



STATE OF MAINE
Department of Environmental Protection

Paul R. LePage
GOVERNOR

Patricia W. Aho
COMMISSIONER

April 9, 2012

Mr. Thomas Magno
Town of Cornish
P.O. Box 391
Cornish, Maine 04020

RE: Permit Compliance System #MEU507878
Maine Waste Discharge License (WDL) Application # W007878-6A-D-R
Final License

Dear Mr. Magno:

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'G. Wood'.

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

Enc.

cc: Fred Gallant, DEP/SMRO
Sandy Mojica, USEPA



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

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF CORNISH)	PROTECTION AND IMPROVEMENT
CORNISH, CUMBERLAND COUNTY, MAINE)	OF WATERS
PUBLICLY OWNED TREATMENT WORKS)	
SUBSURFACE WASTEWATER DISPOSAL)	WASTE DISCHARGE LICENSE
MEU507878)	
W007878-6A-D-R)	
APPROVAL)	RENEWAL

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

APPLICATION SUMMARY

The licensee has submitted a timely and complete application to the Department for the renewal of Waste Discharge License (WDL) #W007878-5L-C-R / Permit Compliance System (PCS) tracking #MEU507878, which was issued on April 27, 2007, for a five-year term. The WDL authorized the discharge of 0.007 million gallons per day (MGD) or 7,000 gallons per day (gpd) of treated sanitary wastewater from a single sub-surface waste water disposal system to the groundwater, Class GW-A, in Cornish, Maine.

LICENSE SUMMARY

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

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

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated March 5, 2012, and subject to the Conditions listed below, the Department makes the following conclusions:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, 38 MRSA Section 464(4)(F), will be met, in that:
 - (a) Existing water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding natural resource, that water quality will be maintained and protected;
 - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause of contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharge will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the above noted application of the TOWN OF CORNISH, to discharge 0.007 million gallons per day (7,000 gallons per day) of treated sanitary wastewater to groundwater, Class GW-A, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

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

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Keelers
For Patricia W. Aho, Commissioner

Date of initial receipt of application: February 24, 2012

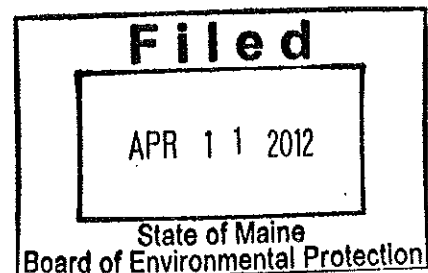
Date of application acceptance: February 24, 2012

Date filed with Board of Environmental Protection _____

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

MEU507878 2012

4/9/12



SPECIAL CONDITIONS

A. TREATMENT PLANT OPERATOR

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

B. AUTHORIZED DISCHARGES

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

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

C. DISPOSAL OF TRANSPORTED WASTE IN WASTEWATER TREATMENT FACILITY

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

D. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain materials in concentrations or combinations, which would impair the usages designated for the classification of the groundwater.
2. Notwithstanding specific conditions of this license the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

SPECIAL CONDITIONS

E. GENERAL OPERATIONAL CONSTRAINTS

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

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

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

Upgrades, replacements, and authorized expansions of system(s) shall be under the direction of both a licensed Site Evaluator and Professional Engineer.

5. The licensee shall maintain a file on the location of all system components and relevant features. Each component shall be mapped and field located sufficiently to allow adequate inspections and monitoring by both the licensee and the Department. Septic tanks and distribution box covers shall be accessible for inspections and pumping. Risers shall be installed as necessary.
6. All system components including collection pipes, tanks, distribution boxes, pumps, pumping stations, disposal fields, and manholes shall be identified and referenced by a unique system identifier in all logs and reports.

SPECIAL CONDITIONS

F. OPERATIONAL REQUIREMENTS

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

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

G. SEPTIC TANKS

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

SPECIAL CONDITIONS

G. SEPTIC TANKS (cont'd)

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

H. GREASE TRAPS

1. The licensee shall require any commercial or institutional food preparation facility such as a restaurant, cafeteria, or institutional kitchen to install an external grease interceptor in accordance with the *Maine Subsurface Wastewater Disposal Rules*.
2. Grease interceptors serving year round facilities shall be inspected by the licensee at least three times per year and seasonal facilities shall be inspected at least twice per year to determine the volume of grease present. Tanks shall be cleaned when the volume of grease equals more than 50% of the liquid capacity of the tank or at any level that impairs the proper function of the unit.

