



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
ACTING COMMISSIONER

December 7, 2018

Raymond A Foss
Town of Patten
P.O. Box 260
21 Katahdin Street
Patten, Maine 04765
Townofpatten@gmail.com

*Sent via electronic mail
Delivery confirmation requested*

**RE: ICIS Tracking Number #MEU507775
Maine Waste Discharge License (WDL) Application #W007775-6B-H-R
Finalized License Renewal**

Dear Raymond Foss:

Enclosed please find a copy of your **final** Maine WDL which was approved by the Department of Environmental Protection. Please read this permit and its attached conditions carefully. Compliance with this permit will protect water quality.

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

If you have any questions regarding the matter, please feel free to call me at (207)-592-7161.

Your Department compliance inspector copied below is also a resource that can assist you with compliance. Please do not hesitate to contact them with any questions.

Thank you for your efforts to protect and improve the waters of the great state of Maine!

Sincerely,

Aaron Dumont
Division of Water Quality Management
Bureau of Water Quality

cc: Sean Bernard, DEP/NMRO, Lori Mitchell, DEP/CMRO, Marelyn Vega, USEPA,
Richard Carvalho, USEPA Shelley Puleo, USEPA

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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF PATTEN)	PROTECTION AND IMPROVEMENT
PATTEN, PENOBSCOT COUNTY, MAINE)	OF WATERS
SURFACE WASTEWATER DISPOSAL SYSTEM)		
MEU507775)	WASTE DISCHARGE LICENSE
W007775-6B-H-R)	RENEWAL
APPROVAL		

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

APPLICATION SUMMARY

On August 22, 2018, the Department accepted as complete for processing an application from the licensee for the renewal of Waste Discharge License (WDL) #W-007775-6B-G-R which was issued by the Department on December 17, 2013, for a five-year term. The 12/17/2013 license authorized the operation of a surface wastewater disposal (spray-irrigation) system for the treatment and seasonal disposal (April 15 – November 15) of treated sanitary wastewater and commercial processing wastewater onto 17.26 acres of land to groundwater, Class GW-A, in Patten, Maine. The treatment system has a design capacity of 30,000 gallons per day. The facility has been assigned Integrated Compliance Information System (ICIS) tracking number #MEU507775.

LICENSE SUMMARY

This licensing action is carrying forward all the terms and conditions of the previous licensing action except that it is;

1. Revising the monitoring parameters for the underdrain lagoon effluent, and groundwater monitoring wells so as to be consistent with the monitoring parameters at other similar facilities.

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CONCLUSIONS

Based on the findings summarized in the attached and incorporated Fact Sheet dated December 6, 2018, and subject to the special and standard conditions that follow, 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, *Classification of Maine waters*, 38 M.R.S. § 464(4)(F), will be met, in that:
 - a. Existing in-stream 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. Where the standards of classification of the receiving waterbody are not met, the discharge will not cause or contribute to the failure of the waterbody to meet the standards of classification;
 - d. Where the actual quality of any classified receiving waterbody 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 water quality of any waterbody, 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 as defined in *Conditions of licenses*, 38 M.R.S. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of the TOWN OF PATTEN to operate a surface wastewater disposal (spray irrigation) system for the treatment and seasonal disposal (April 15 – November 15) of up to 374,542 gallons per week for each spray field (Spray Fields N and S) of secondary treated sanitary wastewater indirectly to ground water, Class GW-A, in Patten, Maine, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

1. *Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable to All Permits*, revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This license and the authorization to discharge become effective upon the date of signature below and expire at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this license, the authorization to discharge and the terms and conditions of this license and all modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [Maine Administrative Procedure Act, 5 M.R.S. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (amended June 9, 2018)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 6 DAY OF December 2018.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

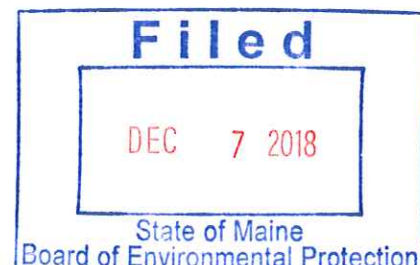
BY: 
for MELANIE LOYZIM, Acting Commissioner

Date filed with Board of Environmental Protection _____

Date of initial receipt of application: August 21, 2018

Date of application acceptance: August 22, 2018

This Order prepared by Aaron Dumont, BUREAU OF WATER QUALITY



SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- Beginning the effective date of this license, the licensee is authorized to operate a surface wastewater treatment and disposal system. The **STORAGE LAGOON EFFLUENT (OUTFALL #001)** must be limited and monitored as specified below⁽¹⁾:

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Freeboard ^(2,3) [82564]	2.0 feet [27]	---	1/Week [1/07]	Measure [MS]
Total Suspended Solids ⁽²⁾ [00530]	---	100 mg/L [19]	1/Month [1/30]	Grab [GR]
Biochemical Oxygen Demand ⁽²⁾ [00310]	---	100 mg/L [19]	1/Month [1/30]	Grab [GR]
Nitrate-Nitrogen ⁽²⁾ [00620]	---	Report mg/L [19]	1/Month [1/30]	Grab [GR]
pH ⁽²⁾ [00400]	---	Report SU [12]	1/Month [1/30]	Grab [GR]
<u>Metals (Total):</u> Arsenic, Cadmium, Chromium, Copper, Lead and Zinc ⁽⁴⁾ [01002, 01027, 01034, 01042, 01051, 01092]		Report (ug/L) [28]	1/5 Years	Grab [GR]

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

FOOTNOTES: See Pages 8 – 9 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

2. The licensee is authorized to apply wastewater to the land via a spray irrigation system during a limited time frame of **April 15th – November 15th** of each year. **SPRAY IRRIGATION FIELDS SF N (NORTH SPRAY IRRIGATION FIELD) AND SF-S (SOUTH SPRAY IRRIGATION FIELD)** must be limited and monitored as specified below:

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Monthly Total	Weekly Maximum ⁽⁵⁾	Measurement Frequency	Sample Type
Application Rate				
SF-N	---	374,542 Gallons	1/Week	Calculate
SF-S	---	374,542 Gallons	1/Week	Calculate
<i>[51128]</i>		<i>[57]</i>	<i>[01/07]</i>	<i>[CA]</i>
Flow - Total Gallons				
SF-N	Report Gallons	---	1/Month	Calculate
SF-S	Report Gallons	---	1/Month	Calculate
<i>[51128]</i>	<i>[57]</i>		<i>[01/30]</i>	<i>[CA]</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 Pages 8 – 9 of this license for applicable footnotes.

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SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

3. The licensee is authorized to operate a surface wastewater treatment and disposal system. The **GROUND WATER MONITORING WELLS B-1, B-7, B-9, B-101, and B-102** must be limited and monitored as specified below.

<u>Parameter</u>	<u>Daily Maximum</u> As specified	<u>Measurement Frequency</u> as specified	<u>Sample Type</u> as specified
Depth to Water Level Below Landsurface [72019]	Report (feet) ⁽⁶⁾ [27]	2/Year ⁽⁷⁾⁽⁹⁾ [02/YR]	Measure [MS]
Total Suspended Solids [00530]	Report (mg/L) [19]	2/Year ⁽⁷⁾⁽⁹⁾ [02/YR]	Grab [GR]
Nitrate-Nitrogen [00620]	10 (mg/L) [19]	2/Year ⁽⁷⁾⁽⁹⁾ [02/YR]	Grab [GR]
Specific Conductance [00095]	Report (umhos/cm) [11]	2/Year ⁽⁷⁾⁽⁹⁾ [02/YR]	Grab [GR]
Temperature (°C) [00010]	Report (°C) [15]	2/Year ⁽⁷⁾⁽⁹⁾ [02/YR]	Grab [GR]
PH (Standard Units) [00400]	6 - 9 (S.U.) [12]	2/Year ⁽⁷⁾⁽⁹⁾ [02/YR]	Grab [GR]
<u>Metals (Total)</u> : Arsenic, Cadmium, Chromium, Copper, Lead, and Zinc [01002, 01027, 01034, 01042, 01051, 01092]	Report (ug/L) [28]	1/5 Years ^(4,7,9) [01/5Y]	Grab [GR]

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

FOOTNOTES: See Pages 8 – 9 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

4. Sampling of the **LAGOON UNDERDRAINS (UD1 – Lagoon #1, and UD3 – Storage Lagoon) (OUTFALLS #UD1A, #UD3A)** must be conducted as specified below.

UD1 – Lagoon #1 and UD3 – Lagoon #3

Note: There is no undrain sampling location under lagoon #2. Lagoons #2 and #3 are hydrologically connected.

