STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

Mr. Jerome Guevremont
Town of Rangeley
Chick Hill Pollution Control Facility
P.O. Box 632
Rangeley, ME 04970-0632
wwtphill@megalink.net

December 10, 2012

RE: Maine Compliance Tracking Number #MEU508086
Maine Waste Discharge License (WDL) Application #W008086-6C-D-R
Final License

Dear Mr. Guevremont:

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

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

If you have any questions regarding the matter, please feel free to call me at 287-7659.

Sincerely,

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

Enclosure

cc: Beth DeHaas, DEP/CMRO
Sandy Mojica, USEP

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

BANGOR
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PORTLAND, MAINE 04103
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1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679-2094
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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF RANGELEY	)	PROTECTION AND
RANGELEY, FRANKLIN COUNTY, MAINE	)	IMPROVEMENT OF WATERS
PUBLICLY OWNED TREATMENT WORKS	)	
SURFACE WASTE WATER DISPOSAL	)	
MEU508086	)	WASTE DISCHARGE LICENSE
W008086-6C-D-R **APPROVAL**	)	**RENEWAL**

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

APPLICATION SUMMARY

The licensee has applied to the Department for renewal of Waste Discharge License (WDL) #W008086-5L-B-R that was issued on May 2, 2007, revised on October 28, 2009 and expired on May 2, 2012. The licensee operates surface waste water disposal systems that discharge up to 2.65 million gallons per week of treated sanitary waste water onto 27-acre spray application areas during the spring, summer and fall seasons (April 15 – November 15) and up to an annual maximum of 29 million gallons of freeze-crystallized waste water (snow making) during the winter season (November 15 – April 30) onto 40-acre snow application areas. A site location map is included as Fact Sheet **Attachment A.**

LICENSE SUMMARY

This licensing action is carrying forward all the terms and conditions of the May 2, 2007 licensing action and the October 28, 2009 minor revision with the following exceptions. This licensing action is:

1. Clarifying the use of Monitoring Wells #8A and #9A as replacements for Monitoring Wells #8 and #9 in Special Condition A;

2. Expressing spray and snowmaking application rates of each field in terms of total gallons as opposed to gallons/acre/week to give the licensee more flexibility in managing the spray fields.

CONCLUSIONS

BASED on the findings in the attached draft Fact Sheet dated August 20, 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 (including ground 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 M.R.S.A., Section 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) The standards of classification of the receiving water body (including ground water) are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;

   (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and

   (e) Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.

4. The discharge will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the above-noted application of the TOWN OF RANGELEY to operate a surface waste water disposal system that discharges up to 2.65 MILLION GALLONS per week of treated sanitary waste water during the spring, summer and fall seasons to the spray irrigation areas, and to discharge a maximum of 29 MILLION GALLONS annually of freeze-crystallized waste water to the snowmaking application areas during the winter season, onto soil above 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 1, 2002, 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 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.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective April 1, 2003)]

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael P. Kuhn
For Patricia W. Aho, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: May 7, 2012

Date of application acceptance: May 14, 2012

Filed
DEC 11 2012
State of Maine
Board of Environmental Protection

Date filed with Board of Environmental Protection _____

This Order prepared by Phyllis Arnold Rand, BUREAU OF LAND & WATER QUALITY
MEU508086 2012 12/7/12

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. The licensee is authorized to operate a surface waste water treatment and disposal system. The **LAGOON EFFLUENT (OUTFALL #002)** shall be limited and monitored as specified below[1a]:

