



STATE OF MAINE
Department of Environmental Protection

Paul R. LePage
GOVERNOR

Patricia W. Aho
COMMISSIONER

April 9, 2012

Mr. Steve N. Sudduth
Co-Director/Owner/Treasurer
Wyonegonic Camps, Inc
215 Wyonegonic Road
Denmark, Maine 04022

RE: Permit Compliance System Tracking Number (PCS) # MEU507602
Maine Waste Discharge License (WDL) Application # W007602-5J-E-R
Final License

Dear Mr. Sudduth:

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.

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

WYONEGONIC CAMPS, INC)	PROTECTION AND IMPROVEMENT
DENMARK, CUMBERLAND COUNTY, MAINE)	OF WATERS
SURFACE WASTEWATER DISPOSAL SYSTEM)	
MEU507602)	WASTE DISCHARGE LICENSE
W007602-5J-D-R)	RENEWAL
APPROVAL)	

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

APPLICATION SUMMARY

Wyonegonic has submitted a timely and complete application to the Department for the renewal of Waste Discharge License (WDL) #W007602-5J-D-R, which was issued by the Department on June 14, 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 of sanitary waste water that is generated at a rate of 7,000 gallons per day from Wyonegonic Camps, Inc. in Denmark, Maine. The facility has been assigned number MEU507602 for license compliance tracking purposes.

LICENSE SUMMARY

This licensing action is carrying forward all the terms and conditions of the previous licensing action except that 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 the WYONEGONIC CAMPS, INC, to operate a surface wastewater disposal system to dispose of up to 58,241 gallons per week of sanitary waste water over a 1.43-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 Kuhns
For Patricia W. Aho, Commissioner

Date of initial receipt of application: February 29, 2012

Date of application acceptance: March 2, 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)** ⁽¹⁾ 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 [00310]	---	Report mg/L [19]	Twice/Year ⁽²⁾ [02/YR]	Grab [GR]
Total Kjeldahl-Nitrogen (TKN) [00625]	---	Report mg/L [19]	Twice/Year ⁽²⁾ [02/YR]	Grab [GR]

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

Footnotes: See page 7 of this license.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

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 FIELD** ⁽³⁾ (**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	Weekly Average as specified	Measurement Frequency as specified	Sample Type as specified
Application Rate (Weekly) <i>[51125]</i>	⁽⁴⁾	---	58,241 Gallons/Week <i>[56]</i>	1/Week <i>[01/07]</i>	Calculate <i>[CA]</i>
Total Gallons Applied <i>[51500]</i>		Report (Gallons) <i>[57]</i>	----	1/Month <i>[01/30]</i>	Calculate <i>[CA]</i>

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

Footnotes: See page 7 of this license.

Note: The spray irrigation field is comprised of 1.43 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) ⁽⁶⁾ [27]	Twice/Year ⁽⁷⁾ [02/YR]	Measure [MS]
Nitrate-Nitrogen [00620]	---	10 mg/L ⁽⁸⁾ [19]	Twice/Year ⁽⁷⁾ [02/YR]	Grab [GR]
Specific Conductance [00095]	---	Report (umhos/cm) ^(9,10) [11]	Twice/Year ⁽⁷⁾ [02/YR]	Grab [GR]

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

FOOTNOTES: See page 7 of this license.

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 **August and September** 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 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) 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 (13th) 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 (15th) 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 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 15th day of the month following the completed reporting period. Hard Copy documentation submitted in support of the eDMR must be postmarked on or before the thirteenth (13th) day of the month or hand-delivered to the Department's Regional Office such that it is received by the Department on or before the fifteenth (15th) day of the month following the completed reporting period. Electronic documentation in support of the eDMR must be submitted not later than close of business on the 15th day of the month following the completed reporting period.

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.

SPECIAL CONDITIONS

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.

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 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.

SPECIAL CONDITIONS

G. GENERAL OPERATIONAL CONSTRAINTS (cont'd)

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.

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 58,241 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.

SPECIAL CONDITIONS

H. SPRAY IRRIGATION OPERATIONAL CONSTRAINTS (cont'd)

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.