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Flow Rate [00058]	---	Report GPM [78]	3/Year ⁽⁸⁾⁽⁹⁾ [03/YR]	Measure [MS]
Specific Conductance ⁽⁹⁾ [00095]	---	Report (umhos/cm) [11]	3/Year ⁽⁸⁾⁽⁹⁾ [03/YR]	Grab [GR]

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

FOOTNOTES: See Pages 8 – 9 of this license for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES: Special Condition A(1), A(2), A(3), & A(4)

Sampling – Any change in sampling location must be approved by the Department in writing. The licensee must conduct sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for wastewater. Samples that are sent to a publicly owned treatment works (POTW) pursuant to *Waste discharge licenses*, 38 M.R.S. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (effective April 1, 2010). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10 – 144 CMR 263. If the licensee monitors any pollutant more frequently than required by the license using test procedures approved under 40 CFR Part 136 or as specified in this license, the results of this monitoring must be included in the calculation and reporting of the data submitted in the discharge monitoring report (DMR).

1. **Storage Lagoon Effluent Sampling Location** – Storage lagoon effluent sampling must be conducted at a point after the pump in the distribution line prior to the spray field(s) and must be representative of what is sprayed on the spray-irrigation fields.
2. **Lagoon Effluent Sampling** – Storage lagoon effluent sampling must be conducted at a minimum frequency of once per month during the months of **April 1st through November 30th** of each year, unless otherwise specified by the Department. In the event that no wastewater is disposed of via the spray irrigation system for an entire month leading up to the sample period, the licensee is not required to conduct effluent monitoring for the parameters indicated.
3. **Lagoon Freeboard** – Storage lagoon freeboard must be reported as the mathematical difference between the water level in the lagoon and the lowest elevation point in the lagoon berm. It must be measured weekly to the nearest one tenth (1/10th) of a foot, with the minimum monthly value reported on the DMR. If site conditions prevent safe or accurate measurements, the licensee must estimate this value and indicate this to the Department.
4. **Screening Level Metals Testing** – The licensee must conduct one round of testing for the specified metals **during the fourth calendar quarter of the fourth year of the license**, unless otherwise specified by the Department.
5. **Weekly Maximum for Spray Irrigation** – “Weekly” is defined as Sunday through Saturday. The licensee must measure the flow of wastewater to the irrigation area by the use of a flow measuring device that is checked for calibration at least once per calendar year. For Discharge Monitoring Report (DMR) reporting purposes, the licensee must report the highest weekly application rate for the month in the applicable box on the form. Compliance with weekly reporting requirements must be reported for the month in which the calendar week ends.

SPECIAL CONDITIONS

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

FOOTNOTES: Special Condition A(1), A(2), A(3), & A(4)

6. **Depth to Water Level** – Depth to water level must be measured to the nearest one-tenth (1/10th) of a foot as referenced from the surface of the ground at the base of the monitoring well.
7. **Groundwater Monitoring Period** – Groundwater monitoring wells must be sampled during the months of **May and October** of each year, unless otherwise specified by the Department.
8. **Lagoon Underdrain Monitoring** – Lagoon underdrain sampling must be conducted in the months of **July, August and September** of each year, unless otherwise specified by the Department.
9. **Field Measurements** – Specific conductance (calibrated to 25.0° C), temperature, and pH are considered to be “field” parameters, and are to be measured in the field via instrumentation. The licensee is required to test for these parameters whether wastewater was disposed of via the spray-irrigation system or not.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent must not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the use designated by the classification of the groundwater.
2. The effluent must not lower the quality of any classified body of groundwater below such classification, (groundwater is a classified body of water under 38 M.R.S. § 465-C) or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a **Maine Grade SITS-II** certificate, Maine **Grade II** Wastewater Operator certificate or higher (or Registered Maine Professional Engineer) pursuant to Title 32 M.R.S. §4171- 4182 *et seq.* and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). All proposed contracts for facility operation by any person must be approved by the Department before the licensee may engage the services of the contract operator.

SPECIAL CONDITIONS

D. AUTHORIZED DISCHARGES

The licensee is authorized to discharge only in accordance with: 1) the licensee's General Application for Waste Discharge License, accepted for processing on August 22, 2018; 2) the terms and conditions of this license; and 3) only to the existing spray-irrigation fields (Fields SF-N and SF-S). Discharges of wastewater from any other point source(s) are not authorized under this license, and must be reported in accordance with Standard Condition D(1)(F), *Twenty-four hour reporting*, of this license.

E. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the licensee must 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 by a source introducing pollutants to the system at the time of license issuance.
2. For the purposes of this section, notice regarding substantial change must include information on:
 - a. the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
 - b. any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

F. GENERAL OPERATIONAL CONSTRAINTS

1. All wastewater must receive biological treatment through a properly designed, operated and maintained treatment system prior to disposal via spray irrigation.
2. The spray-irrigation facilities must be effectively maintained and operated at all times so that there is no discharge to surface waters, nor any contamination of groundwater which will render it unsatisfactory for use as a public drinking water supply.
3. The surface wastewater disposal system must not cause the lowering of the quality of the groundwater, 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 *Drinking Water Regulations*, 22 M.R.S. §2611.

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

SPECIAL CONDITIONS

F. GENERAL OPERATIONAL CONSTRAINTS (cont'd)

4. The Department must be notified as soon as the licensee becomes aware of any threat to public health, unlicensed discharge of wastewater, sanitary system overflows (SSO's) or any malfunction that threatens the proper operation of the system. Notification must be made in accordance with the attached Standard Condition D of this license. A *sanitary sewer overflow* (SSO) is the release of raw sewage from a sanitary collection system prior to reaching the treatment plant or facility. Spills out of manholes, into basements, onto municipal or private property, etc, and into the waters of the State are all considered to be SSO's.
5. The licensee must maintain a file on the location of all system components and relevant features. Each component must be mapped and field located sufficiently to allow adequate inspections and monitoring by both the licensee and the Department.
6. System components including collection pipes, tanks, manholes, pumps, pumping stations, spray disposal fields, and monitoring wells must be identified and referenced by a unique system identifier in all logs and reports.
7. The licensee must at all times maintain in good working order and operate at maximum efficiency all wastewater collection, treatment and/or control facilities. Within one hour after start-up of the spray-irrigation system, the licensee must inspect the spray-irrigation site or have other means 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. The procedures used to determine the system is functioning as designed must be described in the facility's O&M manual. Should significant malfunctions or leaks be detected, the licensee must shut down the malfunctioning/leaking sections of the spray system and make necessary repairs before resuming operation. The licensee must cease irrigation if runoff is observed outside the designated boundaries of the spray field(s). The licensee must field calibrate equipment to ensure proper and uniform spray applications when operating. Calibration involves collecting and measuring application rate at different locations within the application area. A description of the calibration procedures and a log sheet that have been used for recording calibration results must be included as part of the Operations & Maintenance manual.
8. The licensee must maintain a daily log of all spray irrigation activities which records the date, weather, rainfall, areas irrigated, volume sprayed (gallons), application rates (daily and weekly), and other relevant observations/comments from daily inspections. The log must be in accordance with the general format of the "Monthly Operations Log" provided as Attachment A of this license, or other similar format approved by the Department. Weekly application rates must be reported in accordance with the general format of the "Spray Application Report by Week" provided as Attachment B of this license or other format as approved by the Department. The Monthly Operations Log, and Spray Application Report by Week, for each month must be submitted to the Department as an attachment to the monthly Discharge Monitoring Reports (DMRs) in a format approved by the Department. Copies will also be maintained on site for Department review and for license operation maintenance purposes.

SPECIAL CONDITIONS

G. SPRAY IRRIGATION OPERATIONAL CONSTRAINTS, LOGS, AND REPORTS

1. Suitable vegetative cover must be maintained. Wastewater must not be applied to areas without sufficient vegetation or ground cover as to prevent erosion or surface water runoff outside the designated boundaries of the spray fields. The licensee must have an updated facilities management plan that includes provisions for maintaining the spray irrigation area in optimum condition for the uptake of nutrients and moisture holding capacity.
2. At least 10 inches of separation from the ground surface to the groundwater table must be present prior to spray irrigating.
3. No wastewater must be spray irrigated following a rainfall accumulation exceeding 1.0 inches within the previous 24-hour period. A rain gauge must be located on site to monitor daily precipitation. The licensee must also manage application rates by taking into consideration the forecast for rain events in the 48-hour period in the future.
4. No wastewater must be spray irrigated where there is snow present on the surface of the ground or there is any evidence of frost or frozen ground within the upper 10 inches of the soil profile.
5. No traffic or equipment must be allowed in the spray-irrigation field(s) except where installation occurs or where normal operations and maintenance are performed (this must include forest management operations).
6. Prior to the commencement of spray irrigation for the season, the licensee must notify the Department's compliance inspector in writing that they have verified that soil conditions are appropriate (absence of frozen ground, soil conditions, moisture, etc.) for spray irrigation.
7. The licensee must install the equivalent of one groundwater level inspection well per spray field to verify that 10 inches of separation from the ground surface to the observed groundwater level is present prior to spraying. Depths to groundwater must be recorded in accordance with the general format of "*Monthly Operations Log*" provided as **Attachment A** of this license or other format as approved by the Department.