I. LICENSEE INSPECTIONS

1. All inspections shall include an evaluation of any repair, upgrades, pumping, operational and/or maintenance needs.
2. The inspection report or log shall include the date of the inspection, the names of the person performing the inspection, and other relevant system observations.
3. System (single operational unit) inspections shall include: quantification of the source and type of sanitary sewage (and whether or not the facility being served is occupied at the time of inspection); and water use records. The form shall contain a general description of the system components and layout.
4. Septic tank inspections shall include: the approximate age, size and condition of the tank; depth and location of the scum layer; depth and location of the sludge layer; solids % of capacity; physical condition of the baffles, inlet and outlet tees; evidence of significant leakage into or out of tank (watertightness); evidence of backup of effluent; and cleaning of the effluent filter (if present).
5. Distribution box and dosing chamber inspections shall include: condition of the box; evidence of solids carryover; leakage into or out of the box (watertightness); the static liquid level in the box; equal distribution of flow (level); evidence of backup; and other pertinent operational characteristics.

SPECIAL CONDITIONS

I. LICENSEE INSPECTIONS (cont'd)

6. Disposal field inspections shall include: any signs of hydraulic failure; condition of the surface vegetation; level of ponding within the chamber and on the disposal area; examination of texture and color of the adjacent soil; physical encroachments into the disposal area; and other sources of hydraulic loading. Evidence of system failure to note may include: sewage surfacing, sewage back-up, lush green growth, slow draining, sewage odors, sogginess or ponding.
7. Where practicable the licensee shall maintain and keep logs that record water level measurements in disposal fields at least once per week. Significant changes in water levels over the previous year will be identified, recorded and reported to the Department.
8. Systems with electrical or mechanical components, such as pumps, timers, control panels and alarms, need to be inspected and serviced according to manufacturer recommendations and in accordance with the facility operations and maintenance manual.
9. Inspections shall be performed by the licensee at least once during the calendar year. Inspections are to be conducted more frequently for problem systems, large systems, or where required by the operations and maintenance manual.

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

J. MAINTENANCE LOGS

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

SPECIAL CONDITIONS

K. PUMPING STATIONS AND QUANTITY OF FLOW

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

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

1. The licensee shall keep a pumping log including the date of pumping, quantity of material removed (solids % of capacity), name and number of licensed contractor, pumping frequency and other relevant observations.
2. Following pumping, the tanks shall be checked for damage at key joints and the inlet and outlet baffles, and repaired promptly.

SPECIAL CONDITIONS

M. LOADING OF DISPOSAL FIELDS AND LEACH BED DISCHARGE SCHEDULE

The licensee shall maintain logs of loading (flows) to disposal field(s) and frequency of discharge events to individual leach beds, to assure that the beds are not being loaded in excess of design capacity and that they are being alternated properly. The logs shall be kept on forms approved by the Department (See **Attachment "A"** of this License) and shall be submitted monthly prior to the fifteenth day of the month following the discharge events.

N. OPERATIONS AND MAINTENANCE (O & M) PLAN

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

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

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

The site plan(s) and schematic(s) should be suitable for reproduction on 11" x 17" paper and shall include but not limited to all manholes, septic tanks and other treatment tanks including holding and polishing tanks, pump stations and disposal fields. Each system component shall be provided with a unique alphanumeric identifier.

O. MONITORING AND REPORTING

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

Department of Environmental Protection
Bureau of Land and Water Quality
312 Canco Road
Portland, ME. 04103

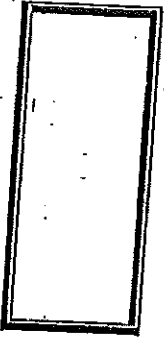
SPECIAL CONDITIONS

P. REOPENING OF LICENSE MODIFICATIONS

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

Q. SEVERABILITY

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



MONTHLY OPERATIONS LOG

MUNICIPAL SUBSURFACE WASTEWATER TREATMENT FACILITIES

YEAR _____ Facility Name _____ D.E.P. Lic. No. _____

Disposal Area's Name, (and/or) Number, (and/or) Location _____

Number of Leachfields in this particular disposal area _____ and number being rested this month _____

Design Capacity of each Leachfield in this particular disposal area (Gal/Day) _____

Number of Commercial Users _____ and % of Total Flow _____ to this particular disposal area.