I. SPRAY IRRIGATION OPERATIONAL PROCEDURES, LOGS AND REPORTS

1. **At least one week prior to the commencement of spray irrigation for the season,** the licensee shall notify the Department's compliance inspector that they have verified that 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, or have some other suitable Department-approved method, 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

SPECIAL CONDITIONS

I. SPRAY IRRIGATION OPERATIONAL PROCEDURES, LOGS AND REPORTS (cont'd)

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.

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.

SPECIAL CONDITIONS

K. LAGOON MAINTENANCE (cont'd)

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 at both the beginning and end of spray irrigation.

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.

SPECIAL CONDITIONS

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.

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.

SPECIAL CONDITIONS

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 that 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.

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.

SPECIAL CONDITIONS

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 and maintain 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 PERMIT 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

Wyonegonic Camps Inc (WDL #W007602)

(Month/Year) _____

Spray Field # _____

Weekly Application Rate: _____ gallons/week

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

Signature of Responsible Official: _____ Date _____

Attachment B

Spray Application Report by Week

Wyonegonic Camps (WDL #W007602) (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: **MEU507602**

LICENSE NUMBER: **W007602-5J-E-R**

NAME AND MAILING ADDRESS OF APPLICANT:

WYONEGONIC CAMPS, INC.

Attn: Mr. Steve N. Sudduth

215 Wyonegonic Road

Denmark, ME. 04022

COUNTY: **Cumberland County**

NAME AND ADDRESS OF FACILITY:

215 Wyonegonic Road

Denmark, ME

RECEIVING WATER/ CLASSIFICATION: **Groundwater /Class GW-A**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Steve N. Sudduth**
Co-Director/Owner/Treasurer
Phone: 207-452-2051
e-mail: steve@wyonegonic.com

1. APPLICATION SUMMARY

- a. Application: Wyonegonic Camps Inc. (Wyonegonic/licensee thereafter) has submitted a timely and complete application to the Department for the renewal of Waste Discharge License (WDL) #W007602-5J-D-R, which was issued by the Department on June 14, 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 of sanitary waste water that is generated at a rate of 7,000 gallons per day from Wyonegonic Camps, Inc. in Denmark, Maine. See **Attachment "A"** of this Fact Sheet for a location map.

1. APPLICATION SUMMARY (cont'd)

- b. Source Description: - The licensee operates Wyonegonic Camps, Inc, a summer camp for girls on the east shore of Moose Pond in the Town of Denmark. Waste water generated is similar in characteristics to typical domestic residential waste water. The applicant reports that the camp currently accommodates up to 300 users during the peak season (late June to mid August). Lesser volumes of waste water are generated during camp opening in the late spring to early summer (May through June) with zero (0) to twenty-five (25) users, during staff training and orientation (25 to 130 users), during post season (25 to 175 users) and during September until seasonal closing [zero (0) to twenty-five (25) users]. See **Attachment "B"** of this Fact Sheet for a schematic of the collection system provided by the applicant.
- c. 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. **Attachment "C"** of this Fact Sheet is a schematic of the waste water treatment system provided by the applicant.
 - The lagoon was designed to provide ample over-winter storage capacity for 17" of net winter precipitation over a 240-day non-irrigation period of time (267,217 gallons). The lagoon was lined with a commercial bentonite clay liner to minimize infiltration.
 - From the lagoon, effluent is pumped across an access roadway to the adjacent spray irrigation area. The spray irrigation area consists of three parallel lateral lines each containing three spray nozzles (for a total of nine [9] nozzles) that are equally spaced 100 feet on center. The lateral lines are separated by 100 feet from the other lateral spray distribution lines.
 - No influent or effluent flow meters are utilized. Effluent flow from the lagoon is calculated based on an assumed rate of 9.9 gallons per minute per spray nozzle for a total of 89.1 gallons per minute when the system is fully operational. The licensee maintains a pumping log including the date of pumping, duration of pumping cycle, calculations of quantity pumped, and calibration information to ensure the volume of waste water pumped does not exceed limits in the license.
- d. Site Conditions: The lagoon and spray irrigation area is located on a gentle slope about 1,000 feet east of Moose Pond, the nearest water body. Soils at the site are characterized as Skerry-Colonel 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. The spray irrigation area is mostly wooded with a mixed hardwood canopy predominated with Oak and Beech species.