H. VEGETATION MANAGEMENT

1. The licensee must remove grasses and other vegetation such as shrubs and trees if necessary so as not to impair the operation of the spray-irrigation system, to ensure uniform distribution of wastewater over the desired application area and to optimize nutrient uptake and removal.
2. The vegetative buffer zones along the perimeter of the site must be maintained to maximize vegetation and forest canopy density in order to minimize off-site drift of spray.

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I. LAGOON MAINTENANCE

1. The banks of the lagoon must be inspected periodically during the operating season (at least two times per year) and properly maintained at all times. There must be no overflow through or over the banks. Any signs of leaks, destructive animal activity or soil erosion of the banks must be repaired immediately.
2. The banks of the lagoon must be maintained to keep them free of woody vegetation and other vegetation that may be detrimental to the integrity of the bank and/or lagoon liner. The waters within the lagoons must be kept free of all vegetation (i.e. grasses, reeds, cattails, etc) that hinders the operation of the lagoon.
3. The licensee must maintain the lagoon freeboard at a level no higher than design levels.
4. The treatment and storage lagoons must be dredged as necessary to maintain the proper operating depths in all lagoons that will provide best practicable treatment of the wastewater. All material removed from the lagoon(s) must be properly disposed of in accordance with all applicable State and Federal rules and regulations.

J. INSPECTIONS AND MAINTENANCE

The licensee must periodically inspect all system components to ensure the facility is being operated and maintained in accordance with the design of the system. Maintenance logs must be maintained for each major system component including pumps, pump stations, septic tanks, lagoons, spray apparatus, and pipes. At a minimum, the logs must include the unique identifier [see Special Condition F(6)], the date of maintenance performed, name(s) of person(s) performing the maintenance, and other relevant system observations.

1. The licensee must maintain an approved groundwater quality monitoring plan prepared by a professional qualified in water chemistry. The plan must include historical current monitoring data for each monitoring point, represented in tabular and graphical form.
2. All monitoring wells must be equipped with a cap and lock to limit access and must be maintained in a secured state at all times. The integrity of the monitoring wells must also be verified annually in order to insure representative samples of groundwater quality.
3. The Department reserves the right to require increasing the depth of and/or relocating any of the groundwater monitoring wells if the well is frequently dry or is determined not to be representative of groundwater conditions.

SPECIAL CONDITIONS

K. OPERATIONS AND MAINTENANCE (O&M) PLAN AND SITE PLAN(S)

This facility must have a current written comprehensive O&M Plan. The plan must provide a systematic approach by which the licensee must at all times, properly operate and maintain all facilities and the systems of treatment and control (and related appurtenances) which are installed or used by the licensee to achieve compliance with the conditions of this license. Of particular importance is the management of the spray application sites such that the spray sites are given ample periods of rest to prevent over application.

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

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

L. PUBLIC ACCESS TO LAND APPLICATION SITES AND SIGNAGE

Access to the land application sites must be limited during the season of active site use. The licensee must install signs measuring at least 8 ½" x 11", in areas of concern around the perimeter of the lagoon and spray irrigation sites that inform the general public that the area is being used to dispose of sanitary wastewaters. The signs must be constructed of materials that are weather resistant. The licensee must annually inspect and make any necessary repairs to the signage to comply with this condition.

M. DISPOSAL OF TRANSPORTED WASTES INTO THE WASTEWATER TREATMENT FACILITY

The licensee is prohibited from accepting transported wastes for disposal into any part or parts of the wastewater disposal system. 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. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into the wastewater collection and treatment system by a non-domestic source (user) must not pass through or interfere with the operation of the treatment system. The permittee must conduct an Industrial Waste Survey (IWS) any time a new industrial user proposes to discharge within its jurisdiction; an existing user proposes to make a significant change in its discharge; or at an alternative minimum, once every permit cycle and submit the results to the Department. The IWS must identify, in terms of character and volume of pollutants, any Significant Industrial Users discharging into the POTW subject to Pretreatment Standards under section 307(b) of the federal *Clean Water Act*, 40 CFR Part 403 (general pretreatment regulations) or *Pretreatment Program*, 06-096 CMR 528 (last amended March 17, 2008).

SPECIAL CONDITIONS

O. MONITORING AND REPORTING

Electronic Reporting

NPDES Electronic Reporting, 40 C.F.R. 127, requires MEPDES permit holders to submit monitoring results obtained during the previous month on an electronic discharge monitoring report to the regulatory agency utilizing the USEPA electronic system.

Electronic Discharge Monitoring Reports (DMRs) submitted using the USEPA NetDMR system, must be:

1. Submitted by a facility authorized signatory; and
2. Submitted no later than **midnight on the 15th day of the month** following the completed reporting period.

Documentation submitted in support of the electronic DMR may be attached to the electronic DMR. Toxics reporting must be done using the DEP toxsheet reporting form. An electronic copy of the Toxsheet reporting document must be submitted to your Department compliance inspector as an attachment to an email. In addition, a hardcopy form of this sheet must be signed and submitted to your compliance inspector, or a copy attached to your NetDMR submittal will suffice.

Documentation submitted electronically to the Department in support of the electronic DMR must be submitted no later than midnight on the 15th day of the month following the completed reporting period.

Toxsheet reporting forms must be submitted electronically as an attachment to an email sent to your Department compliance inspector. In addition, a signed hardcopy of your toxsheet must also be submitted. A signed copy of the DMR and all other reports required herein must be submitted to the Department assigned compliance inspector (unless otherwise specified) following address:

Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
1235 Central Drive-Skyway Park
Presque Isle, Maine 04769

P. REOPENING OF LICENSE FOR MODIFICATION

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

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Q. SEVERABILITY

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

Attachment A

Monthly Operations Log

Patten POTW (WDL #W007775)

(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						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						

Signature of Responsible Official: _____ Date _____

Attachment B
Spray Application Report by Week

Patten POTW (WDL #W007775)

(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: **December 6, 2018**

COMPLIANCE TRACKING NUMBER: **MEU507775**

WASTE DISCHARGE LICENSE: **W007775-6B-H-R**

NAME AND ADDRESS OF APPLICANT:

**TOWN OF PATTEN
P.O. BOX 260
21 KATAHDIN STREET
PATTEN, MAINE 04765**

COUNTY: **PENOBSCOT COUNTY**

NAME AND ADDRESS WHERE DISCHARGE(S) OCCUR(S):

**TOWN OF PATTEN
PUBLICALLY OWNED TREATMENT WORKS
81 LOVEJOY ROAD
PATTEN, MAINE 04765**

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

COGNIZANT OFFICIAL CONTACT INFORMATION:

RAYMOND A FOSS
(207)-528-2215
TOWNOFPATTEN@GMAIL.COM

KEVIN NOYES
(207)-731-7860
NOYES.KEVIN@GMAIL.COM

1. APPLICATION SUMMARY

On August 22, 2018, the Department of Environmental Protection (Department) accepted as complete for processing an application from the Town of Patten (licensee) for the renewal of Waste Discharge License (WDL) #W-007775-6B-G-R which was issued by the Department on December 17, 2013, for a five-year term. The 12/17/2013 license authorized the operation of a surface wastewater disposal (spray-irrigation) system for the treatment and seasonal disposal (April 15 – November 15) of treated sanitary wastewater and commercial processing wastewater onto 17.26 acres of land to groundwater, Class GW-A, in Patten, Maine. The treatment system has a design capacity of 30,000 gallons per day. The facility has been assigned Integrated Compliance Information System (ICIS) tracking number #MEU507775.

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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 it is;
 1. Revising the monitoring parameters for the underdrain lagoon effluent, and groundwater monitoring wells so as to be consistent with the monitoring parameters at other similar facilities.
- b. History: This section provides a summary of significant licensing actions and milestones that have been completed for the permittee.

July 21, 1992 – The Department approved the application of the surface wastewater spray irrigation system serving the Town of Patten by issuing WDL #W007775-58-A-N/MEU50777.

March 25, 1999 – The Department issued WDL #W007775-5L-B-R/MEU50777 for a five-year term.

July 12, 2003 – The Department issued an Administrative Modification to WDL #W007775-5L-C-R/MEU50777 for the purpose of: 1) suspending the annual groundwater reporting requirement for the first four years of the license, and 2) eliminating the requirement for the licensee to develop a soil sampling plan, collection of soil samples and reporting the sample results to the Department.

December 3, 2008 – The Department issued WDL #W007775-5L-D-R/MEU50777 for a five-year term. The December 2, 2008 permit superseded previous WDLs issued on December 16, 2003 and July 21, 1992.

