



STATE OF MAINE  
Department of Environmental Protection

Paul R. LePage  
GOVERNOR

Patricia W. Aho  
COMMISSIONER

April 9, 2012

Mr. Alan Ordway, President  
Winona Camps for Boys  
35 Winona Road  
Bridgton, Maine 04009

RE: Permit Compliance System Tracking Number (PCS) # MEU506784  
Maine Waste Discharge License (WDL) Application # W006784-5J-E-R  
**Final License**

Dear Mr. Ordway:

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 the matter, please feel free to call me at 287-7693 or send me an e-mail 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: Fred Gallant, DEP/SMRO  
Sandy Mojica, USEPA



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

**DEPARTMENT ORDER**

**IN THE MATTER OF**

WINONA CAMPS INC.	)	PROTECTION AND IMPROVEMENT
BRIDGTON, CUMBERLAND COUNTY, MAINE	)	OF WATERS
SURFACE WASTEWATER DISPOSAL SYSTEM	)	
MEU506784	)	WASTE DISCHARGE LICENSE
W006784-5J-E-R	)	RENEWAL
APPROVAL	)	

Pursuant to the provisions of 38 M.R.S.A., Section 414-A et seq., and applicable regulations, the Department of Environmental Protection (Department) has considered the application of WINONA CAMPS, INC. (Winona/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 to renew Maine Waste Discharge License (WDL) #W006784-5J-D-R, which was issued on June 13, 2007, and is scheduled to expire on June 21, 2013. The application is for the continuing operation of a surface wastewater disposal (spray-irrigation) system for the treatment and seasonal disposal of sanitary waste water that is generated at a rate of 10,000 gallons per day (gpd) from a summer camp for children in Bridgton, Maine. The facility has been assigned number MEU506784 for license compliance tracking purposes.

**LICENSE SUMMARY**

This licensing action is carrying forward all the terms and conditions of the previous licensing action except this license;

- 1) Eliminating Special Condition Q, *Submittal of Annual Spray Irrigation Performance Report*, in the previous licensing action 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.
- 2) Eliminating the requirement to monitor the lagoon effluent for nitrate-nitrogen given the consistency of the historical monitoring results for the previous 5-year period.

## CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated March 6, 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:
  - (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 natural resource, that water quality will be maintained and protected;
  - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
  - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected;  
and
  - (e) Where a discharge will result in lowering the existing 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 WINONA CAMPS INC, to operate a surface waste water disposal system to dispose of up to 87,972 gallons per week of sanitary waste waters over a 2.16-acre spray irrigation area, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

1. Standard Conditions of Industrial Waste Discharge Licenses (revised 8/14/96), 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) years thereafter. 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

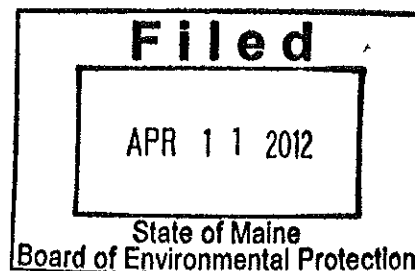
DONE AND DATED AT AUGUSTA, MAINE, THIS 10 DAY OF April 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Keenan  
For Patricia W. Aho, Commissioner

Date of initial receipt of application: February 28, 2012

Date of application acceptance: March 1, 2012



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

This Order prepared by GREGG WOOD, BUREAU OF LAND & WATER QUALITY

**SPECIAL CONDITIONS****A. LIMITATIONS AND MONITORING REQUIREMENTS**

1. During the period beginning the effective date of the license, the licensee is authorized to operate a surface wastewater treatment and disposal system. The **LAGOON EFFLUENT (OUTFALL #001)** <sup>(1)</sup> shall be limited and monitored as specified below.

***APRIL 15 – NOVEMBER 15***

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Weekly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Biochemical Oxygen Demand <i>[00310]</i>	---	Report mg/L <i>[19]</i>	Twice/Year <sup>(2)</sup> <i>[02/YR]</i>	Grab <i>[GR]</i>
Total Kjeldahl-Nitrogen (TKN) <i>[00625]</i>	---	Report mg/L <i>[19]</i>	Twice/Year <sup>(2)</sup> <i>[02/YR]</i>	Grab <i>[GR]</i>

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

Footnotes: See page 7 of this license.

**SPECIAL CONDITIONS****A. LIMITATIONS AND MONITORING REQUIREMENTS**

2. During the period beginning the effective date of the license, the licensee is authorized to operate a surface wastewater treatment and disposal system. The **SPRAY IRRIGATION FIELDS** <sup>(3)</sup> (**OUTFALLS #SF1**) shall be limited and monitored as specified below.

***APRIL 15 – NOVEMBER 15***

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Monthly Total as specified [MP]	Weekly Average as specified [WG]	Measurement Frequency as specified	Sample Type as specified
Application Rate (Weekly) <sup>(4)</sup> [51125]	---	87,972 Gallons/Week <sup>(5)</sup> [8G]	1/Week [01/07]	Calculate [CA]
Total Gallons Applied [51500]	Report (Gallons) [57]	---	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

Note: The spray irrigation field encompasses 2.16 acres.

**SPECIAL CONDITIONS****A. LIMITATIONS AND MONITORING REQUIREMENTS**

3. During the period beginning the effective date of the license, the licensee is authorized to operate a surface wastewater treatment and disposal system. The **GROUND WATER MONITORING WELL(S) (MW1 & MW2)** shall be limited and monitored as specified below.

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Weekly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Depth to Water Level Below Landsurface [72019]	---	Report (feet) <sup>(6)</sup> [27]	Twice/Year <sup>(7)</sup> [02YR]	Measure [MS]
Nitrate-Nitrogen [00620]	---	10 mg/L <sup>(8)</sup> [19]	Twice/Year <sup>(7)</sup> [02YR]	Grab [GR]
Specific Conductance [00095]	---	Report (umhos/cm) <sup>(9)</sup> [11]	Twice/Year <sup>(7)</sup> [02YR]	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

Note: MW2 is located downgradient from the spray irrigation field, whereas MW1 is located downgradient from the effluent lagoon.

## SPECIAL CONDITIONS

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

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

#### Lagoon Effluent

- (1) Lagoon effluent shall be sampled as it exits the lagoon to be sprayed and shall be representative of what is actually sprayed on the spray-irrigation field.
- (2) Lagoon effluent sampling shall be conducted in **July and August** of each calendar year in accordance with federally approved methods for sampling, handling and preservation. Samples shall be analyzed by a laboratory certified by the State of Maine's Department of Human Services and in accordance with methods approved by 40 Code of Federal Regulations (CFR) Part 136.

Note: The licensee is not required to test for these parameters during a month where no wastewater was disposed of via the spray irrigation system.

#### Spray-Irrigation Fields

- (3) The licensee shall measure the flow of wastewater to the irrigation area by the use of a meter or pump calibration data.
- (4) Weekly is defined as Sunday through Saturday.
- (5) For Discharge Monitoring Report (DMR) reporting purposes, the licensee shall report the highest weekly and daily application rate for the month in the applicable box on the form. See Special Condition I for additional reporting requirements for daily and weekly application rates.