	Total Monthly	Year-to-Date Total	Daily Maximum	Minimum Measurement Frequency	Sample Type
Lagoon Influent Flow *[50050]*	Report (Million Gallons) *[03]*	Report (Million Gallons) *[03]*	—	1/Month *[01/30]*	Meter *[MT]*
Lagoon Effluent Depth *(in effluent storage lagoon)* *[82327]*	—	—	Report, Feet *[27]*	1/Week *[01/07]*	Measure *[MS]*
Biochemical Oxygen Demand *[00310]*	—	—	100 mg/L *[19]*	1/Month[2] *[01/30]*	Grab *[GR]*
Total Suspended Solids *[00530]*	—	—	100 mg/L *[19]*	1/Month[2] *[01/30]*	Grab *[GR]*
Nitrate-Nitrogen *[00620]*	—	—	Report, mg/L *[19]*	1/Month[2] *[01/30]*	Grab *[GR]*
Specific Conductance *[00095]*	—	—	Report, umhos/cm *[11]*	1/Month[2] *[01/30]*	Grab *[GR]*
Temperature *[00011]*	—	—	Report, °C *[15]*	1/Month[2] *[01/30]*	Grab *[GR]*
pH (Standard Units)[1b] *[00400]*	—	—	6.0 – 9.0 *[12]*	—	Grab *[GR]*
Metals (Total): Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel and Zinc *[01002, 01027, 01034, 01042, 01051, 71900, 01067, 01092]*		—	Report, ug/L *[28]*	1/5 Years[3] *[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: Refer to pages 10-11 for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

2. The **SPRAY IRRIGATION AREAS (SF1, SF2, SF3, SF6, & SF7), each field** shall be limited and monitored as specified below. It is noted that construction of SF1 or SF3 have not been completed as of this date.

SF1, SF2, SF3 = 12 acres each; SF6 = 15 acres and SF7 = 13 acres

	Monthly Total	Weekly Maximum	Minimum Measurement Frequency	Sample Type
Application Rate [4] Fields #1, 2, & 3 *[51128]*	---	0.82 million gallons *[3R]*	1/Week[5] *[01/07]*	Calculate *[CA]*
Flow – Total Gallons (Fields #1, 2, and 3) *[51500]*	Report (Million Gallons) *[57]*	---	1/Month *[01/30]*	Calculate *[CA]*
Application Rate [4] Fields #6, & 7 *[51128]*	---	1.83 million gallons *[3R]*	1/Week[5] *[01/07]*	Calculate *[CA]*
Flow – Total Gallons (collectively for fields #6 & #7) *[51500]*	Report (Million Gallons) *[57]*	---	1/Month *[01/30]*	Calculate *[CA]*

FOOTNOTES: Refer to pages 10-11 for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

3. The **SNOWMAKING AREAS (Fields #4 & 5)** shall be limited and monitored as specified below:

	Monthly Total as specified	**Year to Date Total** as specified	**Minimum Measurement Frequency** as specified	**Sample Type** as specified
Flow – Total Gallons Field #4 *[51500]*	Report (Million Gallons) *[57]*	—	1/Month *[01/30]*	Calculate *[CA]*
Flow – Total Gallons Field #4 *[51500]*	—	15 million gallons *[57]*	1/Month *[01/30]*	Calculate *[CA]*
Flow – Total Gallons Field #5 *[51500]*	Report (Million Gallons) *[57]*	—	1/Month *[01/30]*	Calculate *[CA]*
Flow – Total Gallons Field #5 *[51500]*	—	14 million gallons *[57]*	1/Month *[01/30]*	Calculate *[CA]*

FOOTNOTES: Refer to pages 10-11 for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

4. **GROUND WATER MONITORING WELLS associated with the spray irrigation fields (MW1, MW-2, MW-3, MW-4, MW-7, MW-8A, MW-9A, and MW-10)** shall be monitored as specified below[6]:

	Daily Maximum as specified	Minimum Measurement Frequency	Sample Type
Depth to Water Level Below Land Surface *[72019]*	Report (feet) *[27]*	2/Year *[02/YR]*	Measure *[MS]*
Nitrate-Nitrogen *[00620]*	10 mg/L *[19]*	2/Year *[02/YR]*	Grab *[GR]*
Specific Conductance *[00095]*	Report (umhos/cm) *[11]*	2/Year *[02/YR]*	Grab *[GR]*
Temperature (°C) *[00010]*	Report (°C) *[15]*	2/Year *[02/YR]*	Grab *[GR]*
pH (Standard Units) *[00400]*	Report (S.U.) *[12]*	2/Year *[02/YR]*	Grab *[GR]*
Total Suspended Solids *[00530]*	Report (mg/L) *[19]*	2/Year *[02/YR]*	Grab *[GR]*
Metals[3] (Total): Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel and Zinc *[01002, 01027, 01034, 01042, 01051, 71900, 01067, 01092]*	Report ug/L *[28]*	1/5 Years *[01/5Y]*	Grab *[GR]*

Note: Spray fields #1 and #3 have not been installed at this time. As a result, monitoring of MW-3 and MW-4 is not required at this time. MW-4 must be installed before Spray field #3 begins operation.

FOOTNOTES: Refer to pages 10-11 for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

5. **GROUND WATER MONITORING WELLS associated with the snowmaking field (MW5 AND MW-6)** shall be monitored as specified below[6]:

	Daily Maximum as specified	Minimum Measurement Frequency	Sample Type
Depth to Water Level Below Land Surface *[72019]*	Report (feet) *[27]*	1/Year *[01/YR]*	Measure *[MS]*
Nitrate-Nitrogen *[00620]*	10 mg/L *[19]*	1/Year *[01/YR]*	Grab *[GR]*
Specific Conductance *[00095]*	Report (umhos/cm) *[11]*	1/Year *[01/YR]*	Grab *[GR]*
Temperature (°C) *[00010]*	Report (°C) *[15]*	1/Year *[01/YR]*	Grab *[GR]*
pH (Standard Units) *[00400]*	Report (S.U.) *[12]*	1/Year *[01/YR]*	Grab *[GR]*
Total Suspended Solids *[00530]*	Report (mg/L) *[19]*	1/Year *[01/YR]*	Grab *[GR]*
Metals[3] (Total): Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel and Zinc *[01002, 01027, 01034, 01042, 01051, 71900, 01067, 01092]*	Report ug/L *[28]*	1/5 Years *[01/5Y]*	Grab *[GR]*

FOOTNOTES: Refer to pages 10-11 for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

6. Sampling of **LAGOON UNDERDRAIN SYSTEM** shall be conducted as specified below.

Outfall #003 –Underdrain beneath the treatment lagoons

	Daily **Maximum** as specified	**Minimum Measurement Frequency** as specified	**Sample Type** as specified
Flow Rate *[00058]*	Report GPM *[78]*	1/Year(7) *[01/YR]*	Measure *[MS]*
Fecal Coliform Bacteria *[31616]*	Report, #/100 ml *[13]*	1/Year(7) *[01/YR]*	Grab *[GR]*
Specific Conductance *[00095]*	Report (umhos/cm) *[11]*	1/Year(7) *[01/YR]*	Measure *[MS]*
Temperature (°C) *[00010]*	Report (°C) *[15]*	1/Year(7) *[01/YR]*	Measure *[MS]*
Nitrate-Nitrogen *[00620]*	Report mg/L *[19]*	1/Year(7) *[01/YR]*	Grab *[GR]*
pH (Standard Units) *[00400]*	Report (S.U.) *[12]*	1/Year(7) *[01/YR]*	Measure *[MS]*

FOOTNOTES: Refer to pages 10-11 for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Footnotes – [Special Conditions A(1), A(2), A(3), A(4), A(5), A(6)]

Effluent sampling for all parameters shall be after the last treatment process year-round.

Sampling: Sampling and analysis must be conducted in accordance with; a) methods approved by Title 40, Code of Federal Regulations (40 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 shall be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services. Samples that are sent to a POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended 2/13/00). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of the *Maine Comprehensive and Limited Laboratory Certification Rules,* 10-144 CMR 263 (last amended February 13, 2000).