Number of Residential Users _____ and % of Total Flow _____ to this particular disposal area.

MONTH _____

A	B	C	D	E	F	G	H	J	K	PUMP			LEACH BEDS		LOADINGS
										DATE	PUMP READING	PUMP RATE	QUANTITY	Name or Number of Bed(s) Utilized	
Week Ending	Present	Previous	# Cycles (B-C)	# Hours (B-C)	Gal/Cycle	Gal/Min (gpm)	Gallons Pumped (DxF) or (E x G)								

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Complete Set Of Monthly Monitoring Reports For The Year _____

Facility name: _____

Operator Name: _____

Operator's Job Title: _____

Work Location: _____

Telephone Number: _____

Other Facility Contact Name: _____

Other Facility Contact's Title: _____

Work Location: _____

Telephone Number: _____

Total Number Of Leach Field Disposal Areas Licensed: _____

Total Design Flow (G.P.D.) To All Leach Field Disposal Areas Combined: _____

Actual, Annual, Daily Average Influent Flow (G.P.D.) For This Particular Disposal Area: _____

Design Flow (G.P.D.) For This Particular Disposal Area: _____

Number Of Leach Beds Used At Any One Time: _____

Number Of Leach Beds Rested At Any One Time: _____

Signature Of Responsible Official _____ Date: _____

Job Title: _____

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: **March 5, 2012**

PERMIT COMPLIANCE SYSTEM (PCS) TRACKING NUMBER: **MEU507878**

WASTE DISCHARGE LICENSE NUMBER: **W007878-6A-D-R**

NAME AND MAILING ADDRESS OF APPLICANT:

**TOWN OF CORNISH
Attn: Greg Wilfert
P.O Box 391
Cornish, ME. 04020**

COUNTY: **CUMBERLAND**

NAME AND ADDRESS OF FACILITY:

**School Street
Cornish, ME.**

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

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Thomas Magno
Superintendent, Sanitation
(207) 625-4324 / 730-1746
e-mail: ptmagno@roadrunner.com**

1. APPLICATION SUMMARY

- a. **Application**: The Town of Cornish (Cornish/licensee hereinafter) has submitted a timely and complete application to the Department for the renewal of Waste Discharge License (WDL) #W007878-5L-C-R / Permit Compliance System (PCS) tracking #MEU507878, which was issued on April 27, 2007, for a five-year term. The WDL authorized the discharge of 0.007 million gallons per day (MGD) (7,000 gallons per day) of treated sanitary wastewater from a single sub-surface treatment "system" to the groundwater, Class GW-A, in Cornish, Maine.
- b. **Source Description**: The wastewater treatment system was designed to serve 20 buildings in downtown Cornish. **Attachment A** of this Fact Sheet contains a table of these buildings and their design flows to the system as provided in the Cornish Operation and Maintenance Manual of January 1996 prepared by Bowker & Associates, Inc.

1. APPLICATION SUMMARY (cont'd)

- c. Waste Water Treatment: - The Cornish wastewater treatment system generally consists of gravity sewers, two large septic tanks, a main pump station and a large subsurface disposal field. The subsurface disposal field consists of 10 leach beds designed to accommodate up to 700 gallons per day, or a total of 7000 gallons per day. Approximately 970 feet of 8-inch diameter PVC piping collects the raw sewage, and sewage flows by gravity through a series of manholes to two large septic tanks located on the north side of Route 25. Two buildings, the Cornish Library and the Red Mill (former fire station) are served individually by 1000-gallon septic tank/pump station combinations. A grease trap also services the Cornish Inn.

The raw sewage is treated and solids removed through the two large septic tanks (6000 and 4000 gallon tanks) arranged in series. The septic tanks are followed immediately by the main pumping station, which houses two 1 ½ horsepower submersible pumps. Each pump is dedicated to a separate 2-inch diameter PVC force main that conveys septic tank effluent to five leach beds each, of the subsurface disposal field on School Street. The pumps are designed to alternate and deliver approximately 30 gallons per minute (gpm) total flow to the five beds, or 6 gpm to each bed.

The sub-surface system provides a secondary level of treatment via septic tanks that provide settling and other physical, chemical and biological actions; and the sub-surface disposal field distributes the flow and utilizes the soil to further attenuate the pollutants in the wastewater. **Attachment B** of this Fact Sheet contains a schematic of the collection system and a schematic of the subsurface disposal fields.