#### Groundwater Monitoring

- (6) Measured to the nearest one-tenth of a foot as referenced from the surface of the ground at the base of the monitoring well.
- (7) Ground water sampling shall be conducted in the months of **May and October** of each year in accordance with Department approved methods for sampling, handling, and preservation. Samples shall be analyzed by a laboratory certified by the State of Maine's Department of Human Services and in accordance with methods approved by 40 Code of Federal Regulations (CFR) Part 136.
- (8) National Primary Drinking Water Standard – Maximum Contamination Level (MCL).
- (9) Specific Conductance is to be temperature calibrated to 25.0° C.



## **SPECIAL CONDITIONS**

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

This 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 Title 32 M.R.S.A., Section 4171 et seq and Department Rule Chapter 531. All proposed contracts for facility operation by any person must be approved by the Department prior to the licensee engaging the services of the contract operator.

### **C. MONITORING AND REPORTING**

Monitoring results obtained during the previous month shall be summarized for each month and reported on separate Discharge Monitoring Report Forms provide by the Department and **postmarked on or before the thirteenth (13<sup>th</sup>) day of the month and submitted in a timely fashion 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. A signed copy of the Discharge Monitoring Report and all other reports required herein shall be submitted to the Department's facility compliance inspector at the following address:

Maine Department of Environmental Protection  
Division of Water Quality Management  
Bureau of Land and Water Quality  
312 Canco Road  
Portland, Maine 04103

Alternatively, if you are submitting an electronic DMR (eDMR), the completed eDMR must be electronically submitted to the Department by a facility authorized DMR Signatory not later than close of business on the 15<sup>th</sup> day of the month following the completed reporting period. Hard Copy documentation submitted in support of the eDMR must be postmarked on or before the thirteenth (13<sup>th</sup>) day of the month or hand-delivered to the Department's Regional Office such that it is received by the Department on or before the fifteenth (15<sup>th</sup>) day of the month following the completed reporting period. Electronic documentation in support of the eDMR must be submitted not later than close of business on the 15<sup>th</sup> day of the month following the completed reporting period.

## **SPECIAL CONDITIONS**

### **D. 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 field (#SF1) and from those sources as indicated in the Waste Discharge License Application. Discharge of wastewater from 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.

Certain portions of Winona's wastewater are treated by subsurface systems and are not covered under this licensing action. Subsurface wastewater treatment is currently under the jurisdiction of the Department of Human Resource's Division of Health Engineering and the State of *Maine Subsurface Wastewater Disposal Rules*.

### **E. 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.

### **F. NOTIFICATION REQUIREMENT**

In accordance with Standard Condition #6 of this license, the licensee shall notify the Department of the following.

1. Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system.
2. For the purposes of this section, adequate notice shall include information on:
  - (a) the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
  - (b) any anticipated impact of the change in the quantity or quality of the wastewater to be discharged from the treatment system.

## **SPECIAL CONDITIONS**

### **G. GENERAL OPERATIONAL CONSTRAINTS**

1. All wastewaters shall receive pretreatment through septic tanks and a properly designed, operated and maintained lagoon system prior to land irrigation.
2. The spray irrigation facilities shall be effectively maintained and operated at all times so that there is no discharge to surface waters, nor any contamination of ground waters which will render them unsatisfactory for usage as a public drinking water supply.
3. The surface wastewater disposal system shall not cause the lowering of the quality of the ground water, as measured in the groundwater monitoring wells specified by this license, below the State Primary and Secondary Drinking Water Standards specified in the Maine State Drinking Water Regulations pursuant to Maine Law 22 M.R.S.A. § 2601.

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

4. The Department shall be notified as soon as the licensee becomes aware of any threat to public health, unlicensed discharge of wastewater, or any malfunction that threatens the proper operation of the system, and action taken to repair/correct, and prevent recurrence. Notification shall be made in accordance with the attached Standard Conditions of this license.
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 shall be accessible for inspections and pumping. Risers shall be installed as necessary.
6. All system components including collection pipes, tanks, manholes, pumps, pumping stations, spray disposal fields, and monitoring wells shall be identified and referenced by a unique system identifier in all logs and reports.

## SPECIAL CONDITIONS

### H. SPRAY IRRIGATION OPERATIONAL CONSTRAINTS

1. The licensee shall be limited by and monitor the spray irrigation system for the parameters in the table titled "Effluent Limitations and Monitoring Requirements" Special Condition A(2) of this license at the monitoring frequency specified.
2. The maximum wastewater application rate shall not exceed 87,972 gallons per week. Note: 1 acre-inch is equivalent to 27,152 gallons.
3. Irrigation shall be limited to the time period between **April 15 and November 15** each calendar year. Compliance with other operational constraints must be maintained at all times.
4. A suitable year round vegetative cover shall be maintained and wastewater may not be applied to areas without established vegetation or ground cover (organic matter) covering at least 75% of the surface of the ground.
5. Irrigation events shall be scheduled, timed and interrupted so that:
  - No surface runoff occurs during irrigation from the spray area;
  - There must be at least 10 inches of separation between the ground surface and the ground water table at the time of spray irrigation events. The root zone shall not be completely saturated at the conclusion of irrigation;
  - And, the effects of evaporation from the soil and transpiration by plants AKA evapo-transpiration as influenced by temperature (soil & air), wind, relative humidity and sunlight are maximized.
6. The licensee shall manage irrigation to prevent surface water runoff and shall not irrigate land areas when water is ponding on the land surface for longer than 15 minutes at a time.
7. No wastewater shall be applied to the site following a rainfall or precipitation accumulation exceeding 1.0 inch within the previous 24-hour period. A rain gauge shall be located on site to monitor daily precipitation.
8. No wastewater shall be applied where there is snow present on the surface of the ground.
9. No wastewater shall be applied when there is frost within the upper 18 inches of the soil profile.
10. No traffic or equipment shall be allowed in the spray-irrigation field except where installation occurs or where normal maintenance or repairs are performed.

## **SPECIAL CONDITIONS**

### **I. SPRAY IRRIGATION OPERATIONAL PROCEDURES, LOGS AND REPORTS**

1. **Prior to the commencement of spray irrigation for the season**, the licensee shall notify the Department's compliance inspector that they have verified that soil conditions, are appropriate (absence of frozen ground, soil drainage, moisture conditions, etc) for spray irrigation.
2. **Each day prior to irrigating**, the licensee shall visually inspect (or have another suitable Department approved method for assessing) the spray irrigation site to determine if area conditions are appropriate for spraying and all the operational constraints listed above are met. Observations may include:
  - The level of free water in an auger hole, a nearby well, or observation pit;
  - Methods for estimating the amount of water present in the soil, either by feel or soil moisture measurement devices;
  - Current and past weather conditions (such as when and how much precipitation has occurred, potential for evapo-transpiration as influenced by temperature, wind, and relative humidity).
3. **Within one hour after start-up of the spray-irrigation system and at the conclusion of the spray-event**, the licensee shall walk the spray irrigation site to check the system for leakage in the piping system and determine if individual sprayheads and pump(s) are functioning as designed, and verify that application rates are appropriate for the existing site conditions. Should significant malfunctions or leaks be detected, the licensee must shut down the portion of the spray system malfunctioning and make necessary repairs before resuming operation of the spray system. An irrigation cycle shall be stopped if runoff or ponding occurs.
4. **The licensee shall maintain a daily log of all spray irrigation operations** which records, date, weather, temperature, rainfall, depth to ground water in observation wells and volume sprayed (gallons) and other relevant observations/comments from daily inspections. The log shall be in accordance with the format of the "Monthly Operations Log" provided as **Attachment "A"** of this license.

