



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

December 19, 2007

Mr. Steve Fernald
Hermon Park LLC
P.O. Box 146
Ellsworth, Maine 04605

RE: Permit Compliance System Tracking #MEU507690
Maine Waste Discharge License (WDL) Application #W007690-5J-C-R
Final License

Dear Mr. Fernald:

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

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

If you have any questions regarding this matter, please feel free to call me at 287-7658.

Sincerely,

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

Enc.

cc: Tanya Hovell, DEP/EMRO
Sandy Lao, USEPA

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

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

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

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

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated November 16, 2007, and subject to the Conditions listed below, the Department makes the following conclusions:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, 38 MRSa Section 464(4)(F), will be met, in that:
 - (a) Existing water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - (c) 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.
5. The applicant has demonstrated it has title, right and or interest in the former Fuller Road Mobile Home Park as well as the technical ability and the financial capacity to comply with all conditions of this license and to satisfy all applicable statutory and regulatory criteria.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. Beginning the effective date of this 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.

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 ⁽²⁾ <i>[02YR]</i>	Grab <i>[GR]</i>
Nitrate-Nitrogen <i>[00620]</i>	---	Report mg/L <i>[19]</i>	Twice/Year ⁽²⁾ <i>[02YR]</i>	Grab <i>[GR]</i>
Total Kjeldahl-Nitrogen (TKN) <i>[00625]</i>	---	Report mg/L <i>[19]</i>	Twice/Year ⁽²⁾ <i>[02YR]</i>	Grab <i>[GR]</i>

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

FOOTNOTES: See page 7 of this license

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

3. Beginning the effective date of the license, **GROUND WATER MONITORING WELL (MW1)** 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 <i>[72019]</i>	---	Report (feet) ⁽⁶⁾ <i>[27]</i>	Twice/Year ⁽⁷⁾ <i>[02/YR]</i>	Measure <i>[MS]</i>
Nitrate-Nitrogen <i>[00620]</i>	---	10 mg/L <i>[19]</i>	Twice/Year ⁽⁷⁾ <i>[02/YR]</i>	Grab <i>[GR]</i>
Specific Conductance <i>[00095]</i>	---	Report (umhos/cm) ⁽⁸⁾ <i>[11]</i>	Twice/Year ⁽⁷⁾ <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

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 compliance inspector at the following address:

Maine Department of Environmental Protection
Eastern Maine Regional Office
Bureau of Land and Water Quality
Division of Water Quality Management
106 Hogan Road
Bangor, Maine 04401

D. AUTHORIZED DISCHARGES

The licensee is authorized to discharge treated sanitary wastewater 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 11/9/07 Waste Discharge License Application. Discharge of waste water 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 waste water 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 the licensee's waste water 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*.

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. Suitable vegetative cover shall be maintained. Waste water may not be applied to areas without sufficient vegetation or ground cover so as to prevent erosion or surface water runoff outside the designated boundaries of the spray fields.
- 2) At least 10 inches of separation from the ground surface to the ground water table must be present prior to spraying.
- 3) There shall be no runoff outside the designated spray field boundaries as a result of operation of the spray system.
- 4) No waste water shall be applied to the site following a rainfall accumulation exceeding 1.0 inches within the previous 24-hour period. A rain gauge shall be located on site to monitor daily precipitation. The licensee shall also manage application rates by taking into consideration the forecast for rain events in the 48-hour period in the future.
- 5) No waste water shall be applied where there is snow present on the surface of the ground.
- 6) No waste water shall be applied when there is frost within the upper 10 inches of the soil profile.
- 7) No traffic or equipment shall be allowed in the spray-irrigation field except where installation occurs or where normal operations and maintenance is performed.

SPECIAL CONDITIONS

I. SPRAY IRRIGATION OPERATIONAL PROCEDURES, LOGS AND REPORTS

The daily operational logs and weekly spray application reports 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 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

O. 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.

P. SUBMITTAL OF SPRAY IRRIGATION PERFORMANCE REPORT

As an exhibit to the next application for license renewal, the licensee shall submit to the Department a report of the treatment system's performance covering the previous four calendar years. The report shall be dated and signed by the operator in responsible charge of the system.

The report shall include, but is not necessarily limited to, an updated source description, an updated schematic and narrative of the treatment system and distribution system, a soils monitoring report, a summary of the past performance demonstrating compliance with all terms and conditions of the effective license, a description of any proposed changes in the overall system or operation of the system, and if applicable, proposed changes in the effective license.

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

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

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

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

Depth to Groundwater (Tenths of Feet)

Attachment C

(Month _____, Year _____)

Facility Name: Hermon Park W007690-5J-C-R

Field Name/#	Monitoring Location	1. Depth to Groundwater (Measured From Ground Surface in Tenths of Feet)					Number of Exceptions	Monthly Average Depth
		Week 1	Week 2	Week 3	Week 4	Week 5		
						Total Number of Exceptions		

Note: Special Condition H of the License requires that a depth of 10 inches from the ground surface to the groundwater table must be present prior to spraying.