2. LICENSE SUMMARY

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

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

- | | |
|-------------------|---|
| July 22, 1988 | - The Department issued WDL #W007602-66-A-N, which authorized the operation of a new surface wastewater disposal system for the treatment and disposal of sanitary wastewater. The WDL expired on July 22, 1993. |
| February 16, 1995 | - The Department issued WDL #W007602-YB-B-R, which renewed the surface waste water disposal system for the disposal of waste water generated at a rate of 7,000 gallon per day. The WDL expired on February 16, 2000. |
| June 21, 2002 | - The Department issued WDL #W007602-5J-C-R which renewed the license to discharge waste water generated at the Wyonegonic Camps, Inc. facility. The WDL expired on June 21, 2007. |
| June 14, 2007 | - The Department issued WDL #W007602-5J-D-R which renewed the license to discharge waste water generated at the Wyonegonic Camps, Inc. facility. The WDL is due to expire on June 14, 2012. |
| February 29, 2012 | Wyonegonic Camps Inc. submitted a timely and complete application to the Department to renew the WDL for the facility. |

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 Water Classification System.

4. RECEIVING WATER QUALITY STANDARDS

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

5. TREATMENT

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

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- a. Lagoon Effluent - The previous licensing action is establishing monthly monitoring requirements for *Biochemical Oxygen Demand (BOD₅)*, *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.

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=4)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily maximum	Repot	13 - 42	26

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

Total kjeldahl nitrogen – effluent (DMRs=5)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily maximum	Report	26 - 62	44

Nitrate-nitrogen – effluent (DMRs=5)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily maximum	Report	0.05 – 0.1	0.1

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 7,000 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 7,000 gpd limit.

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 1.43 acres and application rates can be summarized as follows:

	License Limit	Equivalent Inches	Weekly limit for 1.43 acres
Application Rate (weekly)	40,728 gallons/acre	1.5 inches	58,241 gallons per week

** Nine (9) spray heads with a spray irrigation radius of 47 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 starts to occur.

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

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

(DMRs = 17)

	Limit (gals/acre)	Range (gal/acre)	Average (gal/acre)
Application Rate (gallons/acre/week)	40,728	10,692 – 40,095	29,900

(DMRs = 17)

	Limit (gals/month)	Range (gal/month)	Average (gal/month)
Flow (Monthly Total)	Report	24,948 – 90,882	50,700

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 up-gradient 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 "C" 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.

In the case of Wyonegonic 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=8)

Parameter	Limit	Range	Mean
Conductance (umhos/cm)	Report	38 61	56
Nitrate nitrogen (mg/L)	Report	0.05 – 0.1	0.09
Depth to GW (in)	Report	4 - 15	10

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

MW2 (DMRs=8)

Parameter	Limit	Range	Mean
Conductance (umhos/cm)	Report	35 - 78	54
Nitrate nitrogen (mg/L)	Report	0.24 - 2.2	1.0
Depth to GW (in)	Report	1 - 17	9.3

7. SYSTEM CALIBRATION

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

Calibration involves collecting and measuring flow at several locations in the application area (typically a grid pattern of containers with uniform diameters). Rain gauges work best because they already have a graduated scale from which to read the application amount without having to perform additional calculations. Attachment "D" of this Fact Sheet entitled "Example Spray-Irrigation Field Calibration Report Form" is provided as an aid to the Licensee in the re-calibration process. It is recommended that this form or similar form be submitted to the Department Compliance Inspector shortly after re-licensing and annually thereafter, or whenever operating conditions are changed from the assumed design

8. 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*.

9. 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.

10. PUBLIC COMMENTS

Public notice of this application was made in the Bridgton News newspaper on or about March 1, 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.