**Weekly spray application rates** shall be reported in accordance with the format of the "Spray Application Report by Week" provided as **Attachment "B"** of this license. The daily and monthly operational logs for each month shall be submitted to the Department as an attachment to the monthly Discharge Monitoring Reports (DMR's). Copies will also be maintained on site for Department review and for license operation maintenance purposes.

## **SPECIAL CONDITIONS**

### **J. VEGETATION MANAGEMENT**

1. The licensee shall remove vegetation in the spray-irrigation areas as necessary as not to impair the operation of the spray-irrigation system and to ensure uniform distribution of wastewater over the desired application area.
2. The vegetative buffer zones along the perimeter of the site shall be maintained to maximize vegetation and forest canopy density in order to minimize off-site drift of spray.

### **K. LAGOON MAINTENANCE**

1. The banks of the lagoon shall be inspected weekly during the operating season and properly maintained. There shall be no overflow through or over the banks. Any signs of leaks, destructive animal activity or soil erosion of the berms shall be repaired immediately. The Department shall be notified by phone immediately and then in writing within five (5) days of such incidents documenting the corrective action(s) that were taken to eliminate the overflow.
2. Annual maintenance of the banks of the lagoon shall be conducted to keep them free of woody vegetation and other vegetation that may be detrimental to the integrity of the berm and or lagoon liner.
3. The waters within the lagoon shall be kept free of all vegetation (i.e. grasses, reeds, cattails, etc) that hinders the operation of the lagoon.
4. The lagoon shall be dredged as necessary to maintain the proper operating depths that will provide best practicable treatment of the wastewater. All material removed from the lagoon(s) shall be properly disposed of in accordance with all applicable State and Federal rules and regulations.
5. At the end of each spray season, the lagoon shall be lowered to a level sufficient to allow for storage of precipitation and/or infiltration during the period the spray system is not being used and/or operated.
6. The licensee shall maintain the lagoon freeboard at design levels or at least two (2) feet whichever is greater. Freeboard measured to the nearest tenth of a foot, shall be reported on the daily operational logs as the mathematical difference between the water level in the lagoon and the lowest elevation point on the lagoon berm of the beginning and end of spray irrigation.

## **SPECIAL CONDITIONS**

### **L. 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.
3. Septic tanks and other treatment tanks shall be regularly inspected (at least once per calendar year) and maintained to ensure that they are providing best practicable treatment. Reports of the results of the inspection shall include the amount of sludge build-up, baffle conditions, etc., and shall be reported to the Department's compliance inspector prior to the end of the month following the inspection.
4. 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.

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

The licensee is prohibited from introducing transported wastes into the 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.

### **N. INSPECTIONS AND MAINTENANCE**

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, and other relevant system operations.
3. Maintenance logs shall be maintained for each system component including pumps, pump stations, septic tanks, lagoons, spray apparatus, and pipes. At a minimum, the log shall include the alphanumeric ID, the date of maintenance, type of maintenance performed, names or person performing the maintenance, and other relevant system observations.

## **SPECIAL CONDITIONS**

### **O. PUMPING STATIONS**

1. The collection system shall be operated with a duplex pump system, or with standby pumps and motors on site.
2. There shall be a high-level detection system with a highly visible red light or audio warning system in the event of the 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.
3. Employees shall be trained to report activated alarms to the licensee as soon as possible.
4. A manual check of the operation of the pump, testing all level controls, switches and alarms shall be performed and recorded at least once per month during the operation of the surface disposal system.

### **P. PUMPING (SOLIDS REMOVAL FROM SEPTIC TANKS, PUMPING STATIONS, AND OTHER TREATMENT TANKS)**

1. The licensee shall keep a pumping log including the date of pumping, quantity of material removed (solids % 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 if damaged.

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

The licensee shall operate the treatment facility in accordance with an approved operational and maintenance plan that describes step-by-step how the surface wastewater disposal system is operated and maintained and what measures or standard operating procedures will ensure compliance with the terms and conditions of this license.

The operational and maintenance plan shall include 11" x 17" site plan(s) (to scale) of the lagoon and spray irrigation areas. The plan shall include, but not be limited to showing the location of the lagoon(s), ground water monitoring wells, observation pits, spray irrigation pump station(s), layout of the mainline and lateral piping distribution system, individual spray heads, soil types, and contour lines at 20 foot intervals or less. Any property boundary or surface water within 500 feet of the lagoon or spray irrigation field must be shown on the plan. All system components shall be identified by unique alphanumeric identifiers.



## **SPECIAL CONDITIONS**

### **Q. OPERATIONS AND MAINTENANCE (O & M) PLAN AND SITE PLAN (cont'd)**

It shall be the responsibility of the licensee to keep the plans current over the course of the license, and for the plans to reflect any modifications or additions to the system. If significant changes to the operations and maintenance plan are warranted, the licensee shall inform the Department facility inspector in writing and within 10 days of implementing said actions. The plans shall be kept on-site at all times and made available to the Department upon request.

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

Public access to the land application sites shall be controlled during the season of active site use. Such controls shall include the posting of signs showing the activities being conducted at each site.

The licensee shall install signs measuring at least 8 ½" x 11" around the perimeter of the lagoon and spray irrigation site that inform the general public that the area is being used to dispose of sanitary wastewaters. 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.

### **S. GROUND WATER MONITORING WELLS**

The Department reserves the right to require increasing the depth and or relocating any of the groundwater monitoring wells if the well is perennially dry or is determined not to be representative of groundwater conditions.

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

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

### **U. 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

## Monthly Operations Log

Winona Camps Inc (WDL #W006784)

(Month/Year) \_\_\_\_\_

Spray Field # \_\_\_\_\_

Weekly Application Rate: \_\_\_\_\_ gallons/week

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

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

## Attachment B

### Spray Application Report by Week

Winona Camps (WDL #W006784)

(Month/Year) \_\_\_\_\_

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

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

**MAINE WASTE DISCHARGE LICENSE**

**FACT SHEET**

Date: March 6, 2012

PERMIT COMPLIANCE TRACKING SYSTEM NUMBER: MEU506784

LICENSE NUMBER: W006784-5J-E-R

NAME AND MAILING ADDRESS OF APPLICANT:

**WINONA CAMPS INC.  
Attn: Alan Ordway  
35 Winona Road  
Bridgton, ME 04009**

COUNTY: Cumberland County

NAME AND ADDRESS OF FACILITY:

**35 Winona Road  
Bridgton, ME. 04009**

RECEIVING WATER/ CLASSIFICATION: Groundwater /Class GW-A

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: Mr. Alan Ordway  
207-647-3721  
e-mail: [thebat@winonacamps.com](mailto:thebat@winonacamps.com)

**1. APPLICATION SUMMARY**

- a. Application: Winona Camps Inc. (Winona/licensee hereinafter) has submitted a timely and complete application to the Department for the renewal of Waste Discharge License (WDL) #W006784-5J-D-R, which was issued on June 13, 2007, for a five-year term. The application is for the continuing operation of a surface wastewater disposal (spray-irrigation) system for the treatment and seasonal disposal waste water that is generated at a rate of 10,000 gallons per day from Winona Camps Inc. in Bridgton, Maine. See **Attachment A** of this Fact Sheet for a location map of the facility.