February 4, 2009 – The Department issued an Administrative Modification to WDL #W007775-5L-E-M/MEU50777 for the purpose of establishing a date of October 2012 for lagoon effluent and ground water sampling for total metals.

April 6, 2009 – The Department issued an Administrative Modification to WDL #W007775-5L-F-M/MEU50777 for the purpose of establishing a monitoring frequency of once every five years for lagoon effluent and ground water sampling for total metals.

December 17, 2013 – The Department issued WDL #W007775-6B-G-R/MEU50777 for a five-year term. The December 2, 2008 permit superseded previous WDLs issued on December 16, 2003 and July 21, 1992.

August 21, 2018 – The Town submitted a timely and complete General Application to the Department for renewal of the December 17, 2013 MEPDES permit. The application was accepted for processing on August 22, 2018, and was assigned WDL #W007775-6B-G-R/MEU50777.

2. LICENSE SUMMARY (cont'd)

- c. Source Description: – Wastewater is generated from 44 commercial and residential users within the Town's boundaries. The Town has 5,000 feet of gravity sewers, 3 pump stations, and 2,500 feet of force main. The sanitary wastewater collection system is separated from the stormwater system and there are no combined sewer overflows associated with the collection system. The applicant has stated that there are no industrial contributors to the collection system. The facility is not licensed to accept septic waste.
- d. Wastewater Treatment: The facility is designed to treat 20-year projected average daily flows of up to 30,000 gpd. The biological treatment process consists of three facultative treatment/stabilization lagoons. The lagoons are constructed with a 60-mil high density polyethylene (HDPE) liner over a 12-inch sand blanket. Underdrains are located under the lagoons to monitor for leakage. Wastewater is pumped from the collection system to the first lagoon for primary settling. From the first lagoon, wastewater is directed to a second and third lagoon for biological treatment prior to spray irrigation. Between April 15th and November 15th of each year, wastewater is conveyed to 2 spray fields, each measuring 8.63 acres each, for a total of 17.26 acres. Each spray field contains 7 spray zones and spray heads distribute water in a circular pattern measuring roughly 100 feet in diameter.

The system has been designed such that the operator has the flexibility to rotate the zones in a series pattern. The system also provides sufficient valving to isolate each of the two spray fields, or isolate individual clusters of spray heads within each spray zone.

Each spray field is vegetated mixed woodland with an 8%-25% slope on an easterly aspect. The weekly maximum wastewater application rate must not exceed the levels provided in Special Condition A(2) of this license. See **Attachment A** of this Fact Sheet for site location map.

A high intensity Class B soil survey of the site indicates the soils in the spray area are suitable for attenuating pollutant loading based on spray irrigation application rates in this licensing action. See **Attachment A** of this Fact Sheet for a spray irrigation distribution plan and location of the groundwater quality monitoring wells.

3. CONDITIONS OF LICENSE

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

4. RECEIVING WATER QUALITY STANDARDS

Classification of Ground Waters, 38 M.R.S. § 470 classifies the groundwater at the point of discharge as Class GW-A receiving waters. *Standards of Classification of Ground Water*, 38 M.R.S., Section 465-C(1), describes the standards for waters classified as Class GW-A as the highest classification of groundwater and must be of such quality that it can be used for public water supplies. These waters must be free of radioactive matter or any matter that imparts color, turbidity, or odor which would impair use of these waters, other than that 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 (Outfall 001)

Biochemical Oxygen Demand, Total Suspended Solids, and pH: The previous permitting action established, and this permitting action is carrying forward, a once per month (April through November) monitoring requirements for biochemical oxygen demand (BOD₅), total suspended solids (TSS), and pH for lagoon effluent as it exits the lagoon to be sprayed. Monitoring for these parameters yields an indication of the effectiveness of the lagoon treatment process and the condition of the wastewater being applied.

A review of the Discharge Monitoring Reports (DMRs) for the period of December 17, 2013 – July 18, 2018 indicates the following:

BOD₅ Concentration (n = 17)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	100	4.70 – 57	31

TSS Concentration (n = 17)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	100	1.7 – 55	18

pH (n = 17)

Value	Limit (SU)	Range (SU)	Mean (SU)
Daily Maximum	6.0 – 9.0	6.7 – 8.8	7.5

It should be noted for averaging purposes; values reported as “less than” were calculated at the detection limit in this fact sheet.

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

Nitrite-Nitrogen and Nitrate-Nitrogen – Nitrogen compounds are by-products of the biological breakdown of ammonia and organic nitrogen and are inherent in domestic sanitary wastewater. Because nitrogen compounds are weakly absorbed by soil, they function as reliable indicators of contamination from waste disposal sites. Also, elevated levels of nitrite-nitrogen and nitrate-nitrogen in the drinking water supply are of human health concern. The previous licensing action established, and this permit is carrying forward a monitoring requirement and license limit of 1.0 mg/L for nitrite-nitrogen and is carrying forward the monitoring requirement and license limit of 10 mg/L for nitrate-nitrogen. The license limits are National Primary Drinking Water Standards.

A review of the Discharge Monitoring Report (DMR) for the period December 17, 2013 – July 18, 2018 indicates the following:

Nitrite-Nitrogen (n=17)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	1.0 mg/L	<0.02 – 0.10	<0.08

Nitrate-Nitrogen (n=17)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	10 mg/L	<0.5 – 1.10	<0.8

Total Metals – Previous permits and the subsequent permit modification on April 6, 2009 established, and this permitting action is carrying forward the requirement for the licensee to test the lagoon effluent for the following total metals: arsenic, cadmium, chromium, copper, lead and zinc once every five years.

The purpose of lagoon effluent monitoring for metals specified in this license is to evaluate the concentration of these pollutants for which National Primary Drinking Water Standards (NPDWS) pursuant to 40 CFR Part 141 or Secondary Maximum Contaminant Levels (SMCL) pursuant to 40 CFR Part 143.3 have been established, and to assist in discerning whether any increases in ground water levels may be attributed to the wastewater applied to the ground surface.

	NPDWS	SMCL
Arsenic	0.01 mg/L	--
Cadmium	0.5 mg/L	--
Chromium (total)	0.1 mg/L	--
Copper	1.3 mg/L	--
Lead	0.0 mg/L (0.015 mg/L action level)	--
Zinc	--	5 mg/L

This licensing action is carrying forward the metals reporting requirement during the fourth quarter in the fourth year of the license in order for the Department to receive and evaluate the licensee's performance data in advance of the 2018 license renewal process.

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

A review of the Discharge Monitoring Report (DMR) for the period December 17, 2013 – July 18, 2018 indicates the following:

Total Metals (n=1)

Arsenic	Limit (ug/L)	Maximum (ug/L)
Daily Maximum	Report	1.11
Cadmium	Limit (ug/L)	Maximum (ug/L)
Daily Maximum	Report	0.20
Chromium	Limit (ug/L)	Maximum (ug/L)
Daily Maximum	Report	<1.00
Copper	Limit (ug/L)	Maximum (ug/L)
Daily Maximum	Report	<28.6
Lead	Limit (ug/L)	Maximum (ug/L)
Daily Maximum	Report	1.70
Zinc	Limit (ug/L)	Maximum (ug/L)
Daily Maximum	Report	15.5

B. Lagoon

Freeboard: The amount of freeboard space between the lagoon or pond surface elevation and the lowest point in the top of the respective berm is being measured to prevent overtopping of the berms and to evaluate facility operation for managing flows and annual precipitation. The previous licensing action established and this licensing action is carrying forward a minimum of two feet of freeboard, to be measured weekly from April 1 – November 30.

A review of the Discharge Monitoring Reports (DMRs) for the period December 17, 2013 – July 18, 2018 indicates the following:

Freeboard (n = 35)

Limit (feet)	Range (feet)	Average (feet)
≥2.0	4.50 – 25.70	13.10

C. Spray Irrigation Fields (SF-N and SF-S)

Application Rates – The previous licensing action established a seasonal (April 15th to November 15th) weekly maximum application rate of 43,400 gallons per acre per week (1.6 inches/week) for the north Spray Irrigation Field designated as SF-N and the South Spray Irrigation Field designated as SF-S based on the characteristics of the in-situ soils. See **Attachment B** of this fact sheet for a diagram of the spray irrigation field locations. With an area of approximately 8.63 acres per field, the licensee is limited to 374,542 gallons/week/field. To allow for flexibility and better management of the spray irrigation fields, this licensing action is eliminating the weekly application rate of 43,400 gallons per acre limit, and is establishing a maximum weekly volume of 374,542 gallons per field.

