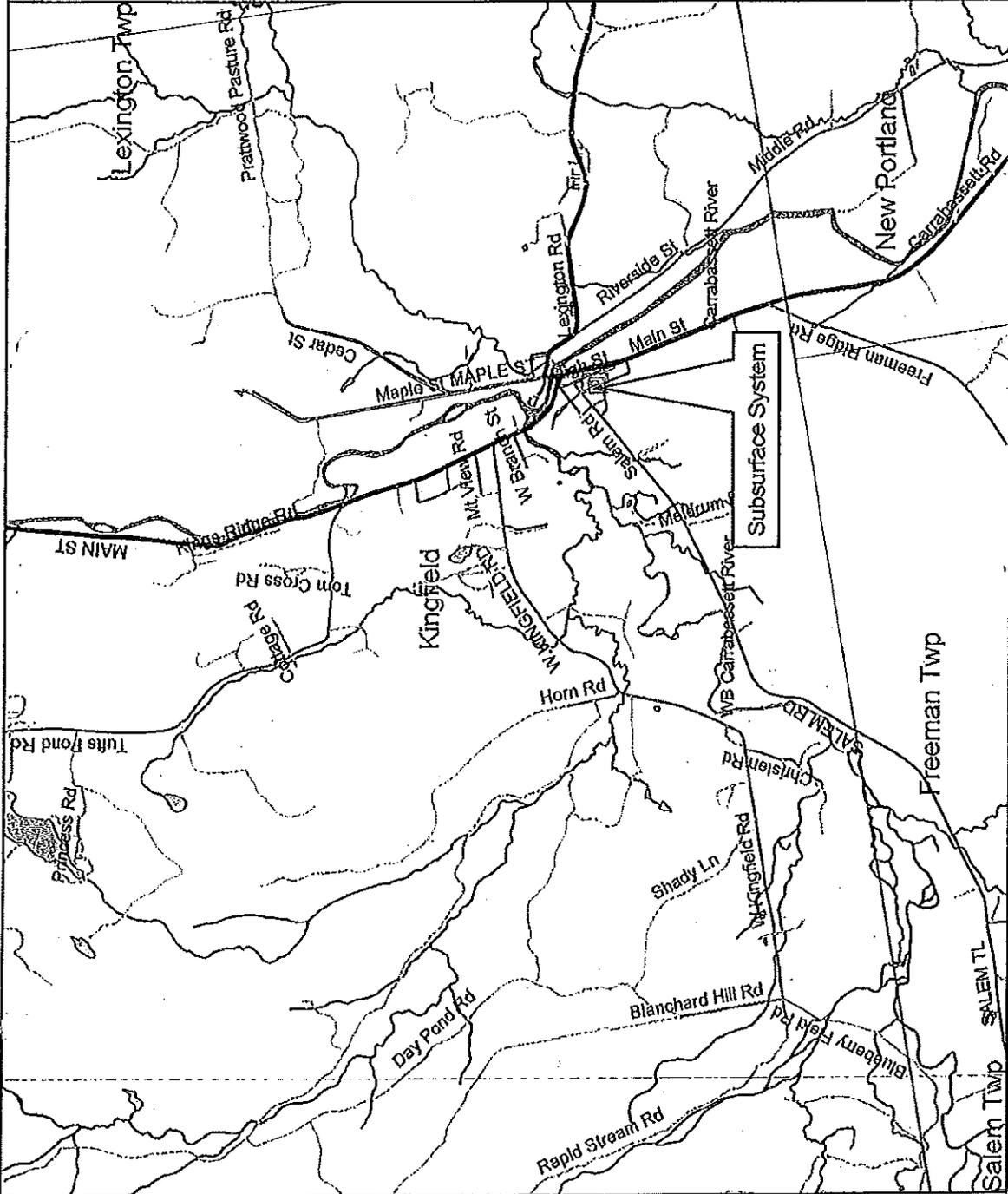
**Central Collection System**

Pump ID	System No.	Location	Gallons per Event
PS-1	55	South Main Street	898.9
PS-2	55	South Main Street	888.3