## 1. APPLICATION SUMMARY (cont'd)

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

- September 30, 1985 . - The Department issued WDL #W006784-41-A-N, which authorized the operation of a new surface wastewater disposal system for the treatment and disposal of an daily average flow of 10,000 gallons per day sanitary wastewater. The WDL expired on September 30, 1990.
- May 20, 1994 - The Department issued WDL #W006784-66-B-R, which renewed the surface wastewater disposal system for 10,000 gallons per day of sanitary wastewater. The WDL expired on May 20, 1999.
- June 21, 2002 - The Department issued WDL #W006784-5J-C-R which renewed the license to discharge waste water generated at the Winona Campground. The WDL expired on June 21, 2007.
- June 13, 2007 - The Department issued WDL #W006784-5J-D-R which renewed the license to discharge waste water generated at the Winona Campground. The WDL expired on June 13, 2012.
- February 28, 2012 Winona Camps Inc. submitted a timely and complete application to the Department to renew the WDL that is scheduled to expire on June 13, 2012.

c. Source Description:

The applicant operates Winona Camps, a commercial summer camp for boys on the east shore of Moose Pond in the Town of Bridgton. The applicant reports that the camp currently accommodates up to 250 campers and 110 staff, for a total of 360 users during the peak season (late June to mid-August). It was also noted even in peak season that up to 100 campers may be away from camp on trips for several days at a time. Lesser quantities of wastewater are generated during training and staff orientation in May and June (group sizes 25 to 125), during post season the last two weeks in August (group size 200), and during September (group size 50 to 150, mostly on weekends). The original license was based on a peak of 350 campers and 75 staff, for a total of 425 users.

Certain portions of the camp are served by existing subsurface systems (leach beds) and not by the spray-irrigation system. These include the Senior Mountain House shower house (6 showers, 5 toilets, 3 sinks & 2 urinals), the CIT Wiggy (3 showers, 4 toilets, and 4 sinks), the Memorial Hall (1 handicapped accessible bathroom and shower), the Log Cabin and Totem Cabin (both a single-residence building). In addition, during the winter months, wastewater from the Junior Wiggy (the winter office) and the Birches Cabin are switched to an existing subsurface system at the south end of the camp. Wastewater generated is characterized as similar to typical residential wastewater. **Attachment "B"** of this Fact Sheet is a copy of schematic of the collection system provided by the applicant.

## 1. APPLICATION SUMMARY (cont'd)

### d. Waste Water Treatment (Spray-Irrigation):

- The applicant treats sanitary wastewater through a slow rate land irrigation system (spray-irrigation). Prior to spraying, the wastewater receives pretreatment through septic tanks and a clay-lined stabilization lagoon.
- Wastewater generated from the camp is either discharged to individual in-ground septic tanks and then to a 10,000 gallon septic tank or directly to the 10,000 gallon tank. Flow to the 10,000-gallon tank may be by gravity or from small pump stations.
- The wastewater from the 10,000-gallon tank is then pumped through an 800-1000 gallon pump station (serviced by a single 5 horsepower-hp motor) to a stabilization lagoon located several hundred feet uphill from the camp. The pump station is equipped with a liquid level detection system and a red high level warning light.
- Two 1 ½ horsepower “burke” pumps located nearby to this pump station, serve as an emergency backup. If necessary, the emergency backup system will pump wastewater to an existing leach field. The applicant reports the backup system has only been used once in the past 15 years.
- The stabilization lagoon was designed to provide storage for up to 30 days detention (394,945 gallons) of influent (30 days at 10,000 gallons per day for a total of 300,000 gallons) plus precipitation (94,945 gallons) and an un-pumpable volume (1 foot deep) on the bottom of the lagoon. The lagoon was lined with a commercial bentonite clay sealer to minimize infiltration.
- From the lagoon, effluent is pumped into the adjacent spray irrigation system, which consists of 16 spray nozzles spaced approximately 100 feet on center. **Attachment “C”** of this Fact Sheet is a sketch of the lagoon, spray irrigation site and the ground water monitoring wells.
- A flow meter (calibrated in gallons) measures the effluent flow from the lagoon to the spray-irrigation site.
- Ground water quality is currently monitored by two ground water monitoring wells (MW1 and MW2).

## 1. APPLICATION SUMMARY (cont'd))

### e. Site Conditions:

The lagoon and spray irrigation area are located on a gentle slope about 2000 feet east of Moose Pond, the nearest water body. Soils at the site are characterized as Skerry-Becket Association, a moderately well drained soil that is suitable for spray irrigation for waste water disposal. The site is underlain by glacial till material of reported low hydraulic conductivity. Tests done prior to the construction of the system indicate the topsoil is predominantly sandy loam over silty sand. The spray irrigation area is mostly wooded with a mixed over-story of mature white pines and several hardwood species.

## 2. 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 Water Classification System.

## 3. 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.

## 4. 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.

## 5. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- a. Lagoon Effluent - The previous licensing action is establishing monthly monitoring requirements for *Biochemical Oxygen Demand (BOD<sub>5</sub>)*, *Total Kjeldahl Nitrogen (TKN)*, and *Nitrate-Nitrogen* for lagoon effluent as it exits the lagoon to be sprayed. Monitoring for these parameters twice per year yields an indication of the effectiveness of the lagoon treatment process and the condition of the wastewater being applied.

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

Monitoring for BOD provides an indication of the condition of the waste water being applied from the lagoon, of the degree of loading of organic material and the effectiveness of the spray irrigation treatment process. A limit of 100 mg/L is generally established at larger spray irrigation facilities as a best practicable treatment (BPT) standard, however, in this licensing action the Department is carrying forward the requirement to report BOD levels in the lagoon effluent.

*Nitrate-Nitrogen & Total Kjeldahl-Nitrogen (TKN)*– Nitrogen compounds are by-products of the biological breakdown of ammonia and are inherent in domestic-like sanitary waste water. Because nitrate-nitrogen is weakly absorbed by soil, it functions as a reliable indicator of contamination from waste disposal sites. Elevated levels of nitrate-nitrogen in drinking water supplies are human health concerns. The National Primary Drinking Water standard for nitrate-nitrogen limit is 10 mg/L.