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

A review of the Discharge Monitoring Reports (DMRs) for the period December 17, 2013 – July 18, 2018 indicates the following:

NORTH SPRAY IRRIGATION FIELD – SF-N

Application Rate (n = 17)

Value	Limit (gal/week)	Range (gal/week)	Mean (gal/week)
Weekly Maximum	374,542	160,940 – 290,120	260,481

Flow-Total Gallons (n = 17)

Value	Limit (total gallons)	Range (total gallons)	Mean (total gallons)
Monthly Total	Report	359,930 – 1,295,720	865,344

SOUTH SPRAY IRRIGATION FIELD – SF-S

Application Rate (n = 17)

Value	Limit (gal/week)	Range (gal/week)	Mean (gal/week)
Weekly Maximum	374,542	246,590 – 296,320	278,464

Flow-Total Gallons (n = 17)

Value	Limit (total gallons)	Range (total gallons)	Mean (total gallons)
Monthly Total	Report	507,640 – 1,347,120	1,010,267

D. Ground Water Monitoring Wells

Five ground water monitoring wells are to be monitored on the site. The five wells are:

Monitoring Wells	Location
B-1	Easterly of Lagoon #1 (Background well)
B-7	Westerly of the northerly side of Lagoon #2
B-9	Southerly of Lagoon #2
B-101	Easterly of the South Spray Field
B-102	Westerly of the South Spray Field

The previous licensing action established, and this licensing action is carrying forward the requirement of measuring ground water monitoring wells for depth to water level below land surface during May and October of each calendar year.

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

A review of the Discharge Monitoring Reports (DMRs) for the period December 17, 2013 – July 18, 2018 indicates the following:

Depth to Water Level Below Land Surface

Monitoring Well	Limit (ft.)	Range (ft.)	Average (ft.)
B-1 (n = 9)	Report	14.2 – 50.9	22.3
B-7 (n = 9)	Report	2.64 – 8.44	4.8
B-9 (n = 9)	Report	1.84 – 6.27	3.2
B-101 (n = 9)	Report	0.01 – 4.10	0.7
B-102 (n = 7)	Report	0.07 – 10.00	2.8

This licensing action is carrying forward the previous licensing requirement of measuring ground water monitoring wells for nitrate-nitrogen, specific conductance, temperature, pH, and total suspended solids during May and October of each calendar year. This licensing action is also carrying forward the previously established monitoring requirements and numerical limits as specified in the table below based on National Primary Drinking Water Standards.

Special Condition F(3) of this license requires the licensee to determine ground water monitoring well compliance with the following National Primary and Secondary Drinking Water Standards:

Parameter	Daily Maximum
Nitrate-Nitrogen	10 mg/L
Nitrite-Nitrogen	1.0 mg/L
pH (Standard Units)	6.5-8.5 SU

Total chloride sampling has been conducted for over a decade at this facility as an indicator of potential treatment failure. The data has indicated that this parameter is no longer a useful indicator of treatment system failure. Parameters such as specific conductance are still valid parameters to check and will remain as indicators for potential treatment failures. Therefore, this licensing action is eliminating the requirement to measure total chloride.

The purpose of ground water monitoring for the metals specified in this license is to evaluate the concentration of these pollutants for which National Primary Drinking Water Standards (NPDWS) pursuant to 40 CFR Part 141 or Secondary Maximum Contaminant Levels (SMCL) pursuant to 40 CFR Part 143.3 have been established, and to assist in discerning whether any increases in ground water levels may be attributed to the wastewater applied to the ground surface.

This licensing action is carrying forward the requirement to test the monitoring wells for the following total metals: arsenic, cadmium, chromium, copper, lead and zinc. This licensing action is establishing a metals reporting requirement during the fourth quarter of the fourth year of the license in order for the Department to receive and evaluate the licensee's performance data in a timely fashion during the permit renewal process.

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

A review of the Discharge Monitoring Report (DMR) for the period December 17, 2013 – July 18, 2018 indicates the following:

Nitrite-Nitrogen (n=5)

Monitoring Well	Limit (mg/L)	Range (mg/L)	Average (mg/L)
B-1	1.0	0 – <0.5	<0.13
B-7	1.0	0 – <0.5	<0.13
B-9	1.0	0 – <0.05	<0.04
B-101	1.0	0 – <0.05	<0.04
B-102	1.0	0 – <0.05	<0.04

Nitrate-Nitrogen (n=7)

Monitoring Well	Limit (mg/L)	Range (mg/L)	Average (mg/L)
B-1 N=7	10	0.02 – 0.55	0.31
B-7 N=5	10	0 – <0.1	<0.08
B-9 N=5	10	<0.10 – 0.18	0.13
B-101 N=5	10	0 – <0.1	<0.08
B-102 N=7	10	0 – <0.1	<0.08

Specific Conductance (n=9)

Monitoring Well	Limit (umhos/cm)	Range (umhos/cm)	Average (umhos/cm)
B-1	Report	111 – 203	159
B-7	Report	226 – 345	295
B-9	Report	246 – 389	309
B-101	Report	217 – 319	279
B-102	Report	166 – 251	210

Temperature (n=8)

Monitoring Well	Limit (Deg C)	Range (Deg C)	Average (Deg C)
B-1	Report	11.0 – 14.9	12.5
B-7	Report	5.8 – 9.7	7.8
B-9	Report	6.6 – 43.0	13.9
B-101	Report	7.0 – 43.0	13.7
B-102	Report	6.28 – 12.10	9.2

pH (n=9)

Monitoring Well	Limit (SU)	Range (SU)
B-1	Report	5.6 – 6.9
B-7	Report	6.5 – 7.1
B-9	Report	6.6 – 7.5
B-101	Report	6.6 – 8.1
B-102	Report	5.8 – 7.0

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

Total Suspended Solids

Monitoring Well	Limit (mg/L)	Range (mg/L)	Average (mg/L)
B-1 N=6	Report	0 – <5.0	<4.1
B-7 N=5	Report	0 – <5.0	<4.0
B-9 N=5	Report	0 – <5.0	<4.0
B-101 N=5	Report	0 – <5.0	<4.0
B-102 N=5	Report	0 – 19	<6.8

Arsenic (total) (n=1)

Monitoring Well	Limit (ug/L)	Maximum (ug/L)
B-1	Report	<0.5
B-7	Report	<0.5
B-9	Report	<0.20
B-101	Report	5.26
B-102	Report	<0.50

Cadmium (Total) (n=1)

Monitoring Well	Limit (ug/L)	Maximum (ug/L)
B-1	Report	<0.2
B-7	Report	<0.2
B-9	Report	<0.5
B-101	Report	<0.2
B-102	Report	<0.2

Chromium (Total) (n=1)

Monitoring Well	Limit (ug/L)	Maximum (ug/L)
B-1	Report	<1.0
B-7	Report	<1.0
B-9	Report	<1.0
B-101	Report	<1.0
B-102	Report	<1.0

Copper (Total) (n=1)

Monitoring Well	Limit (ug/L)	Maximum (ug/L)
B-1	Report	8.5
B-7	Report	1.0
B-9	Report	1.0
B-101	Report	1.0
B-102	Report	1.0

The previous license notes the high copper result in monitoring well #B-1 is was investigated. The result may be contributed to either the well being constructed at a different depth than the compliance wells, bedrock conditions and/or different sampling conditions as this well sample has historically been taken from the tap in the building and may have plumbing influences. The Department has recommended future samples be taken directly from the well as other samples are done to identify the plumbing as the source of high result to eliminate it as a possibility.

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

D. Ground Water Monitoring Wells (cont'd)

Lead (total) (n=1)

Monitoring Well	Limit (ug/L)	Maximum (ug/L)
B-1	Report	3.1
B-7	Report	1.0
B-9	Report	1.0
B-101	Report	1.0
B-102	Report	1.0

Zinc (total) (n=1)

Monitoring Well	Limit (ug/L)	Maximum (ug/L)
B-1	Report	10
B-7	Report	10
B-9	Report	10
B-101	Report	10
B-102	Report	10

Department assessment of the groundwater monitoring results indicate that concentrations of all ground water monitoring parameters are below the National Primary Drinking Water Standards and Secondary Maximum Contaminant Levels.

- C. Underdrain Monitoring – Lagoon underdrain monitoring is required for early detection of leaks within the treatment and storage lagoon liners (earthen and HDPE, respectively).

There is no underdrain sampling location under lagoon #2; however, lagoons #2 and #3 are hydrologically linked. This licensing action is carrying forward the monitoring requirement from the previous licensing action for lagoon underdrain monitoring three times per year in July, August and September. This licensing action is carrying forward previously established monitoring requirements to ensure compliance with National Primary Drinking Water Standards.