# **ATTACHMENT B**

**Legend**

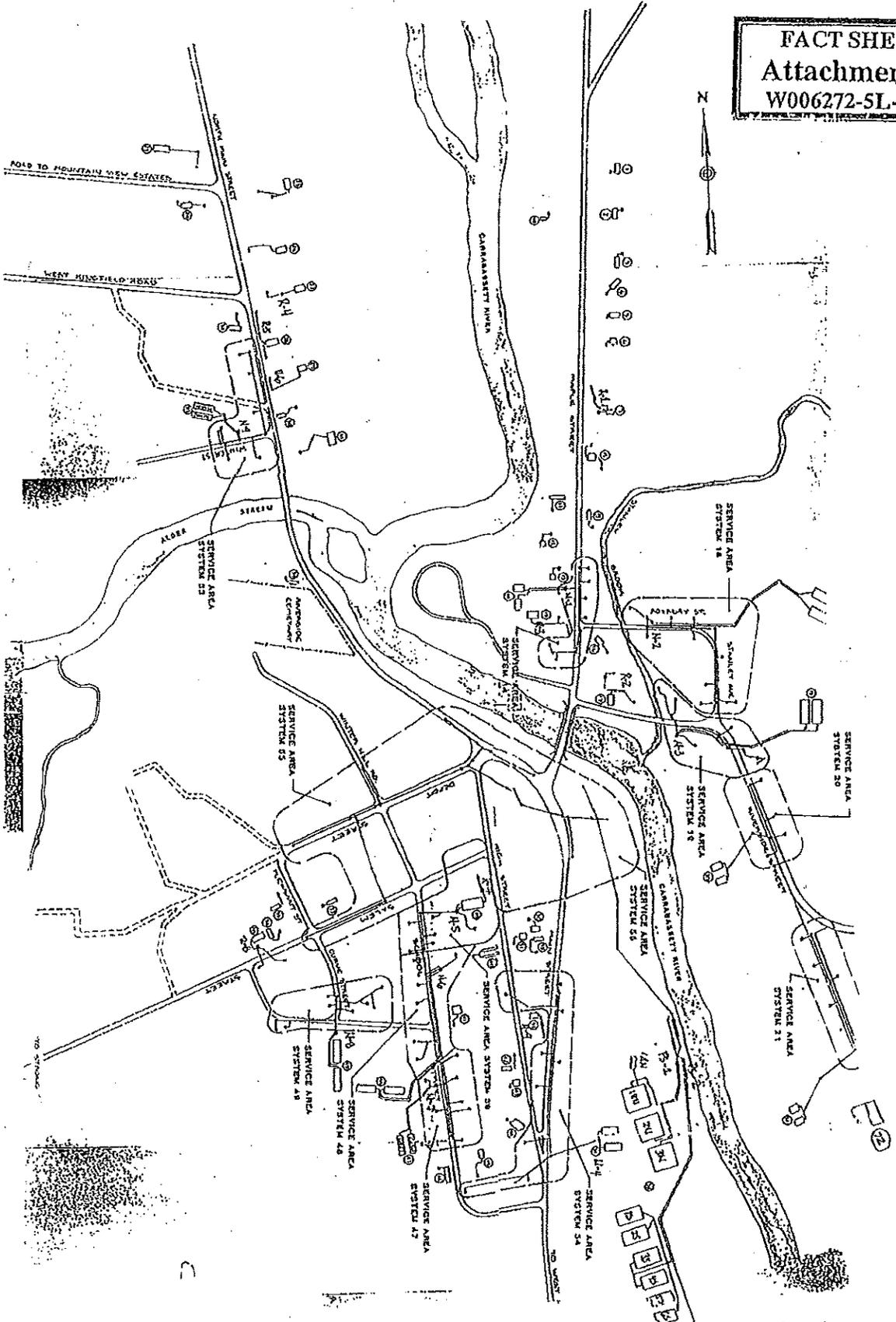
	AA
	A
	B
	C
	AA
	A
	B
	C
	Ponds and Lakes
	Wastewater_Facilities
	Wastewater_Outfalls
	Town Road
	Town Road - Summer
	Town Road - Winter
	State-aided Highway
	State Highway
	Toll Highway
	Private Road
	Reseasonation Road
	Seasonal Parkway