A review of the monthly Discharge Monitoring Report (DMR) for the period 2007 – 2011 indicate values have been reported as follows:

### Biochemical oxygen demand – effluent (DMRs=10)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily maximum	Report	34 - 100	76

### Total kjeldahl nitrogen – effluent (DMRs=6)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily maximum	Report	29 - 33	30

### Nitrate-nitrogen – effluent (DMRs=10)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily maximum	Report	<0.05 – 0.05	0.23

The Department has made a best professional judgment to eliminate the monitoring requirement for nitrate nitrogen given the consistency of the historical monitoring data.

- b. Spray Irrigation: The spray irrigation area and lagoon were designed to treat flows generated at a rate of 10,000 gallons per day (gpd) of sanitary wastewater during the summer camp season. Using State Plumbing Code guidelines and the approximate camp population served by the system, the estimated flow from the camp appears to fall well within the 10,000 GPD limit.



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

The weekly maximum rate 40,720 gallons per acre per week (1.5 inches/week) in the previous licensing actions is based on the characteristics of the in-situ soils and its ability to attenuate pollutant loadings. This licensing action is carrying forward the application rate but is only requiring the licensee to report the weekly average quantity of water sprayed on the entire spray field. This will provide the licensee more flexibility in managing the spray site. The spray irrigation area covers 2.16 acres and application rates can be summarized as follows:

	License Limit	Equivalent Inches	Weekly limit for 2.16 acres
Application Rate (weekly)	40,728 gallons/acre	1.5 inches	87,974 gallons per week

\*\* Sixteen (16) spray heads with a spray irrigation radius of 43.3 feet each

Note: 1 acre-inch is equivalent to 27, 152 gallons

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

A review of the monthly DMR data for the period 2007 – 2011 indicate values have been reported as follows:

### (DMRs = 31)

	Limit (gals/acre)	Range (gal/acre)	Average (gal/acre)
Application Rate (gallons/acre/week)	40,728	4,583 – 30,298	21,253

### (DMRs = 29)

	Limit (gals/month)	Range (gal/month)	Average (gal/month)
Flow (Monthly Total)	Report	26,158 – 136,230	73,034

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

### c. Groundwater Monitoring Wells

The Department generally requires a minimum of three monitoring wells for monitoring surface wastewater disposal (spray-irrigation) systems. One well is typically installed upgradient from the lagoon to monitor ambient groundwater conditions, one well installed down-gradient from the lagoon to monitor lagoon leakage, and one well installed down gradient from the spray field to monitor effects on the groundwater from the spray operation. Two ground water monitoring wells currently exist on site and are shown on **Attachment "B"** of this Fact Sheet. The monitoring wells are located more or less hydro-geologically down gradient from the lagoon and spray irrigation area. They are identified as MW1 that is downgradient from the lagoon and MW2 that is downgradient from the spray irrigation area. Due to the consistent quality effluent from the lagoon, the Department finds that the existing wells satisfy Department criteria for ground water monitoring wells at the facility.

The previous licensing action established limitations or monitoring requirements for the following parameters that are being carried forward in this licensing action.

1. *Specific Conductance* is generally considered "field" parameters meaning that they are measured directly in the field via instrumentation and does not require laboratory analysis. However, in certain instances, specific conductance samples may be preserved and forwarded to a laboratory for evaluation. For purposes of this license, specific conductivity may be measured in the laboratory (normally a field parameter) as long as Department approved methods for handling and preservation of the sample are adhered to and analysis is performed in accordance with methods approved by 40 Code of Federal Regulations (CFR) Part 136. By definition the sample shall be temperature calibrated to 25°C. This parameter is considered surveillance level monitoring parameters that are used as early-warning indicators of potential groundwater contamination.
2. *Nitrate-Nitrogen* – Nitrogen compounds are by-products of the biological breakdown of ammonia and is inherent in domestic-like sanitary waste waters. Tracking nitrogen concentration is important in determining the effectiveness of the treatment process and elevated N-concentration is a human health concerns in drinking water supplies. The limit of 10 mg/L is a National Primary Drinking Water standard.

## 5. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

In the case of Winona Camps, 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. A review of the monitoring well data for the period 2007 – 2011 indicates values have been reported as follows:

### MW1 (DMRs=9)

Parameter	Limit	Range	Mean
Conductance (umhos/cm)	Report	64 - 150	115
Nitrate nitrogen (mg/L)	Report	0.3 – 1.8	0.8
Depth to GW (in)	Report	14 - 54	32

### MW2 (DMRs=9)

Parameter	Limit	Range	Mean
Conductance (umhos/cm)	Report	93 - 150	121
Nitrate nitrogen (mg/L)	Report	0.1 – 2.8	1.2
Depth to GW (in)	Report	18 - 48	39

## 6. 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.

## 7. GREASE TRAPS

Although not specifically required by this licensing action, it is the Department's recommendation that any food preparation facility or dining halls serviced by the spray-irrigation treatment system have an external grease interceptor preceding the septic tank, to help facilitate best practicable treatment and ensure proper functioning of the septic tank(s). Grease interceptors should be inspected by the licensee at least two times per year and the tank cleaned when the volume of the grease equals more than 50% of the capacity of the tank.

Note: Any food preparation facilities connected to "subsurface" systems are required to have external grease interceptors preceding the septic tanks in accordance with the State of *Maine Subsurface Wastewater Disposal Rules*.

## **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 Bridgton News newspaper on or about February 23, 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.

## **10. 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 & Water Quality  
Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017 Telephone: (207) 287-7693 Fax: (207) 287-3435  
e-mail: [gregg.wood@maine.gov](mailto:gregg.wood@maine.gov)