All analytical test results shall be reported to the Department including results which are detected below the respective reporting limits (RLs) specified by the Department or as specified by other approved test methods. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the RL achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL or reporting an estimated value ("J" flagged) is not acceptable and will be rejected by the Department. Reporting analytical data and its use in calculations must follow established Department guidelines specified in this license or in available Department guidance documents.

(1a) Storage lagoon effluent shall be sampled at a point prior to the pump in the distribution line prior to being pumped to the spray field(s) and shall be representative of what is actually being applied to the fields. Any change in sampling location must be approved by the Department in writing. Lagoon effluent depth at 26 feet is the equivalent of three feet of freeboard. In the event that freeboard levels in any lagoon are three feet or less, then the licensee shall notify the Department's compliance inspector of the elevation(s); report freeboard levels on a daily basis and provide a proposal to lower lagoon levels.

(1b) Licensee is required to maintain lagoon effluent pH between 6.0-9.0 standard units at any time. This licensing action does not require sampling and reporting of pH, however the licensee may be required to demonstrate compliance with this pH range at any time upon request from Department staff.

(2) Lagoon effluent sampling shall occur monthly. In the event that no wastewater is disposed of via the spray irrigation or snowmaking systems during the month, the licensee is not required to sample for effluent monitoring.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Footnotes – [Special Conditions A(1), A(2), A(3), A(4), A(5), A(6)]

(3) Metals testing shall be done in the twelve-month period prior to the license expiration date.

(4) Weekly is defined as Sunday through Saturday. A spray field's daily or weekly application rate is the total gallons sprayed over the applicable period of time divided by the area of the field(s) utilized. Note: 27,152 gallons is equivalent to one acre-inch. The licensee shall measure the flow of waste water to the irrigation area by the use of a flow measuring device that is checked for calibration at least once per calendar year.

(5) For Discharge Monitoring Report (DMR) reporting purposes, the licensee shall report the maximum total weekly gallons applied for the weeks ending in that month.

(6) Monitoring wells for the spray irrigation fields shall be sampled during the months of May and October of each year. Monitoring wells for the snowmaking fields shall be monitored during the month of July each year. Depth to water level shall be measured to the nearest one-tenth ($1/10^{th}$) of a foot as referenced from the surface of the ground at the base of the monitoring well. 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 or not waste water was disposed of via the spray irrigation system. Specific Conductance values greater than 275 umhos/cm, consistent trends approaching 275 umhos/cm or sudden spikes from previous levels shall be reported immediately to the Department, and may necessitate the need for additional ground-water testing requirements.

(7) Lagoon underdrain sampling shall be conducted annually in the month of April, May, or June (during period of maximum flow).

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain materials in concentrations or combinations which would impair the uses designated by the classification of the ground water.

2. The effluent must not lower the quality of any classified body of water (ground water is a classified body of water under *Standards for Classification of Ground Water,* 38 M.R.S.A. § 465-C) below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

SPECIAL CONDITIONS

C. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a **Grade SITS-II** certificate or higher (or Registered Maine Professional Engineer) pursuant to Title 32 M.R.S.A. §4171 *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.

D. MONITORING AND REPORTING

Monitoring results obtained during the previous month shall be summarized for each month and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department and **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to the Department's Regional Office such that the DMRs are received by the Department on or before the fifteenth (15th) day of the month following the completed reporting period.** A signed copy of the DMR and all other reports required herein shall be submitted to the following address:

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

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

E. AUTHORIZED DISCHARGES

The licensee is authorized to discharge treated sanitary waste water only in accordance with the terms and conditions of this WDL and only to the spray irrigation / snowmaking disposal fields identified in the Waste Discharge License application accepted for processing on May 14, 2012. Discharge of waste water to any other location or from sources other than those indicated on said application requires written authorization from the Department. The collection, treatment or discharge of waste water which has constituents unlike that or significantly higher in strength than that of domestic waste water is prohibited without written authorization from the Department.