Signature of Responsible Official: _____, Date _____

1. APPLICATION SUMMARY (cont'd)

The applicant has requested the following change(s) to the WDL:

1. Transfer the WDL from Elaine Currier d/b/a Fuller Road Trailer to Hermon Park LLC d/b/a as Hermon Park.
 2. Authorize the use of an additional 0.39 acres of land for disposal via spray irrigation. With approximately 0.29 acres in use previously, the expanded designated spray area will total approximately 0.68 acres.
 3. Authorize an increase in the spray application rate from 2.0 inches/week to 2.3 inches/week.
- b. Source Description: The Hermon facility is a 22-unit mobile home park located on approximately 10 acres on the Fuller Road in Hermon. Sources generating waste waters at the site are limited to 21 residential mobile home units in the park. The Department's licensing files indicates the disposal of waste waters generated by the trailer park has evolved over a period of 42 years. One mobile home has its own sub-surface waste water disposal system. The mobile home park is served by one drilled well for the domestic drinking water supply.
- c. Waste Water Treatment (Spray-Irrigation): Waste waters generated from the mobile home units receive a primary level of treatment via five septic tanks with a total volume of 14,000 gallons. Four units contribute flows to four separate tanks, each 1,000 gallons, and 17 units convey flow to one 10,000 gallon tank for a total of 14,000 gallons. Waste waters generated by each unit are conveyed to the individual septic tanks via four inch diameter gravity sewer pipes and then to a small lagoon. The lagoon was constructed in 1972 to act as a surface waste water disposal system by allowing waste waters held in the lagoon to percolate and exfiltrate through the lagoon berms. This form of disposal was allowed to continue until 1992. Special Condition #6 of WDL #W007690-66-A-N, issued on December 20 1991, required the licensee to submit a plan to and receive approval from the Department for the installation of a spray irrigation system for treatment and disposal of waste water from the lagoon.

The surface irrigation system was installed and became operational in May of 1992. As a result of review of monitoring data records for the period 2003 – 2006 (inclusively) and a site visit in September of 2007, it became apparent the designated spray area (then 0.19 acres) and the application rates (10,317 gallons/week) were inadequate. The spray site is located on land that has a gentle sloping (2%-5% sloping back to the lagoon) on the south of the lagoon with a dense overstory of mature spruce and fir trees. The Department's files indicate the soils in the vicinity of the spray site are poorly drained Scantic soils. Based on the 11/9/07 application submitted by the applicant, the expanded surface irrigation system consists of a pump station, a main trunk line with 22 individual

2. LICENSING SUMMARY

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

- December 20, 1991 - The Department issued WDL #W007690-66-A-N for a five-year term. The WDL authorized the operation of a new surface wastewater disposal system for the treatment and disposal of sanitary wastewater.
- January 2, 1997 - Elaine Currier, former owner of the Fuller Road Trailer Park, submitted an application to the Department to renew WDL W007690-66-A-N.
- December 20, 2002 - The Department issued WDL renewal #W007690-5J-B-R, to Elaine Currier for a five-year term. The WDL authorized the operation of a new surface wastewater disposal system for the treatment and disposal of sanitary wastewater.
- December 26, 2006 - Emerald Holdings LLC purchased the Fuller Road Trailer Park from A&W Properties LLC.
- May 30, 2007 - Emerald Holdings LLC submitted an application to the Department to renew the WDL that authorized the operation of surface waste
- September 2007 - Hermon Park LLC purchased the Fuller Road Trailer Park from Emerald Holdings LLC.
- November 9, 2007 - Hermon Park LLC submitted an application to transfer and renew the WDL that authorized the operation of surface waste water disposal system

b. Terms and Conditions - This license carries forward all the terms and conditions of the previous WDL with the following revisions:

1. This license authorizes the licensee to expand the designated spray area from 0.19 acres to 0.68 acres.
2. This license increases the weekly application rate from 2.0 inches/week to 2.3 inches/week.

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.

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

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 nitrate-nitrogen limit of 10 mg/L is a National Primary Drinking Water standard and is being carried forward from the previous licensing action for the monitoring well. A review of the DMR data for the period July 2003 – July 2006, lagoon effluent levels have ranged between <0.01 mg/L to 0.3 mg/L with an average value of 0.15 mg/L. Also during the same period, samples of ground water monitoring well have all been <1.0 mg/L. Lagoon effluent sampling for nitrate-nitrogen and TKN is required twice annually in the months of July and August when waste water is disposed of via the spray irrigation system. Sampling of the monitoring well for the nitrate-nitrogen parameter is required twice yearly in the months of May and October, whether or not spray irrigation occurs.