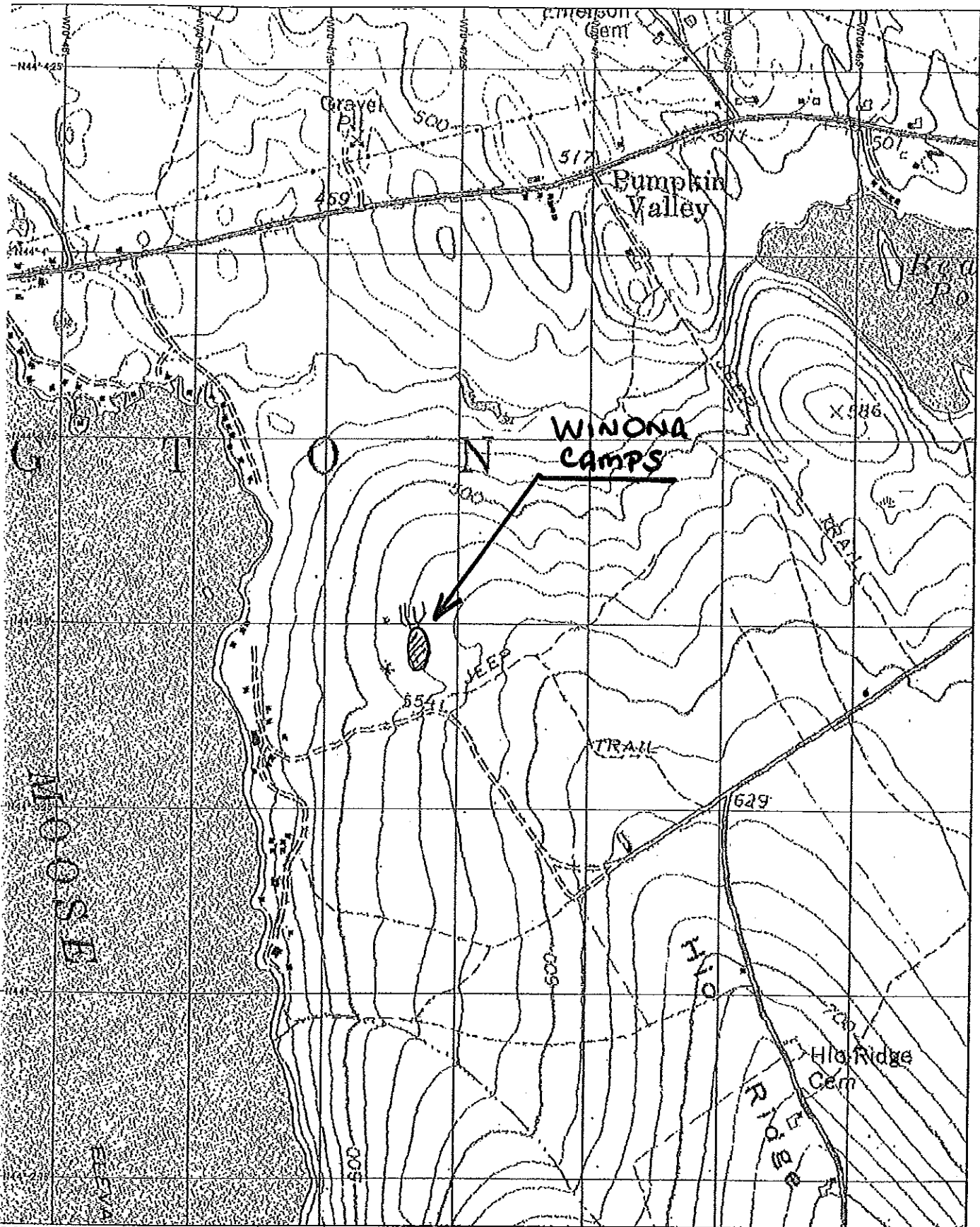
## **11. RESPONSE TO COMMENTS**

During the period of March 6, 2012, through the issuance date of the 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**