A review of the Discharge Monitoring Report (DMR) for the period December 17, 2013 – July 18, 2018 indicates the following:

Flow Rate

Underdrain Location	Limit (GPM)	Range	Mean
UD1 (Lagoon #1)	Report	NO DISCHARGE	NO DISCHARGE
UD3 (Lagoon #3)	Report	NO DISCHARGE	NO DISCHARGE

Specific Conductance

Underdrain Location	Limit (umhos/cm)	Range	Mean
UD1 (Lagoon #1)	Report	NO DISCHARGE	NO DISCHARGE
UD3 (Lagoon #3)	Report	NO DISCHARGE	NO DISCHARGE

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

E. Underdrain Monitoring (cont'd)

Temperature (Deg C)

Underdrain Location	Limit (Deg F)	Range	Mean
UD1 (Lagoon #1)	Report	NO DISCHARGE	NO DISCHARGE
UD3 (Lagoon #3) 2	Report	NO DISCHARGE	NO DISCHARGE

Nitrite-Nitrogen

Underdrain Location	Limit (mg/L)	Maximum (mg/L)
UD1 (Lagoon #1)	1.0	NO DISCHARGE
UD3 (Lagoon #3)	1.0	NO DISCHARGE

Nitrate-Nitrogen

Underdrain Location	Limit (mg/L)	Maximum (mg/L)
UD1 (Lagoon #1)	10	NO DISCHARGE
UD3 (Lagoon #3)	10	NO DISCHARGE

pH

Underdrain Location	Limit (SU)	Range	Mean
UD1 (Lagoon #1)	Report	NO DISCHARGE	NO DISCHARGE
UD3 (Lagoon #3)	Report	NO DISCHARGE	NO DISCHARGE

The previous permitting action established specific monitoring requirements from 40 CFR Part 445 for sampling specific conductance from that lagoon underdrain. In accordance with *Waste Discharge License Conditions*, 06-096 CMR 523 (effective January 12, 2001) this licensing action is eliminating the monitoring requirements for Nitrate-Nitrogen, Nitrite-Nitrogen, Temperature, and pH in the lagoon underdrain effluent, and Nitrite-Nitrogen in the groundwater monitoring wells to be consistent with other similar facilities with similar influent composition.

The Department has determined that a technical error was made in establishing the monitoring parameters. Section 402(o) of the Clean Water Act contains prohibitions for anti-backsliding and Department rules reflect those provisions. Generally, antibacksliding prohibits the issuance of a renewed permit with less stringent limitations than were established in the previous permit. The Department Rules contain certain exceptions to antibacksliding at *Classification of Maine Waters*, 06-096 CMR 464(4)(F) (effective November 1, 2017).

7. 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.

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8. PUBLIC COMMENTS

Public notice of this application was made in *The Houlton Pioneer Times* newspaper on or about August 22, 2018. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

9. DEPARTMENT CONTACTS

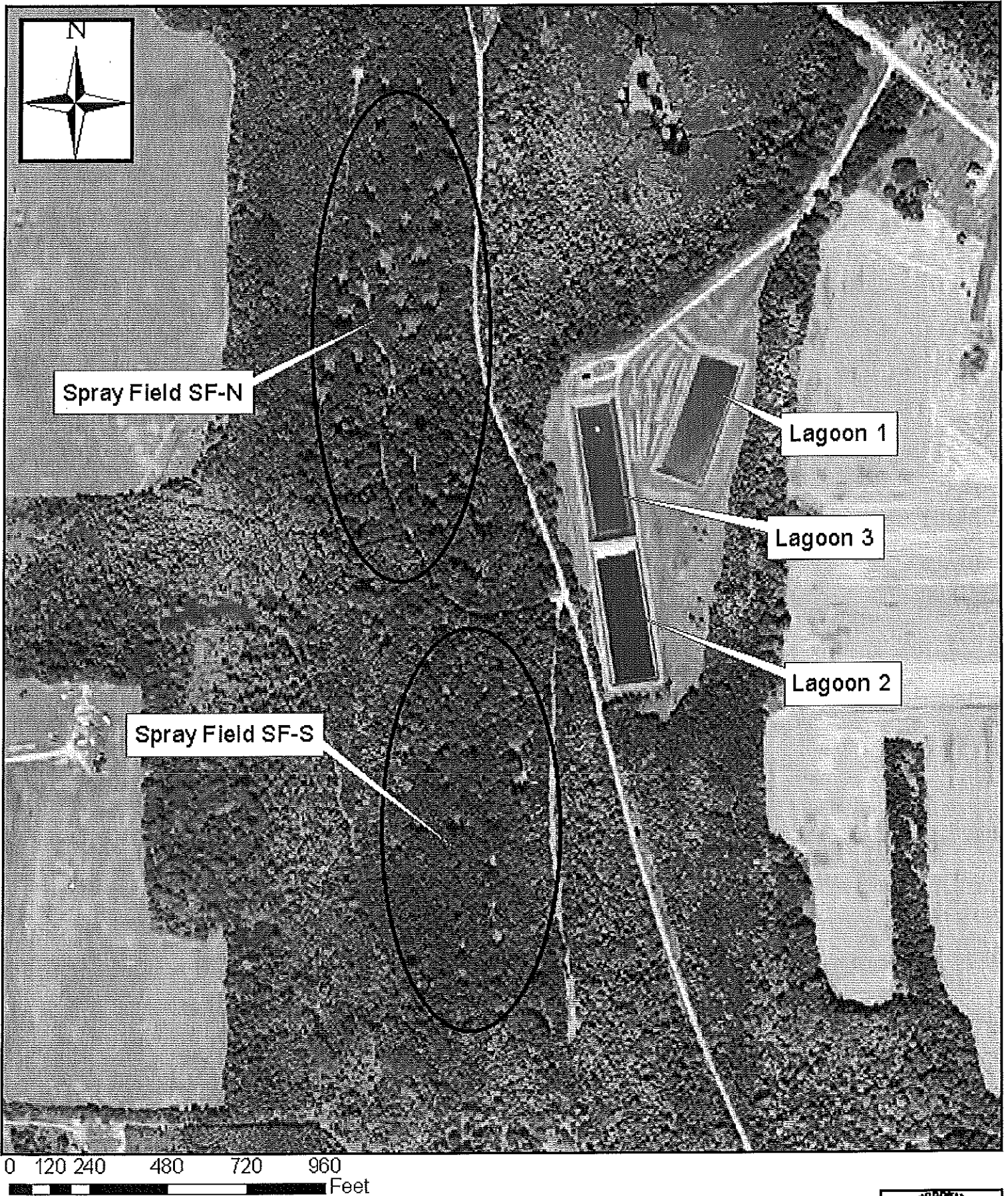
Additional information concerning this licensing action may be obtained from, and written comments sent to:

Aaron Dumont
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 592-7161
e-mail: Aaron.A.Dumont@maine.gov

10. RESPONSE TO COMMENTS

During the period of November 11, 2018, through the effective date of this final agency action, the Department solicited comments on the draft MEPDES permit. The Department did not receive any substantive comment on the draft permit. It is noted that minor typographical and grammatical errors identified in comments were not summarized in this section, but were corrected, where necessary, in the final permit.