11. 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

12. RESPONSE TO COMMENTS

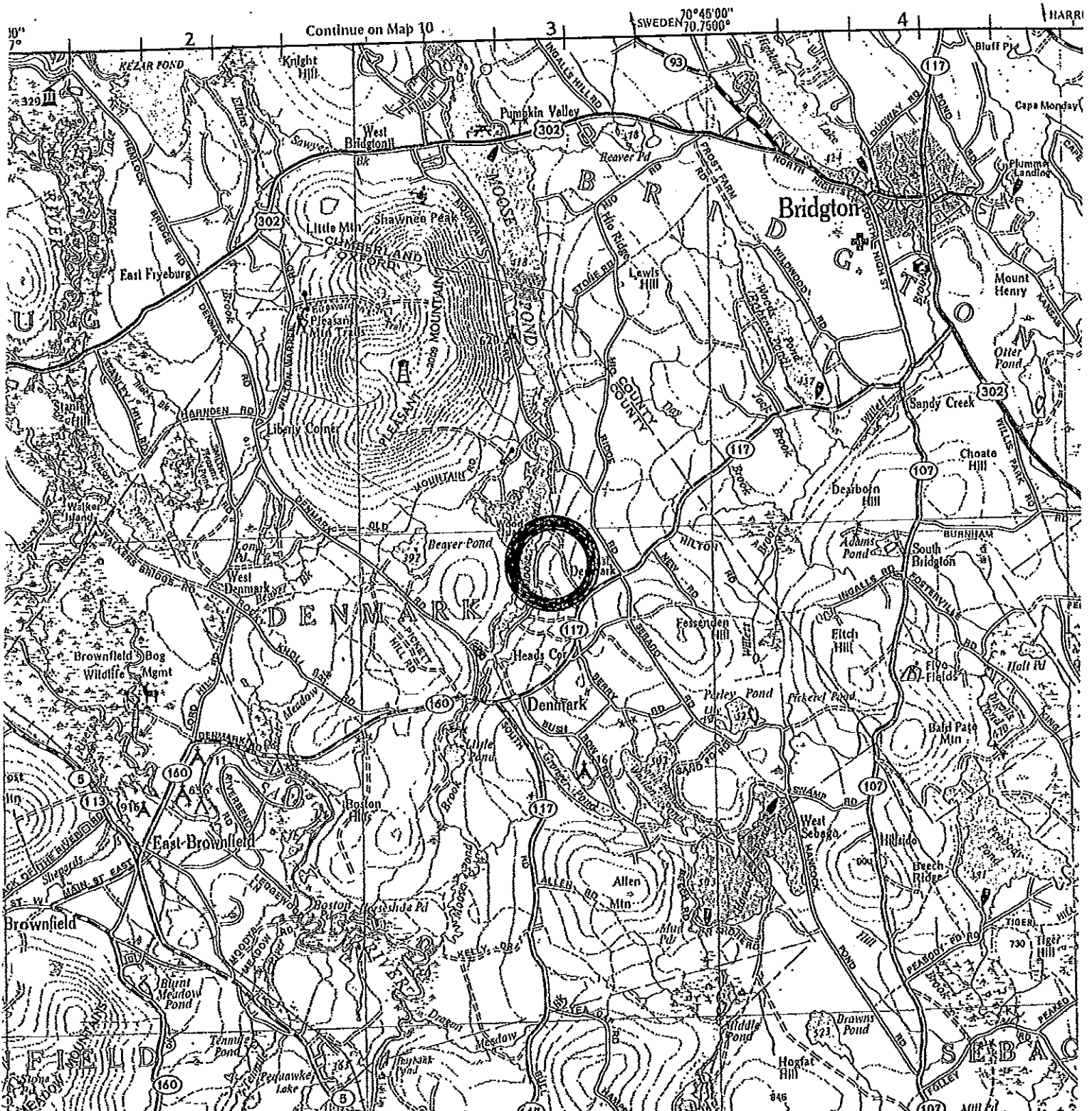
During the period of March 6, 2012, through the issuance date of the license, the Department solicited comments on the proposed draft license to be issued for the discharge(s) from the licensee's facility. The Department did not receive comments from the licensee, state or federal agencies or interested 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

WYONEGONIC CAMPS. INC.