2. LICENSE SUMMARY

- a. Terms and Conditions - This license is similar to the previous licensing action in that it carries forward all limitations, monitoring requirements and operational requirements except that this license;
1. Eliminating the requirement to submit a "Subsurface System Performance Report" as an exhibit to the application for license renewal as license requirements for conducting periodic inspections, maintaining maintenance logs, and conducting septic tank inspections/pumping logs are sufficient to ensure the system is maintained and operated as designed.

2. LICENSE SUMMARY (cont'd)

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

- March 27, 1995 - The Department informed the Town of Cornish that state law [38 MRSA Section 413 (1-B)] requires that municipal sub-surface disposal systems be licensed.
- September 28, 1995 - The Town of Cornish submitted an application to the Department for the operation of the subsurface disposal system.
- November 1995 - The Town of Cornish's treatment system begins operation.
- October 7, 1996 - The Department issued WDL #W006272-45-A-N, for a five-year term. The WDL authorized the Town of Cornish to discharge up to 7000 gallons per day (gpd) of wastewaters to the ground water via a single sub-surface systems.
- June 26, 2002 - The Department issued WDL #W007878-5L-B-R renewing Cornish's license to discharge 0.007 MGD of treated sanitary wastewater from a single sub-surface treatment system. The WDL was issued for a five year period.
- April 27, 2007 - The Department issued WDL #W007878-5L-C-R renewing Cornish's license to discharge 0.007 MGD of treated sanitary wastewater from a single sub-surface treatment system. The WDL was issued for a five year period.
- February 24, 2012 - The Town of Cornish submitted a timely and complete application to the Department to renew the WDL for the sub-surface waste water disposal system.

3. CONDITIONS OF THE LICENSE

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

4. RECEIVING WATER QUALITY STANDARDS

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

5. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

6. USER EDUCATION

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

7. MAINTAIN ADEQUATE BUFFERS AND LAND FOR REPLACEMENT

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

8. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As licensed, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the water body to meet standards for Class GW-A classification.

9. PUBLIC COMMENTS

Public notice of this application was made in the local newspaper on or about February 1, 2012. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft licenses shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

10. DEPARTMENT CONTACTS

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

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

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

11. RESPONSE TO COMMENTS

During the period of March 5, 2012, through the issuance date of the license, the Department solicited comments on the proposed draft license to be issued for the discharge(s) from the licensee's facility. The Department did not receive comments from the licensee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the license. Therefore, the Department has not prepared a Response to Comments.



ATTACHMENT A

System Contributors

TABLE I

BUILDINGS SERVED BY CORNISH SEWER SYSTEM

Lot No. from tax map	Description	Basis of Flow Estimate	Design Flow gpd
1	Single family residential & convenience store 2 employees 3 BR	15 gpd/person 90 gpd/BR	30 <u>270</u> 300
4	Single family residential 3 BR	90 gpd/BR	270
5	Duplex residential 4 BR up 4 BR down	90 gpd/BR	720
8	Retail and residential Retail (2): 4 employees max 1 BR down potential for 2 BR upstairs	15 gpd/person 90 gpd/BR 90 gpd/BR	60 90 <u>180</u> 330
9	Office, retail, & potential residential Office & retail: 4 employees max. Potential for one 2-BR apt.	15 gpd/person 90 gpd/BR	60 <u>180</u> 240
10	Retail - Feed store 3 employees max.	15 gpd/person	45
11	Retail & residential Store - 2 employees Apt - 1 BR	15 gpd/person 90 gpd/BR	30 <u>90</u> 120
12	Retail & potential residential 14 seat ice cream parlor One 2 BR apt	15 gpd/seat 90 gpd/BR	210 <u>180</u> 390

TABLE | (cont'd)

BUILDINGS SERVED BY CORNISH SEWER SYSTEM

15	Retail - Hardware 3 employees max.	15 gpd/person	45
26	Library 20 seats	5 gpd/seat	100
27	Residential (former Carriage Inn) 9 BR	90 gpd/BR	810
37	Church		150
38	Single family residential 5 BR	90 gpd/BR	450
39	Single family residential 1 BR	90 gpd/BR	90
40	Hotel 15 rooms Dining room 32 seats (breakfast, dinner) Residential 4 BR	50 gpd/room 20 gpd/seat 90 gpd/BR	750 640 <u>360</u> 1,750
43	Odd Fellows Hall		150
68	Retail - Antique store 3 employees max. Potential for one 2 BR apt	15 gpd/person 90 gpd/BR	45 <u>180</u> 225
71	Residential 5 BR existing	90 gpd/BR	450
77	Retail - Gift shop	15 gpd/person	75
TOTAL			6,710