ATTACHMENT A

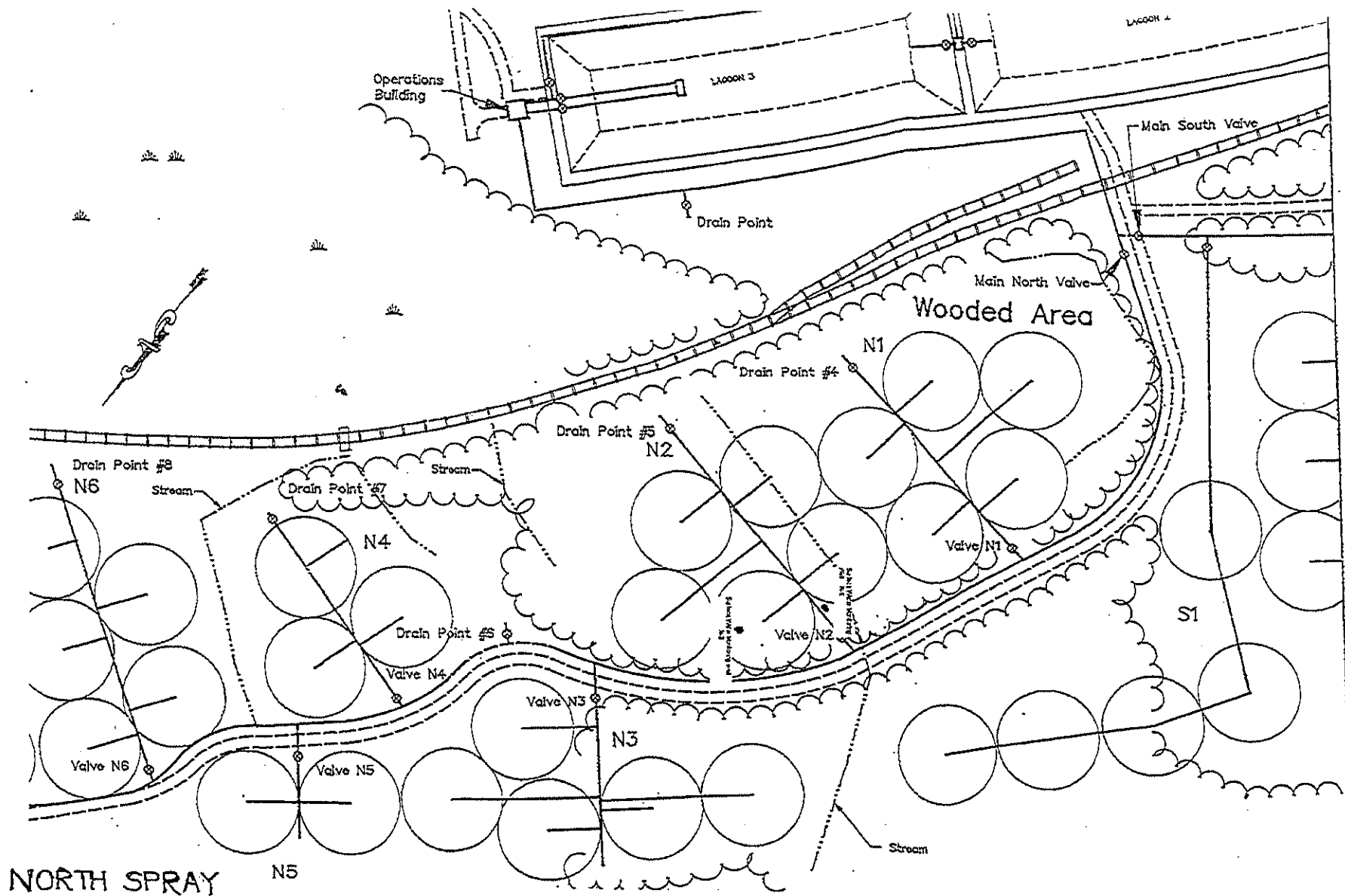


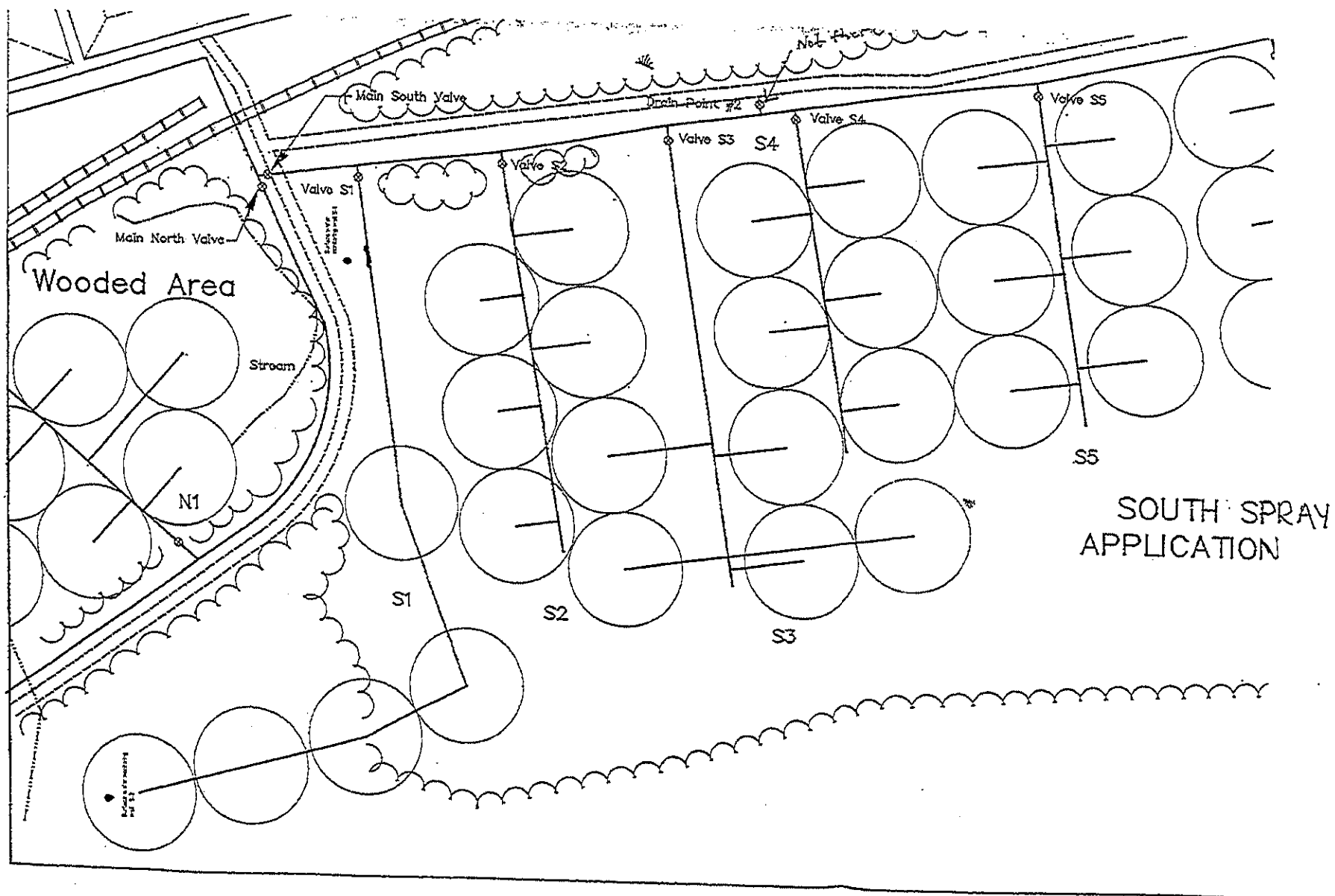
Town of Patten, Wastewater Treatment Facility

Map Created by Maine DEP
September 24, 2013



ATTACHMENT B





MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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A. GENERAL PROVISIONS

1. General compliance. All discharges shall be consistent with the terms and conditions of this permit; any changes in production capacity or process modifications which result in changes in the quantity or the characteristics of the discharge must be authorized by an additional license or by modifications of this permit; it shall be a violation of the terms and conditions of this permit to discharge any pollutant not identified and authorized herein or to discharge in excess of the rates or quantities authorized herein or to violate any other conditions of this permit.

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

- (a) They are not
 - (i) Designated as toxic or hazardous under the provisions of Sections 307 and 311, respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law; or
 - (ii) Known to be hazardous or toxic by the licensee.
- (b) The discharge of such materials will not violate applicable water quality standards.

3. Duty to comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of State law and the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

- (a) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act, and 38 MRSA, §420 or Chapter 530.5 for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- (b) Any person who violates any provision of the laws administered by the Department, including without limitation, a violation of the terms of any order, rule license, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

4. Duty to provide information. The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

5. Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6. Reopener clause. The Department reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedule of compliance or other provisions which may be authorized under 38 MRSA, §414-A(5).

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7. Oil and hazardous substances. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under section 311 of the Federal Clean Water Act; section 106 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; or 38 MRSA §§ 1301, et. seq.

8. Property rights. This permit does not convey any property rights of any sort, or any exclusive privilege.

9. Confidentiality of records. 38 MRSA §414(6) reads as follows. "Any records, reports or information obtained under this subchapter is available to the public, except that upon a showing satisfactory to the department by any person that any records, reports or information, or particular part or any record, report or information, other than the names and addresses of applicants, license applications, licenses, and effluent data, to which the department has access under this subchapter would, if made public, divulge methods or processes that are entitled to protection as trade secrets, these records, reports or information must be confidential and not available for public inspection or examination. Any records, reports or information may be disclosed to employees or authorized representatives of the State or the United States concerned with carrying out this subchapter or any applicable federal law, and to any party to a hearing held under this section on terms the commissioner may prescribe in order to protect these confidential records, reports and information, as long as this disclosure is material and relevant to any issue under consideration by the department."

10. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

11. Other laws. The issuance of this permit does not authorize any injury to persons or property or invasion of other property rights, nor does it relieve the permittee of its obligation to comply with other applicable Federal, State or local laws and regulations.

12. Inspection and entry. The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the EPA Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

B. OPERATION AND MAINTENANCE OF FACILITIES

1. General facility requirements.

- (a) The permittee shall collect all waste flows designated by the Department as requiring treatment and discharge them into an approved waste treatment facility in such a manner as to

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

2. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

3. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Bypasses.

- (a) Definitions.
 - (i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
 - (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.
- (c) Notice.
 - (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

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- (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D(1)(f), below. (24-hour notice).
- (d) Prohibition of bypass.
 - (i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (C) The permittee submitted notices as required under paragraph (c) of this section.
 - (ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (d)(i) of this section.