Map created by:  
 Bob Stratton  
 Division of Water Quality Management  
 Maine Department of Environmental Protection

**Town of Kingfield  
 Kingfield, Maine**

**FACT SHEET**  
**Attachment B**  
**W006272-5L-C-R**



Supplemental Division Area  
 C-1, S-2, S-3, S-4, S-5, S-6,  
 S-7, S-8, S-9, S-10, S-10a, S-10b, S-11, S-12

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

1. General Conditions

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

2. Treatment Plant Operator

The Treatment Facility must be operated by a person holding a Grade ~~I, II, III, IV, V~~ certificate pursuant to 32 M.R.S.A., Section 4171 et seq. 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.

~~3. Disinfection~~

~~Disinfection shall be used to reduce the concentration of bacteria to or below the level specified in the "Effluent Limitations and Monitoring Requirement" section of this license. If chlorination is used as a means of disinfection, an approved contact chamber shall be provided. The chlorine residual in the effluent shall at no time cause any demonstrable harm to aquatic life in the receiving waters. A positive chlorine residual shall be maintained at all times as required by this license, however, at no time shall the total chlorine residual of the effluent exceed 1.0 mg/l.~~

4. Wastewater Treatment and Sampling Facilities

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

5. Monitoring and Reporting

a. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. If effluent limitations are based wholly or partially on quantities of a product processed, the licensee shall ensure samples are representative of times when production is taking place. Where discharge monitoring is required when production is less than 50%, the resulting data shall be reported as a daily measurement but not included in computation of averages, unless specifically authorized by the department.

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

c. Reporting

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

~~yearly~~            ~~semi-annually~~            ~~quarterly~~            monthly

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

d. All reports shall be signed by:

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

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

6. Non-Compliance Notification

a. In the event the licensee bypasses collection or treatment facilities or is unable to comply with any of the conditions of this license due, among other reasons, to:

1. breakdown of waste treatment equipment;
2. accidents caused by error or negligence;
3. high strength, high volume or incompatible wastes, or
4. other causes such as acts of nature,

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

b. Within five (5) days of becoming aware of such condition the licensee shall provide the Department of Environmental Protection in writing, the following information:

1. A description of the discharge and cause of noncompliance; and
2. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

- c. If the licensee knows in advance of changes in licensed facilities or activities which may result in non-compliance or of the need to bypass, it shall submit prior notice at least ten days in advance of such occurrence.
- d. In the event a bypass is due to inflow or infiltration of uncontaminated water into a sewer system, reporting requirements may be adjusted by the Department to a monthly basis.

7. Change of Discharge

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

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

8. Transfer of Ownership

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

9. Records Retention

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

10. Other Materials

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

a. They are not

(1) designated as toxic or hazardous under the provisions of Sections 307 and 311 respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law, or

(2) known to be hazardous or toxic by the licensee.

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

11. Removed Substances

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

12. Bypass of Waste Treatment Facilities

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

13. Emergency Action--Electric Power Failure

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

- a. maintain an alternative power source sufficient to operate the wastewater control facilities; or
- b. Halt, reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

14. Spill Prevention and Containment

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

15. Connection to Municipal Treatment System

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

16. Pretreatment

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

## DEFINITIONS

FOR THE PURPOSE OF THIS LICENSE THE FOLLOWING SHALL APPLY

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



# DEP INFORMATION SHEET

## Appealing a Department Licensing Decision

**Dated: March 2012**

**Contact: (207) 287-2811**

### **SUMMARY**

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

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

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

### **I. ADMINISTRATIVE APPEALS TO THE BOARD**

#### **LEGAL REFERENCES**

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

#### **HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD**

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

#### **HOW TO SUBMIT AN APPEAL TO THE BOARD**

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

#### **WHAT YOUR APPEAL PAPERWORK MUST CONTAIN**

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

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

#### **OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD**

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

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

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

## II. JUDICIAL APPEALS

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

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

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

### ADDITIONAL INFORMATION

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

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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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