MEU507602

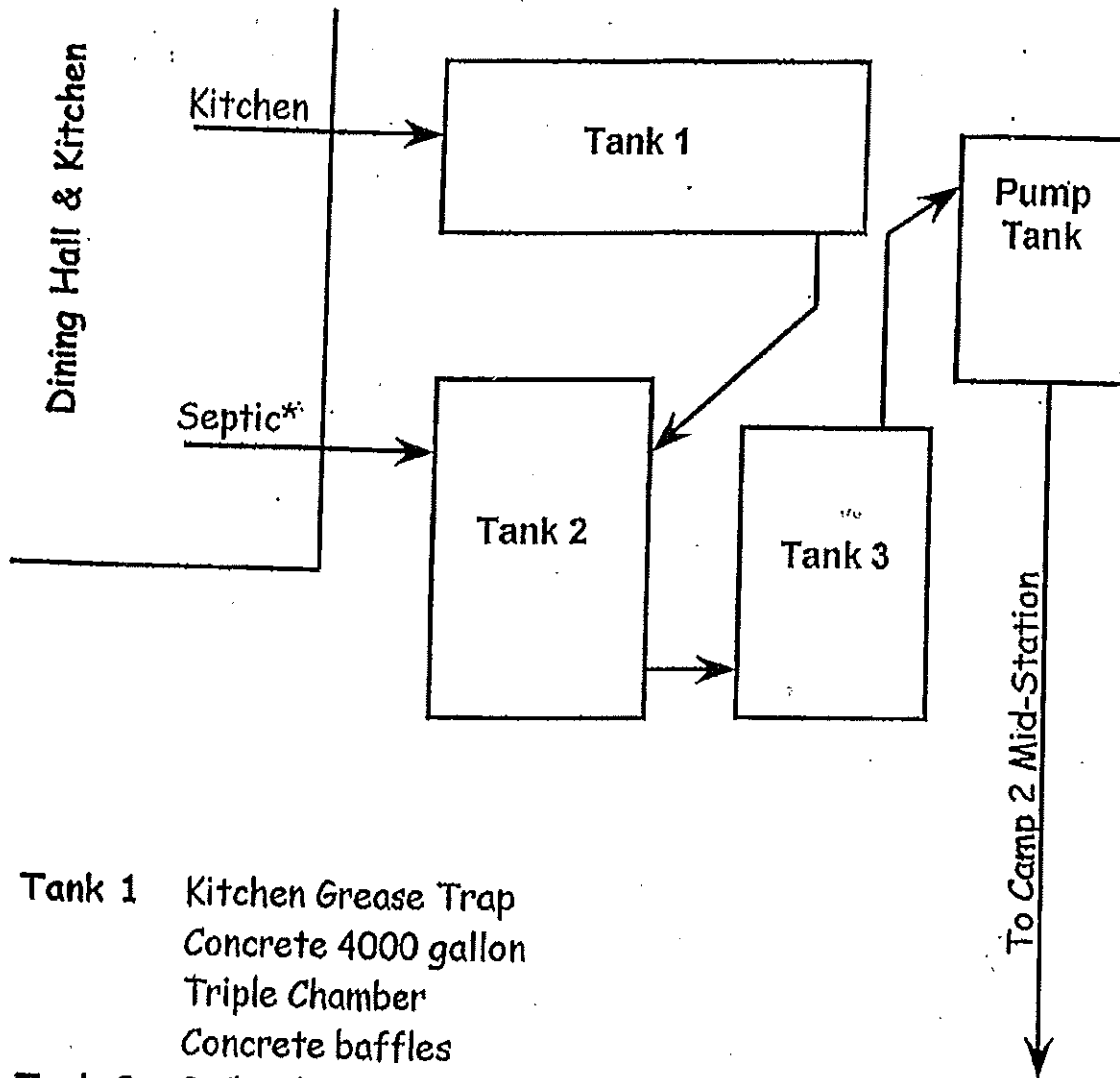
W007602-5J-D-R



ATTACHMENT B

KITCHEN & DINING HALL

(NO CHANGES FOR
2012 RENEWAL.)