# Attachment A



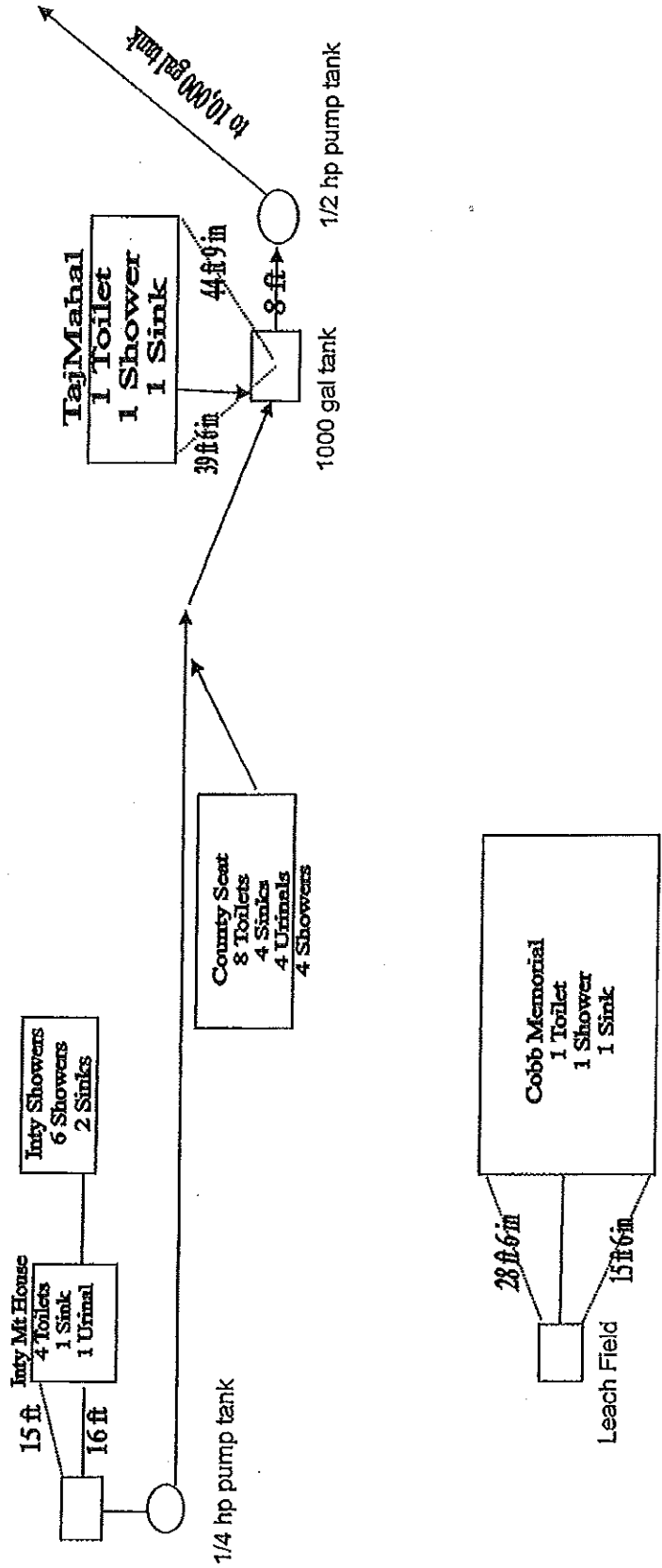
## **ATTACHMENT B**



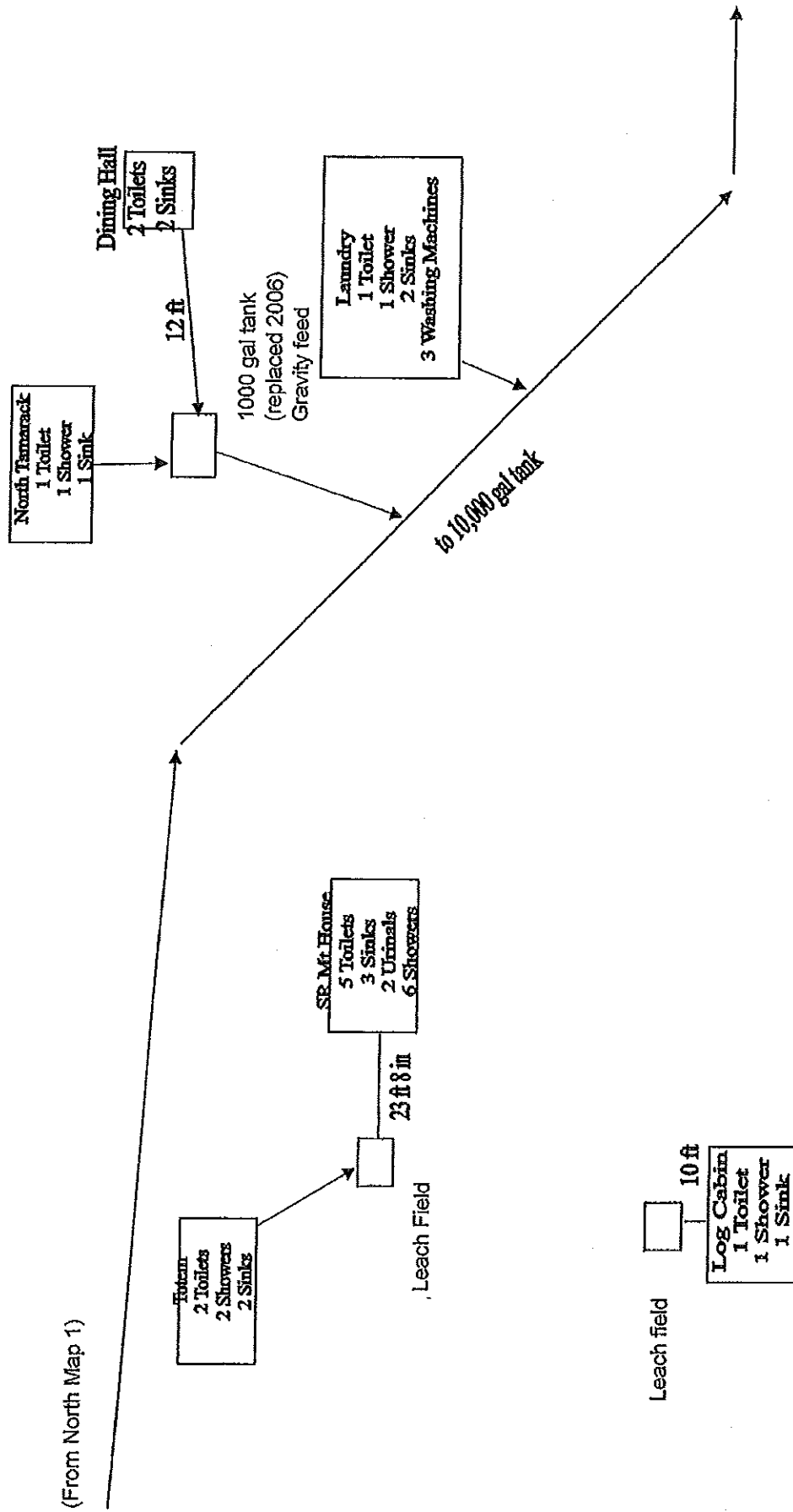
(24)