SPECIAL CONDITIONS

F. NOTIFICATION REQUIREMENT

In accordance with Standard Condition #6, the licensee shall notify the Department of:

1. Any introduction of pollutants into the waste water collection and treatment system from an indirect discharger in a primary industrial category discharging process waste water; and

2. Any substantial change in the volume or character of pollutants being introduced into the waste water collection and treatment system by a source introducing pollutants into the system at the time of license issuance. For the purposes of this section, notice regarding substantial change shall include information on:

   (a) the quality and quantity of waste water introduced to the waste water collection and treatment system; and

   (b) any anticipated impact caused by the change in the quantity or quality of the waste water to be discharged from the treatment system.

G. GENERAL OPERATIONAL CONSTRAINTS

1. All waste waters shall receive biological treatment through a properly designed, operated and maintained lagoon system prior to disposal via spray irrigation or snow making.

2. The spray irrigation and snowmaking facilities shall be effectively maintained and operated at all times so that there is no discharge to surface waters, nor any contamination of ground water which will render it unsatisfactory for usage as a public drinking water supply. Spray nozzles must be calibrated annually in order to assure proper spray irrigation rates.

3. The surface waste water disposal system shall not cause the lowering of the quality of the ground water, as measured in the ground water monitoring wells specified by this license, below the State Primary and Secondary Drinking Water Standards specified in the Maine State Drinking Water Regulations pursuant to Maine Law 22 M.R.S.A. § 2611.
   In the event the ground water monitoring results indicate adverse effects, the licensee may be required to take immediate remedial action(s), which may include but not limited to, adjustment of the irrigation schedule or application rates, a reduction of the pollutant loading, or ceasing operation of the system until the ground water attains applicable standards.

4. The Department shall be notified as soon as the licensee becomes aware of any threat to public health, unlicensed discharge of waste water, sanitary system overflows (SSOs) or any malfunction that threatens the proper operation of the system. Notification shall be made in accordance with the attached Standard Condition #4 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

SPECIAL CONDITIONS

G. GENERAL OPERATIONAL CONSTRAINTS (cont'd)

municipal or private property, etc, and into the waters of the State are all considered to be SSOs.

5. The licensee shall maintain a file on the location of all system components and relevant features. System components including collection pipes, tanks, manholes, pumps, pumping stations, spray disposal fields, and monitoring wells shall be identified and referenced by a unique identifier (alphabetical, numeric or alpha-numeric) in all logs and reports. Each component shall be mapped and field located sufficiently to allow adequate inspections and monitoring by both the licensee and the Department.

6. The licensee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities. **Within one hour after start-up of the spray irrigation system,** the licensee shall 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 shall 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 shall cease irrigation if runoff is observed outside the designated boundaries of the spray field(s). The licensee shall 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 shall be included as part of the Operations & Maintenance manual.

7. The licensee shall maintain a daily log of spray irrigation and snowmaking operations recording the date, weather, rainfall, areas irrigated, volume sprayed (gallons). Application rates (daily and weekly) and other relevant observation/comments from daily inspections. The log shall be in accordance with general format in **Attachment A**, *Town of Rangeley, Chick Hill Spray Facility, Summer Spray Totals* and *Thermocouple Report, Chick Hill Spray Facility, Snow Fields #04, Snow Gun 03.*

   Weekly spray application rates shall be reported in accordance with the general format of the *"Spray Application Report by Week"* provided as license **Attachment B** or other format as approved by the Department. The reporting forms for each month shall 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 operation and maintenance purposes.

SPECIAL CONDITIONS

H. SPRAY IRRIGATION/SNOWMAKING OPERATIONAL PROCEDURES, LOGS AND REPORTS

1. Waste water (as liquid spray irrigation) may 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. There shall be no significant runoff within or outside of the spray irrigation area due to the spray irrigation events.