ATTACHMENT B

Facility Schematics and Location Map

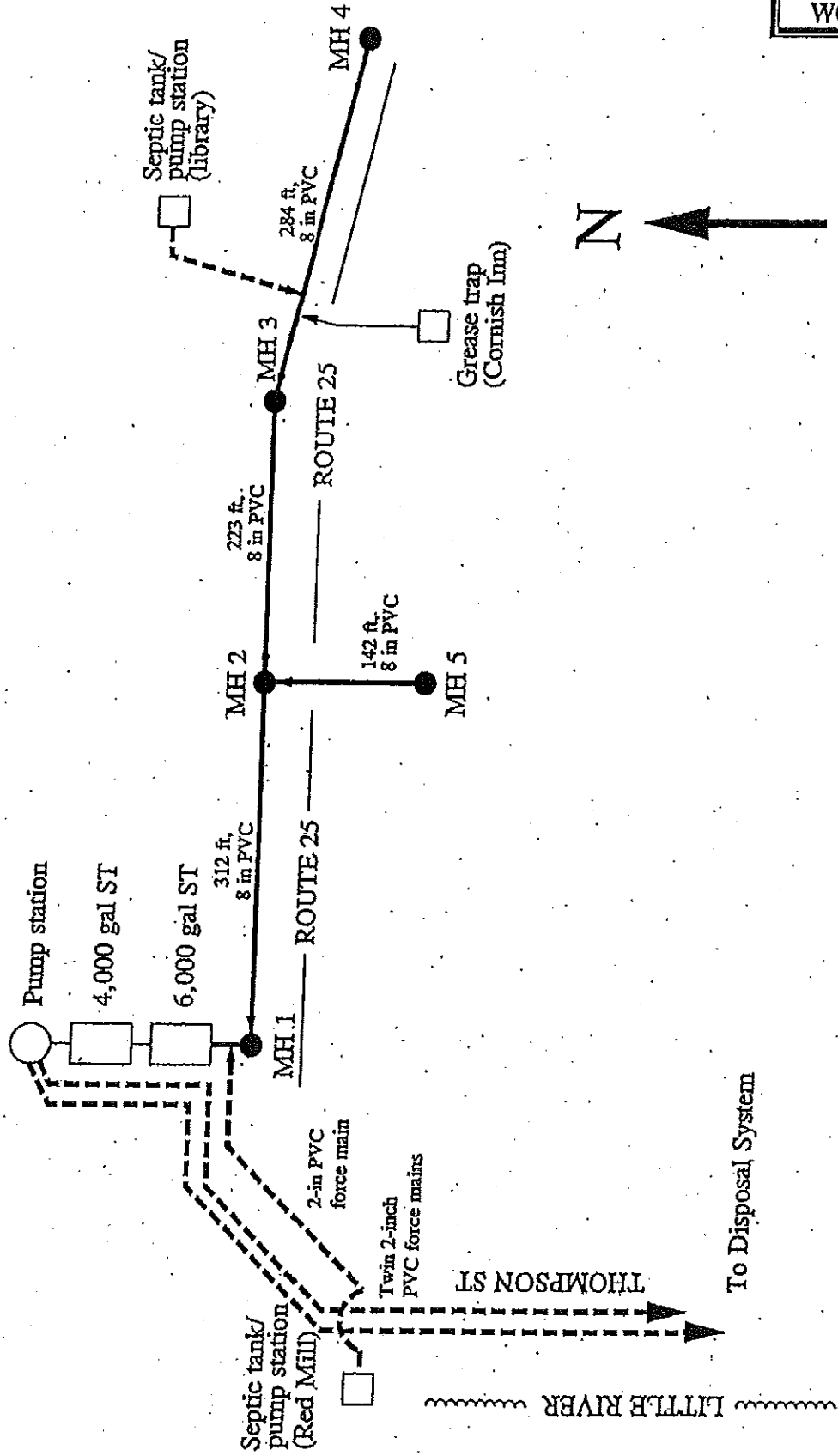


FIGURE 1. SCHEMATIC DIAGRAM OF THE CORNISH SEWER SYSTEM.