Tank 1 Kitchen Grease Trap
Concrete 4000 gallon
Triple Chamber
Concrete baffles

Tank 2 3 Chambered Septic
Concrete 4500 gallon
Concrete baffles

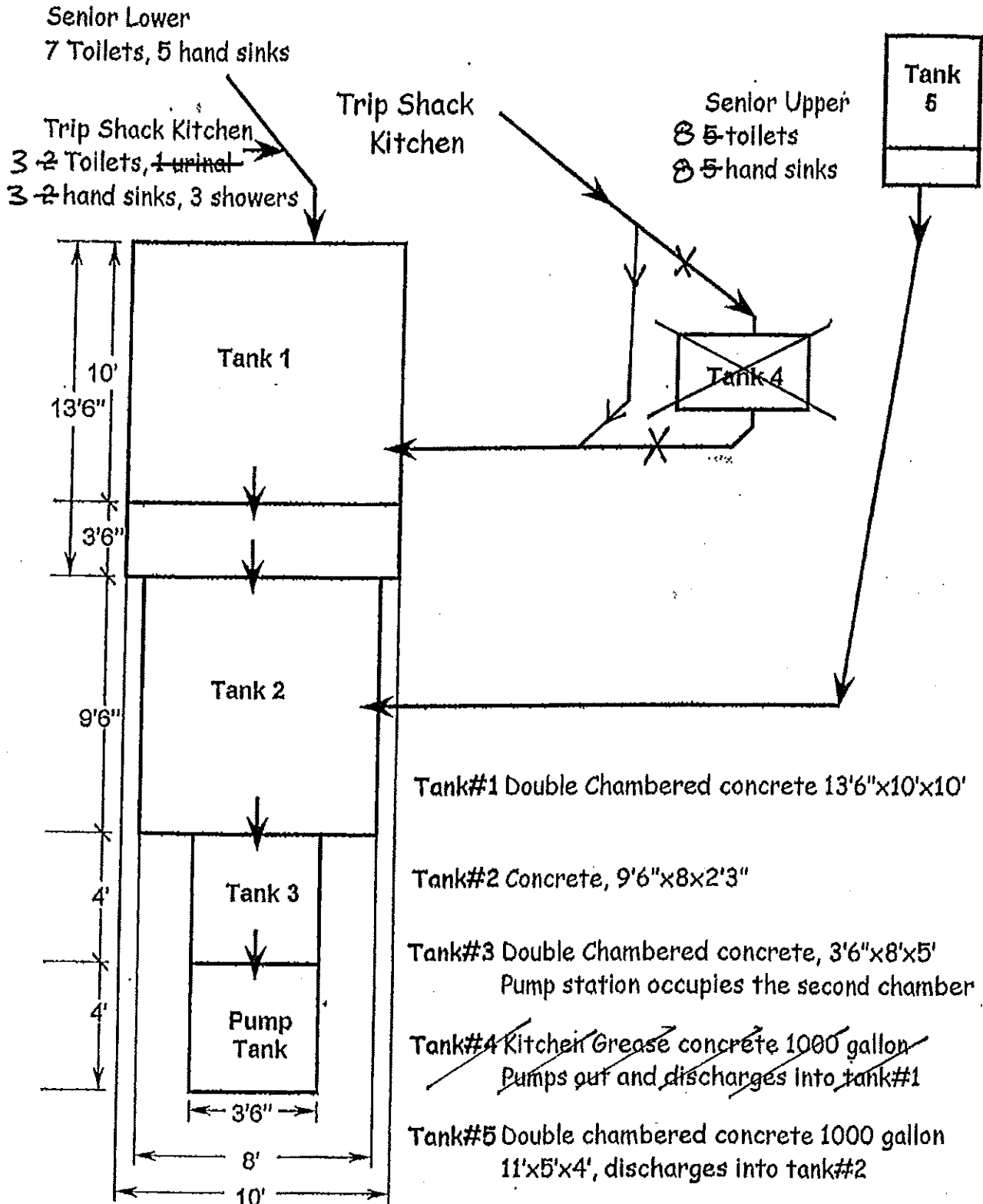
Tank 3 Concrete Septic
2500 gallons

Pump Tank Concrete Pump Tank
1000 gallons
Twin pump system with
alternating relays (auto
backup)