2. At least 10 inches of separation from the ground surface to the ground water table shall be present prior to spray irrigation. Monitoring wells 05 and 06 may be utilized to monitor depth to ground water elevation in snowmaking areas #4 and #5. Monitoring wells 08A, 09A and 10 shall be utilized to monitor ground water elevation for the spray irrigation areas #3, #6 and #7. Depths to ground water shall be recorded in accordance with the format of, *Water Depth Readings – New Wells M/W-05,06,08A,09A,10 &11, Chick Hill Spray Facility Town of Rangeley* as provided as **Attachment C** of this license or other format as approved by the Department.

3. No waste water shall be applied to the site following a rainfall accumulation exceeding 1.0 inch within the previous 24-hour period. **A rain gauge shall be located on site to monitor daily precipitation.** The licensee shall also manage application rates by taking into consideration the forecast for rain events in the 48-hour period in the future.

4. No waste water shall be applied as spray irrigation (liquid) where there is snow present on the surface of the ground or when there is any evidence of frost or frozen ground within the upper 10 inches of the soil profile.

5. No traffic or equipment shall be allowed in the spray irrigation field area except where installation occurs or where normal operations and maintenance are performed.

6. **Prior to the commencement of spray irrigation for the season,** the licensee shall notify the Department's compliance inspector that they have verified that site conditions are appropriate (absence of frozen ground, soil moisture, etc.) for spray irrigation.

I. LAGOON MAINTENANCE

1. The integrity of the lagoons shall be inspected periodically during the operating season and properly maintained at all times. There shall be no overflow through or over the banks. Any signs of leaks, destructive animal activity or soil erosion of the banks shall be repaired immediately.

2. The banks of the lagoons shall 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 shall be kept free of all vegetation (i.e. grasses, reeds, cattails, etc) that hinders the operation of the lagoon.

SPECIAL CONDITIONS

I. LAGOON MAINTENANCE (cont'd)

3 The licensee shall maintain lagoon effluent depth level at 26 feet or less. This is the equivalent of three feet of freeboard. In the event that freeboard levels in any lagoon are three feet or less, then the licensee shall notify the Department's compliance inspector of the elevation(s), report freeboard levels on a daily basis, and provide a proposal to lower lagoon levels. The lagoons shall be operated in such a way as to ensure that design freeboard levels are maintained.

4. The treatment and storage lagoon(s) shall be cleaned of solid materials as necessary to maintain the proper operating depths that will provide best practicable treatment of the wastewater. All material removed from the lagoons shall be properly disposed of in accordance with all applicable State and Federal rules and regulations.

J. VEGETATION MANAGEMENT

The licensee shall remove grasses and other vegetation such as shrubs and trees if necessary so as not to impair the operation of the spray-irrigation/snowmaking systems, ensure uniform distribution of waste water over the desired application area and to optimize nutrient uptake and removal.

K. INSPECTIONS AND MAINTENANCE

The licensee shall periodically inspect all system components to ensure the facility is being operated and maintained in accordance with the design of the system. Maintenance logs shall be maintained for each major system component including pumps, pump stations, septic tanks, lagoons, spray apparatus, and pipes. At a minimum, the logs shall include the unique identifier [see Special Condition G(5)], the date of maintenance, type of maintenance performed, names or person performing the maintenance, and other relevant system observations.

L. GROUND WATER MONITORING WELLS

1. All monitoring wells shall be equipped with a cap and lock to limit access and shall be maintained in a secured state at all times.

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

SPECIAL CONDITIONS

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

The licensee 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. Of particular importance is the management of the spray application sites such that the spray / snowmaking sites are given ample periods of rest to prevent over application, as well as providing a substantially even application of effluent subject to freeze crystallization (snow) over the snowmaking area. It is acknowledged that the operator has limited control over the distribution of the snow made using the freeze crystallization process as winds and weather conditions may exceed the operator's ability to completely evenly distribute the snow – effluent over the snowmaking area.