FACT SHEET
Attachment B
W007878-5L.C-R

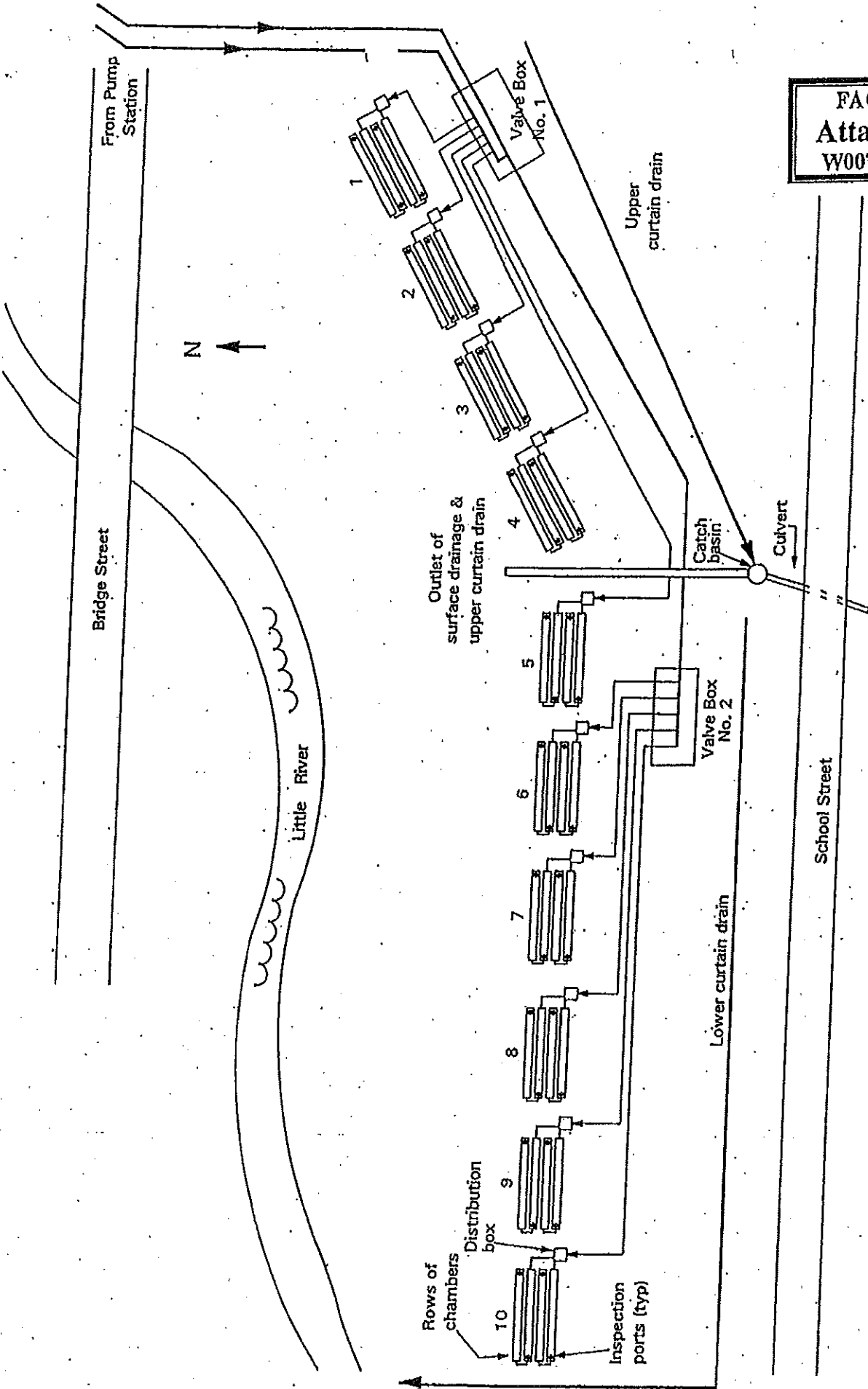


FIGURE 2 SCHEMATIC DIAGRAM OF SUBSURFACE DISPOSAL SYSTEM

ATTACHMENT C

Supplemental Materials

SEPTIC SYSTEM DO'S AND DON'TS

DO'S Do learn the location of your septic tank and drainfield. Keep a sketch of it handy with your maintenance record for service visits.

Do have your septic system inspected annually.

Do have your septic tank pumped out regularly by a licensed contractor. (See the table on page 6 for estimated pumping frequencies.)