6. Upsets.

- (a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (ii) The permitted facility was at the time being properly operated; and
 - (iii) The permittee submitted notice of the upset as required in paragraph D(1)(f) , below. (24 hour notice).
 - (iv) The permittee complied with any remedial measures required under paragraph B(4).
- (d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

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C. MONITORING AND RECORDS

1. General Requirements. This permit shall be subject to such monitoring requirements as may be reasonably required by the Department including the installation, use and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). The permittee shall provide the Department with periodic reports on the proper Department reporting form of monitoring results obtained pursuant to the monitoring requirements contained herein.

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

3. Monitoring and records.

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.
- (c) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (d) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.
- (e) State law provides that any person who tampers with or renders inaccurate any monitoring devices or method required by any provision of law, or any order, rule license, permit approval or decision is subject to the penalties set forth in 38 MRSA, §349.

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D. REPORTING REQUIREMENTS

1. Reporting requirements.

- (a) Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - (i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
 - (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D(4).
 - (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;
- (b) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) Transfers. This permit is not transferable to any person except upon application to and approval of the Department pursuant to 38 MRSA, § 344 and Chapters 2 and 522.
- (d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.
 - (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.
 - (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.
- (e) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (f) Twenty-four hour reporting.
 - (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- (ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

- (A) Any unanticipated bypass which exceeds any effluent limitation in the permit.

- (B) Any upset which exceeds any effluent limitation in the permit.

- (C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

- (iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (f)(ii) of this section if the oral report has been received within 24 hours.

- (g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this section.

- (h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

2. Signatory requirement. All applications, reports, or information submitted to the Department shall be signed and certified as required by Chapter 521, Section 5 of the Department's rules. State law provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained by any order, rule, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

3. Availability of reports. Except for data determined to be confidential under A(9), above, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by State law, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal sanctions as provided by law.

4. Existing manufacturing, commercial, mining, and silvicultural dischargers. In addition to the reporting requirements under this Section, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Department as soon as they know or have reason to believe:

- (a) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- (i) One hundred micrograms per liter (100 ug/l);

- (ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

- (iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or

- (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

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- (b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (i) Five hundred micrograms per liter (500 ug/l);
 - (ii) One milligram per liter (1 mg/l) for antimony;
 - (iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
 - (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

5. Publicly owned treatment works.

- (a) All POTWs must provide adequate notice to the Department of the following:
 - (i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA or Chapter 528 if it were directly discharging those pollutants.
 - (ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (iii) For purposes of this paragraph, adequate notice shall include information on (A) the quality and quantity of effluent introduced into the POTW, and (B) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (b) When the effluent discharged by a POTW for a period of three consecutive months exceeds 80 percent of the permitted flow, the permittee shall submit to the Department a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.

E. OTHER REQUIREMENTS

1. Emergency action - power failure. Within thirty days after the effective date of this permit, the permittee shall notify the Department of facilities and plans to be used in the event the primary source of power to its wastewater pumping and treatment facilities fails as follows.

- (a) For municipal sources. During power failure, all wastewaters which are normally treated shall receive a minimum of primary treatment and disinfection. Unless otherwise approved, alternate power supplies shall be provided for pumping stations and treatment facilities. Alternate power supplies shall be on-site generating units or an outside power source which is separate and independent from sources used for normal operation of the wastewater facilities.
- (b) For industrial and commercial sources. The permittee shall either maintain an alternative power source sufficient to operate the wastewater pumping and treatment facilities or halt, reduce or otherwise control production and or all discharges upon reduction or loss of power to the wastewater pumping or treatment facilities.

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2. Spill prevention. (applicable only to industrial sources) Within six months of the effective date of this permit, the permittee shall submit to the Department for review and approval, with or without conditions, a spill prevention plan. The plan shall delineate methods and measures to be taken to prevent and or contain any spills of pulp, chemicals, oils or other contaminants and shall specify means of disposal and or treatment to be used.

3. Removed substances. Solids, sludges trash rack cleanings, filter backwash, or other pollutants removed from or resulting from the treatment or control of waste waters shall be disposed of in a manner approved by the Department.

4. Connection to municipal sewer. (applicable only to industrial and commercial sources) All wastewaters designated by the Department as treatable in a municipal treatment system will be cosigned to that system when it is available. This permit will expire 90 days after the municipal treatment facility becomes available, unless this time is extended by the Department in writing.

F. DEFINITIONS. For the purposes of this permit, the following definitions shall apply. Other definitions applicable to this permit may be found in Chapters 520 through 529 of the Department's rules

Average means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For bacteria, the average shall be the geometric mean.

Average monthly discharge limitation means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. Except, however, bacteriological tests may be calculated as a geometric mean.

Average weekly discharge limitation means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best management practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Composite sample means a sample consisting of a minimum of eight grab samples collected at equal intervals during a 24 hour period (or a lesser period as specified in the section on monitoring and reporting) and combined proportional to the flow over that same time period.

Continuous discharge means a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

Daily discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.

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Discharge Monitoring Report ("DMR") means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by approved States as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

Flow weighted composite sample means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

Grab sample means an individual sample collected in a period of less than 15 minutes.

Interference means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Maximum daily discharge limitation means the highest allowable daily discharge.

New source means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

- (a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or
- (b) After proposal of standards of performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

Pass through means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Permit means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40 CFR parts 122, 123 and 124. Permit includes an NPDES general permit (Chapter 529). Permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

Person means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity.

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Point source means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

Pollutant means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or byproducts, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Publicly owned treatment works ("POTW") means any facility for the treatment of pollutants owned by the State or any political subdivision thereof, any municipality, district, quasi-municipal corporation or other public entity.

Septage means, for the purposes of this permit, any waste, refuse, effluent sludge or other material removed from a septic tank, cesspool, vault privy or similar source which concentrates wastes or to which chemicals have been added. Septage does not include wastes from a holding tank.

Time weighted composite means a composite sample consisting of a mixture of equal volume aliquots collected over a constant time interval.

Toxic pollutant includes any pollutant listed as toxic under section 307(a)(1) or, in the case of sludge use or disposal practices, any pollutant identified in regulations implementing section 405(d) of the CWA. Toxic pollutant also includes those substances or combination of substances, including disease causing agents, which after discharge or upon exposure, ingestion, inhalation or assimilation into any organism, including humans either directly through the environment or indirectly through ingestion through food chains, will, on the basis of information available to the board either alone or in combination with other substances already in the receiving waters or the discharge, cause death, disease, abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in such organism or their offspring.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Whole effluent toxicity means the aggregate toxic effect of an effluent measured directly by a toxicity test.



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: November 2018

Contact: (207) 287-2452

SUMMARY

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

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

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

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

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed more than 30 calendar days after the date on which the Commissioner's decision was filed with the Board will be dismissed unless notice of the Commissioner's license decision was required to be given to the person filing an appeal (appellant) and the notice was not given as required.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017. An appeal may be submitted by fax or e-mail if it contains a scanned original signature. It is recommended that a faxed or e-mailed appeal be followed by the submittal of mailed original paper documents. The complete appeal, including any attachments, must be received at DEP's offices in Augusta on or before 5:00 PM on the due date; materials received after 5:00 pm are not considered received until the following day. The risk of material not being received in a timely manner is on the sender, regardless of the method used. The appellant must also send a copy of the appeal documents to the Commissioner of the DEP; the applicant (if the appellant is not the applicant in the license proceeding at issue); and if a hearing was held on the application, any intervenor in that hearing process. All of the information listed in the next section of this information sheet must be submitted at the time the appeal is filed.

INFORMATION APPEAL PAPERWORK MUST CONTAIN

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

1. *Aggrieved Status.* The appeal must explain how the appellant has standing to maintain an appeal. This requires an explanation of how the appellant may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions, or conditions objected to or believed to be in error.* The appeal must identify the specific findings of fact, conclusions regarding compliance with the law, license conditions, or other aspects of the written license decision or of the license review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the license decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific licensing requirements that the appellant believes were not properly considered or fully addressed.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for public hearing must be filed as part of the notice of appeal, and must include an offer of proof in accordance with Chapter 2. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the application, the request and the proposed evidence must be submitted with the appeal. The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered in an appeal only under very limited circumstances. The proposed evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Specific requirements for supplemental evidence are found in Chapter 2 § 24.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

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

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

The Board will formally acknowledge receipt of an appeal, and will provide the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, any materials submitted in response to the appeal, and relevant excerpts from the DEP's application review file will be sent to Board members with a recommended decision from DEP staff. The appellant, the license holder if different from the appellant, and any interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. The appellant and the license holder will have an opportunity to address the Board at the Board meeting. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, the license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court (see 38 M.R.S. § 346(1); 06-096 C.M.R. ch. 2; 5 M.R.S. § 11001; and M.R. Civ. P. 80C). A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S. § 346(4).

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

ADDITIONAL INFORMATION

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

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.