2/23/2012 reviewed

North Map 1

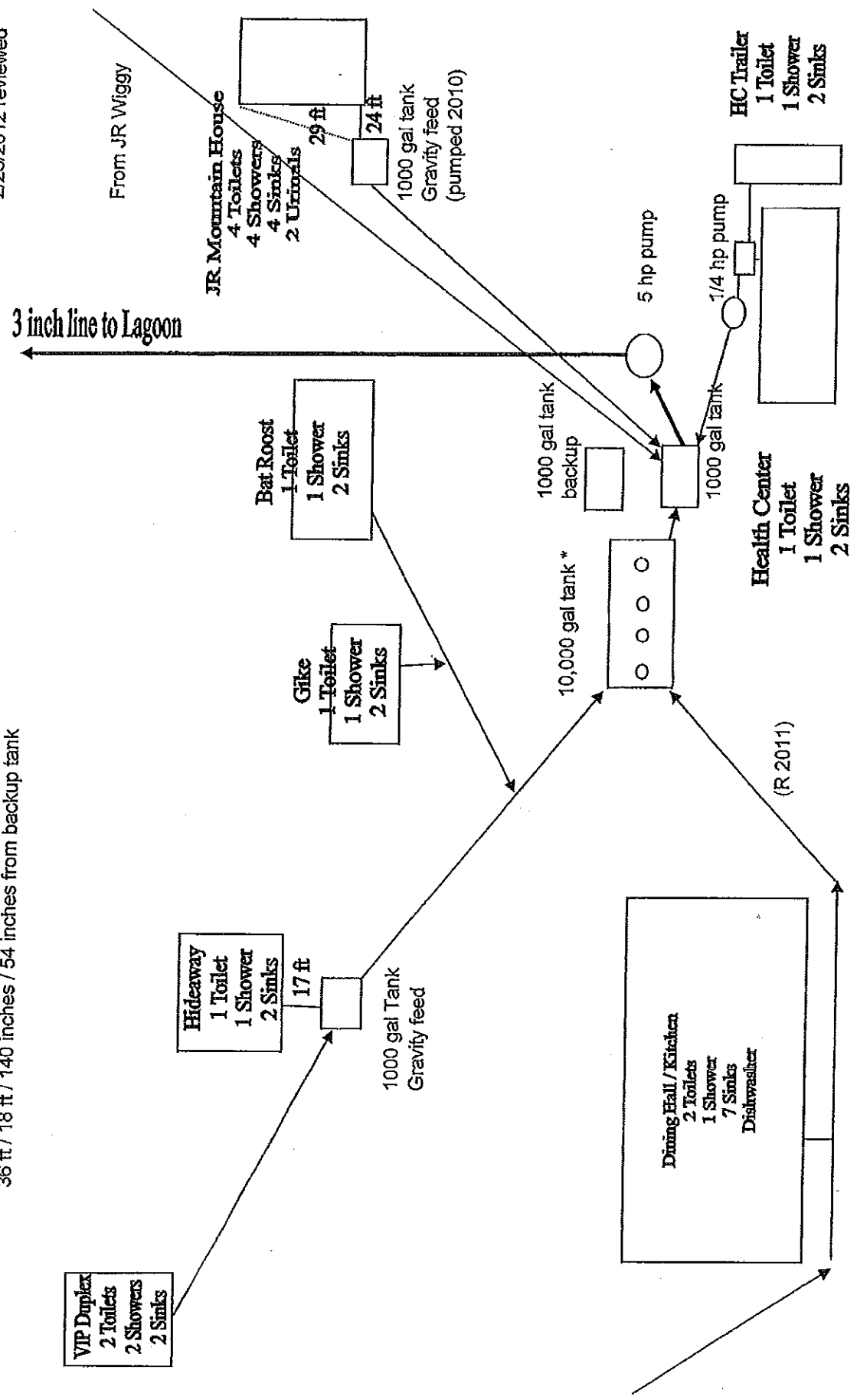


2/23/2012 reviewed  
North Map 2 - Laundry

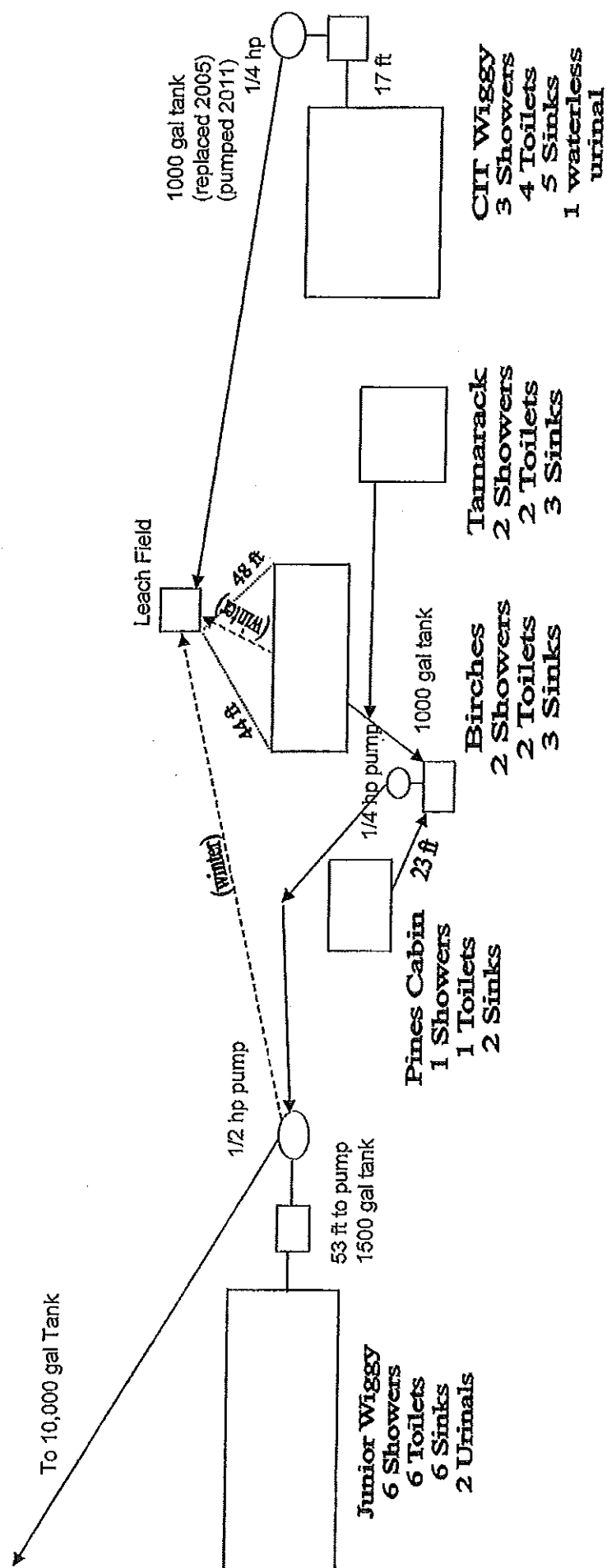


2/23/2012 reviewed

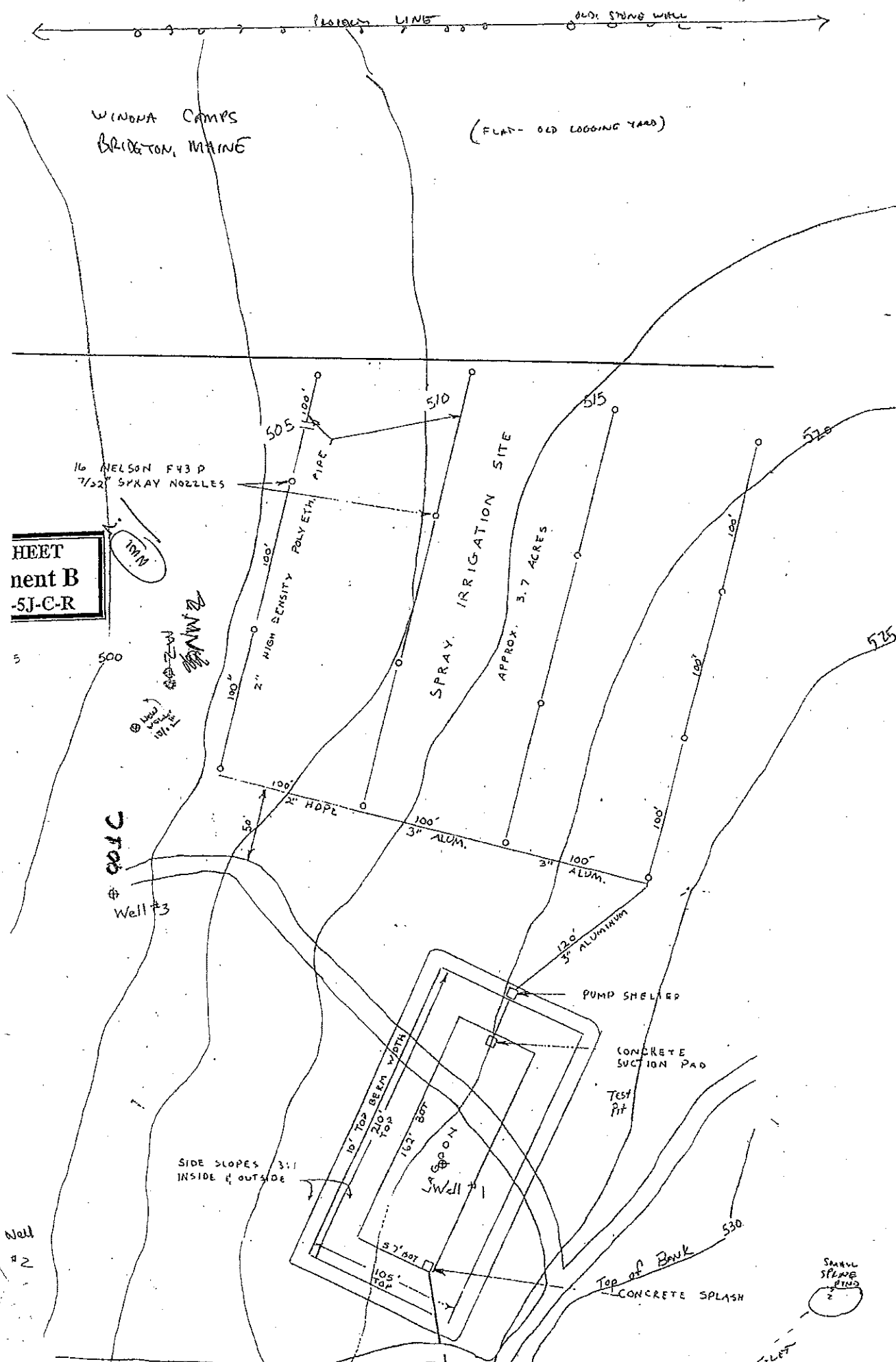
\*10,000 gal tank - distances=  
36 ft / 18 ft / 140 inches / 54 inches from backup tank



2/23/2012 reviewed



# ATTACHMENT C



HEET  
nent B  
-5J-C-R

16 NELSON F43 P  
7/32\" SPRAY NOZZLES

501C

Well #3

SIDE SLOPES 3:1  
INSIDE & OUTSIDE

PUMP SHELTER

CONCRETE  
SUCTION PAD

TEST  
PIT

Well #1

Top of Bank  
CONCRETE SPLASH

SMALL  
SPRING  
RING

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.

## 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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