Do keep your septic tank cover accessible for inspections and pumpings. Install risers if necessary.

Do call a professional whenever you experience problems with your system, or if there are any signs of system failure.

Do keep a detailed record of repairs, pumpings, inspections, permits issued, and other maintenance activities.

Do conserve water to avoid overloading the system. Be sure to repair any leaky faucets or toilets.

Do divert other sources of water, like roof drains, house footing drains, and sump pumps, away from the septic system. Excessive water keeps the soil in the drainfield from naturally cleansing the wastewater.

WARNING

Be sure to exercise appropriate caution when inspecting a septic tank. Never allow anyone to inspect a septic tank alone or go down into a septic tank. Toxic gases are produced by the natural treatment processes in septic tanks and can kill in minutes—even just looking in the tank can be dangerous.

DON'TS Don't go down into a septic tank. Toxic gases are produced by the natural treatment processes in septic tanks and can kill in minutes. Extreme care should be taken when inspecting a septic tank, even when just looking in.

Don't allow anyone to drive or park over any part of the system.

Don't plant anything over or near the drainfield except grass. Roots from nearby trees or shrubs may clog and damage the drain lines.

Don't dig in your drainfield or build anything over it, and don't cover the drainfield with a hard surface such as concrete or asphalt. The area over the drainfield should have only a grass cover. The grass will not only prevent erosion, but will help remove excess water.

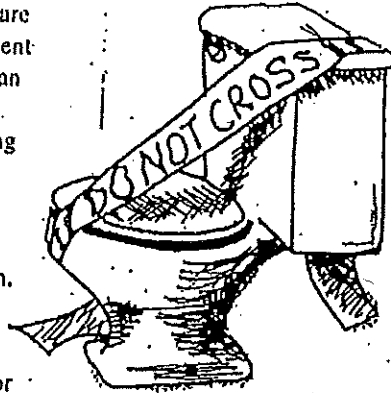
Don't make or allow repairs to your septic system without obtaining the required health department permit. Use professional licensed septic contractors when needed.

Don't use septic tank additives. These products usually do not help and some may even be harmful to your system.

Don't use your toilet as a trash can or poison your septic system and the groundwater by pouring harmful chemicals and cleansers down the drain. Harsh chemicals can kill the beneficial bacteria that treat your wastewater.

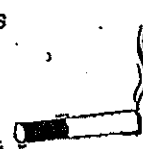
Don't use a garbage disposal without checking with your local regulatory agency to make sure that your septic system can accommodate this additional waste.

Don't allow backwash from home water softeners to enter the septic system. ▲



Do not flush

- coffee grinds
- dental floss
- disposable diapers
- kitty litter
- sanitary napkins
- tampons
- cigarette butts
- condoms
- fat, grease, or oil
- paper towels



- and hazardous chemicals, such as:
- paints
- varnishes
- thinners
- waste oils
- photographic solutions
- pesticides.



These items can overtax or destroy the biological digestion taking place within your system.

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

1. General Conditions

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

2. Treatment Plant Operator

The Treatment Facility must be operated by a person holding a Grade ~~I, II, III, IV, V~~ certificate pursuant to 32 M.R.S.A., Section 4171 et seq. All proposed contracts for facility operation by any person must be approved by the department before the licensee may engage the services of the contract operator.

~~3. Disinfection~~

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

4. Wastewater Treatment and Sampling Facilities

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

5. Monitoring and Reporting

a. Representative Sampling

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

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

c. Reporting

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

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

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

d. All reports shall be signed by:

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

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

6. Non-Compliance Notification

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

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

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

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

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

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

7. Change of Discharge

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

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

8. Transfer of Ownership

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

9. Records Retention

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

10. Other Materials

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

a. They are not

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

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

11. Removed Substances

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

12. Bypass of Waste Treatment Facilities

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

13. Emergency Action--Electric Power Failure

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

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

14. Spill Prevention and Containment

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

15. Connection to Municipal Treatment System

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

16. Pretreatment

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

DEFINITIONS

FOR THE PURPOSE OF THIS LICENSE THE FOLLOWING SHALL APPLY

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



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

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

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

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

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

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

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

HOW TO SUBMIT AN APPEAL TO THE BOARD

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

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

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

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

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

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

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

II. JUDICIAL APPEALS

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

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

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

ADDITIONAL INFORMATION

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

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.