Specific Conductance – Is considered to be a “field” parameter meaning that it is measured directly in the field via instrumentation and does not require laboratory analysis. This parameter is considered to be a surveillance level monitoring parameter and is used as an early warning indicator of potential ground water contamination when there exists a trend in the data. During the past five years, monitoring well conductance has ranged between 474 umhos/cm to 599 umhos/cm with an average value of 523 umhos/cm. Sampling of the monitoring well for this parameter is required twice yearly in the months of May and October whether or not spray irrigation occurs. 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.

In addition, the licensee shall report to the Department statistically significant trends upward or sudden spikes from previous levels that may necessitate the need for additional ground water testing requirements.

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 "C" 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. 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 Bangor Daily News newspaper on or about May 29, 2007. 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 and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
Telephone (207) 287-7693

ATTACHMENT A

ATTACHMENT B

ATTACHMENT C

Example Spray Irrigation Field Calibration Report Form

Background Data

Describe the reasons for system re-calibration (example annual calibration or change in operating conditions). When there has been a change in operating conditions list the specific changes such as new components (pumps, spray heads, size or type of pipes, etc.) or previously approved design changes.

Describe the current method for estimating the flow of wastewater to the irrigation area, ie, meter or pump calibration data. When using pump calibration data list the estimated flow rate of the pump for the existing site conditions (example gallons per minute). Also note the assumed diameter of coverage for the individual spray heads and the resulting area of application (acreage). Based on this information what is the assumed application rate in inches per hour and gallons per acre. Note: 1 acre-inch equals 27,150 gallons.

System Calibration

Describe or attach illustrations of the system calibration procedure, ie, grid layout or rain gauge or other uniform containers.

List the actual radius of spray coverage of the individual spray heads as measured during the field calibration and note any application uniformity problems such as noticeable ponding or uneven applications.

Calculate the acreage of the application based on the actual radius of coverage measured in the field. Show calculations.

Example: $(27,150 \text{ gallons/acre/week})(1.5 \text{ inch/week})(1.3 \text{ acres}) = 52,942 \text{ gallons/week}$

Calculate the estimated hourly application rate in inches per hour and gallons per acre obtained during the above calibration. Show calculations.

2. New Calibration Data

What changes to the estimates of wastewater flow are proposed, if any and why? And are the licensed application rates satisfied?

Any adjustments to improve uniformity of spray applications?

Submitted by: Signature of Operator in Responsible Charge	On Date:
Reviewed by: Signature of Operator in Responsible Charge	On Date:

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 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 as part of an appeal only when 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 show 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, Section 24(B)(5).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license file is public information 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.* An applicant proceeding with a project pending the outcome of an appeal 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 initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final 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. The Board will notify parties to an appeal and interested persons of its decision.

II. APPEALS TO MAINE SUPERIOR COURT

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, *see* 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

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.

STANDARD CONDITIONS OF INDUSTRIAL WASTE DISCHARGE LICENSES
(REVISED 8/14/96)

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, waste water 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 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 on-shore physical structures or facilities or the undertaking of any work in any navigable waters.

4. Monitoring and Reporting

A. Representative Sampling

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

B. The sampling, preservation, handling, and analytical methods used must conform with Standard Methods for the Examination of Water and Waste Waters, 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) All reports shall be submitted to the Department not later than the fifteenth of the month following the end of the monitoring period.
- (2) 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 of analyses; (c) the analytical techniques/methods used, including sampling; handling, and preservation techniques; and (d) the results of all required analyses.

D. All reports shall be signed by:

- (1) In the case of corporations, 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.

- 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.

6. Change of Discharge

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

- A. the temporary or permanent termination of the discharge;
- B. changes in the waste collection, treatment or disposal facilities;
- C. changes in the volume or character of waste water 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; and
- F. the addition to a municipal or quasi-municipal treatment system of industrial wastes which are categorically regulated by the U.S. EPA pursuant to the agency's pretreatment program.

7. Transfer of Ownership

In the event that any person possessing a license issued by the Department shall transfer the ownership of the property, facility or structure which is the source of a licensed discharge, without transfer of the license being approved by the Department, the license granted by the Department shall continue to authorize a discharge within the limits and subject to the terms and conditions stated in the license, provided that the parties to the transfer shall be jointly and severally liable for any violation thereof until such time as the Department approves transfer of 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.

8. Records Retention

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

- 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 waste water control facilities.

13. Spill Prevention and Containment

The licensee shall, within six (6) months of the effective date of this license, submit to the Department of Environmental Protection 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.

14. Connection to Municipal Treatment System

All waste waters 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.

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 waste water, either by act or by design, from any portion of a treatment facility or conveyance system.

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