***Septic**
4 Toilets
4 Sinks
2 Showers

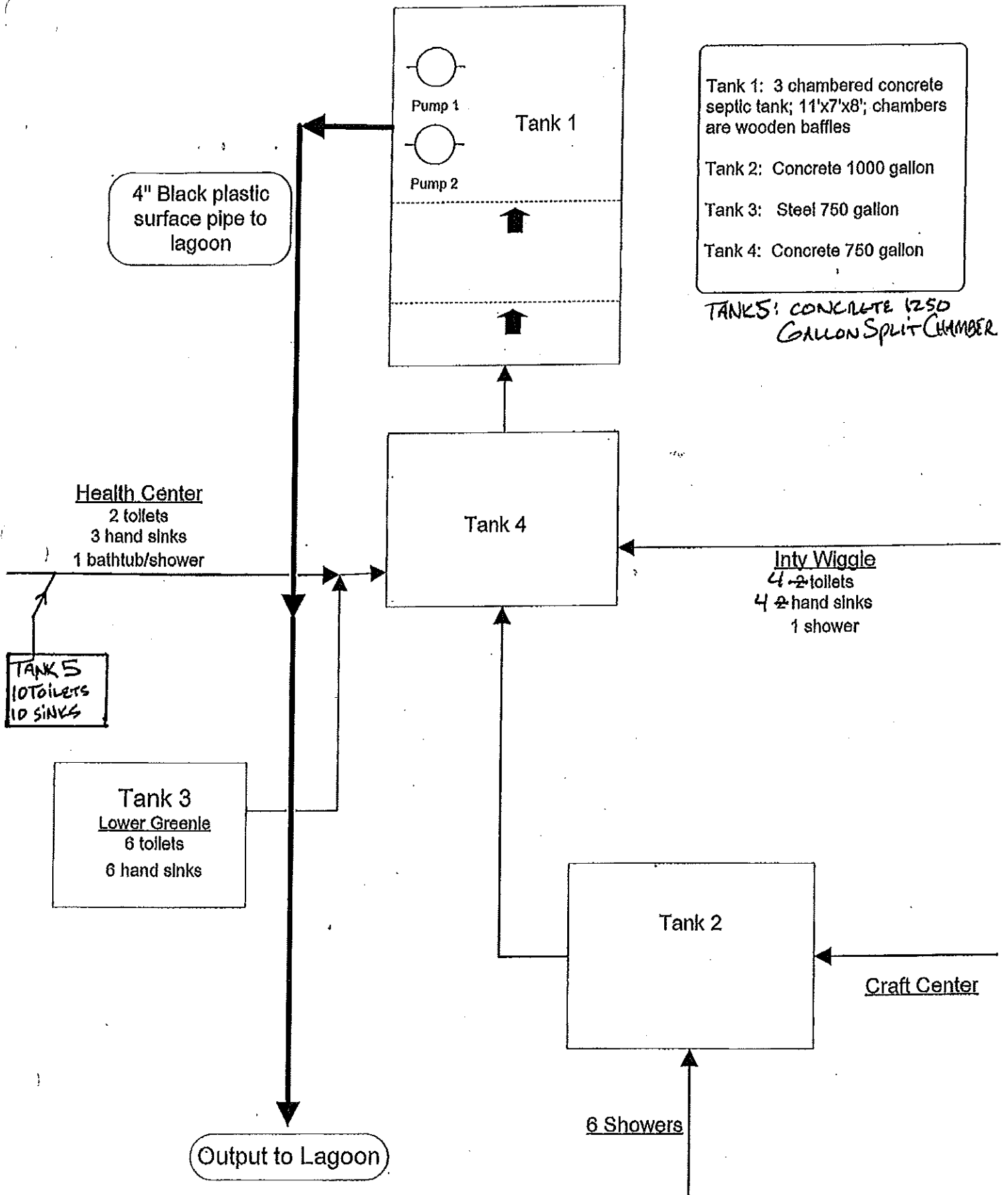
REVISIONS NOTED FOR 2012 RENEWAL

CAMP 1 SYSTEM to LAGOON



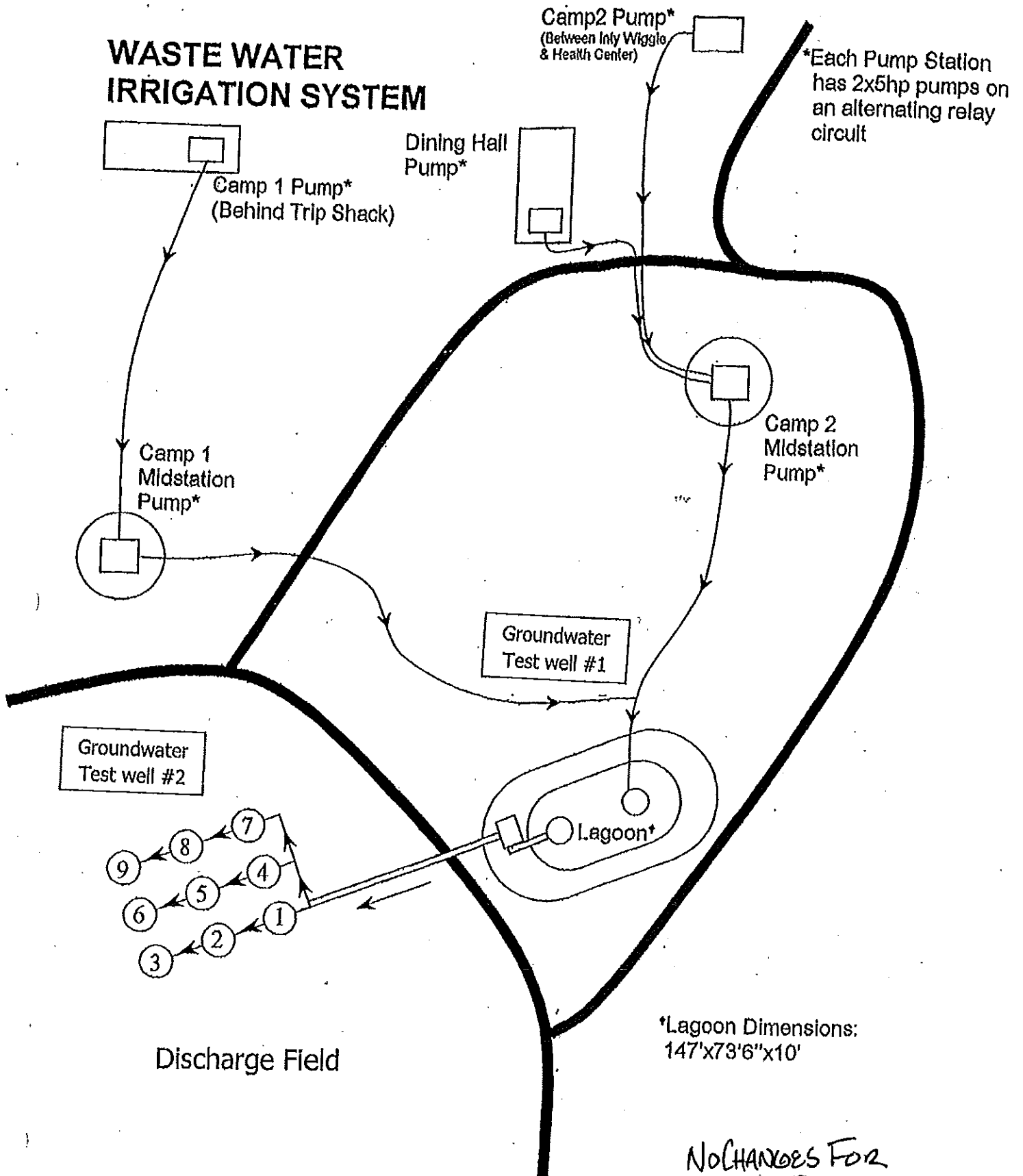
REVISIONS NOTED FOR 2012 RENEWAL

Camp 2 System to Lagoon



ATTACHMENT C

WASTE WATER IRRIGATION SYSTEM



No Changes For
2012 RENEWAL

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.

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.