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.

N. DISPOSAL OF TRANSPORTED WASTE IN WASTEWATER TREATMENT FACILITY

The licensee is prohibited from accepting transported wastes for disposal into any part or parts of the wastewater disposal system unless this license is amended by the Department and the transported waste is incorporated into the treatment waste stream in a manner consistent with 06-096 CMR 555, *Standards for the Addition of Transported Wastes to Wastewater Treatment Facilities*. 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.

SPECIAL CONDITIONS

O. PUBLIC ACCESS TO LAND APPLICATION SITES AND SIGNAGE

Access to the land application sites shall be limited during the season of active site use. The licensee shall 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 waste waters. 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.

P. REOPENING OF LICENSE FOR MODIFICATIONS

Upon evaluation of the tests results in the 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.

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 respects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court

ATTACHMENT A

TOWN OF RANGELEY
CHICK HILL SPRAY FACILITY
SUMMER SPRAY TOTALS

MONTH: YEAR: **2009**

DAY	GALLONS FIELD-1	GALLONS FIELD-2	GALLONS FIELD-6	GALLONS FIELD-7	IN" PRECP.	MG FLOW	IN" EVAP.	INCHES FIELD-2	INCHES FIELD-6	INCHES FIELD-7
01										
02										
03										
04										
05										
06										
07										
08										
09										
10										
11										
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29										
30										
TTL										
AVG.										

Remarks: Spray total for the month =

THERMOCOUPLE REPORT
CHICK HILL SPRAY FACILITY
SNOW FIELDS
FIELD #-04, SNOW GUN-03

MONTH:						YEAR:						
DAY	*TIME*	*AIR TEMP*	*WIND SPEED*	*WIND DIR.*	*SKY COND.*	*A= 0.2' TEMP*	*B= 1.0' TEMP*	*C= 1.5' TEMP*	*SNOW DEPTH NAT*	*4-1*	*4-3*	*INT.*

ATTACHMENT B

Spray Application Report by Week

Attachment B **Facility Name**_____;

WDL # W-008086-5L-B-R; (Month _____, Year _____) Weekly Application Rate _____ gallons/acre _____ inches)

Field Name/#	Effective Spray Area (Acres)	Weekly Limit (Gallons/Acre)	Actual Spray Application Rates (Gallons per Acre)					Number of Exceptions to Weekly Limit	Monthly Average
			Week 1	Week 2	Week 3	Week 4	Week 5		
Note: 1 acre-inch is equivalent to 27,150 gallons of liquid 27,150 gallons per acre is equivalent to 1.0 inch						Total Number of Exceptions			

A spray-field's weekly application rate if the total gallons sprayed (Sunday through Saturday) divided by the size of the spray-field in acres or the size in acres of that portion of the spray field utilized.

Signature of Responsible Official: _____, Date _____

ATTACHMENT C

WATER DEPTH READINGS-NEW WELLS
M/W-05, 06, 08A, 09A, 10 & 11
CHICK HILL SPRAY FACILITY
TOWN OF RANGELEY

MONTH:					YEAR			
Page-26			DAILY PRECIP.	M/W-08A	M/W 9A	M/W 10	M/W 11	
DATE:	M/W-05:	M/W-06:	PRECIP:	M/W-08A	M/W9A	M/W 10	M/W 11	
01								
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MAINE WASTE DISCHARGE LICENSE

FACT SHEET

August 20, 2012

COMPLIANCE TRACKING NUMBER: **MEU508086**

LICENSE NUMBER: **W008086-6C-D-R**

NAME AND ADDRESS OF APPLICANT:

TOWN OF RANGELEY
Chick Hill Pollution Control Facility
P.O. Box 632
Rangeley, Maine 04970-0632

COUNTY: **Franklin County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

231 Chick Hill Drive
Rangeley, Maine 04970

RECEIVING WATER/CLASSIFICATION: **Ground Water/Class GW-A**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Jerome Guevremont**
Superintendent
(207) 864-3542
wwtphill@megalink.net

1. APPLICATION SUMMARY

The licensee has applied to the Department for renewal of Waste Discharge License (WDL) #W008086-5L-B-R that was issued on May 2, 2007, revised on October 28, 2009 and expired on May 2, 2012. The licensee operates surface waste water disposal systems that discharge up to 2.65 million gallons per week of treated sanitary waste water onto three spray application areas and up to an annual maximum of 29 million gallons of freeze-crystallized waste water onto 40-acre snow application areas. A site location map is included as Fact Sheet **Attachment A**.

2. LICENSE SUMMARY

a. Terms & Conditions: This licensing action is carrying forward all the terms and conditions of the May 2, 2007 licensing action and the October 28, 2009 minor revision with the following exceptions. This licensing action is:

1. Clarifying the use of Monitoring Wells #8A and #9A as replacements for Monitoring Wells #8 and #9 in Special Condition A;

2. Expressing spray and snowmaking application rates in terms of total gallons as opposed to gallons/acre/week to give the licensee more flexibility in managing the spray fields.

b. History: The most recent licensing actions include the following:

April 27, 2001 – The Department issued WDL #W008086-5L-A-N to the Town of Rangeley for the Chick Hill Pollution Control Facility to discharge sanitary wastewater generated by customers in the town at the spray irrigation and snow making facility.

October 21, 2003 – The Department issued an Administrative Modification to the April 27, 2001 license that changed certain conditions to more accurately reflect operations at the facility.

May 23, 2005 – The Department issued another Administrative Modification to address certain errors in the license.

May 22, 2006 – The Town of Rangeley submitted an application to the Department for the renewal of the April 27, 2001 WDL.

May 2, 2007 – The Department issued WDL #W008086-5L-B-R foe a five-year term.

October 28, 2009 – The Department issued a minor revision of WDL# W008086-5L-B-R. The modification was assigned WDL# W008086-6C-C-M.

May 7, 2012 – The licensee submitted an application for license renewal. The license application was accepted as complete on May 14, 2012 and assigned WDL#W008086-6C-D-R.

3. FACILITY SUMMARY

a. Source Description: The waste waters treated and discharged by the licensee consists of sanitary and commercial flows from the sanitary sewer. The Town of Rangeley has added approximately 20 new connections to the sewer within the past 5 years.

b. Waste Water Treatment: Raw sewage is pumped into aerated lagoon #1 and flows by gravity into aerated lagoon #2 which discharges to the storage lagoon prior to spraying. The storage lagoon has a capacity of 27 million gallons (MG), and the aerated lagoons have a capacity of 2.5 MG each for a total storage volume of 32 MG. The lagoons are constructed by elevated earthen berms with synthetic liners that are all underlain by a single collection system. A lagoon schematic diagram is included as Fact Sheet **Attachment B**.

The lagoon effluent is pumped periodically to a land-based, spray irrigation disposal area or snowmaking area via a slow-rate sprinkler irrigation system and freeze crystallization (snowmaking) process, respectively. The spray irrigation and snowmaking areas are characterized as moderately sloped Telos-Chesuncook soils that range between somewhat poorly drained to somewhat excessively drained. The soils in the land application areas are suitable for the discharge of waste water to the land.

The lagoons, operations building, surface disposal spray irrigation and snow making areas are located on a 400-acre parcel of land. There are three existing spray irrigation areas (Fields #2, #6, & #7) and two snowmaking areas (fields #4, & #5). Also contained on the 400-acre parcel are two future spray irrigation fields (#1 and #3), a separately licensed septage disposal area, various ground water monitoring wells and other ancillary components.

Spray field (SF) #2 currently covers approximately 12 acres and SF6 covers 15 acres and SF7 covers 13 acres. Snow making area #4 currently covers 20 acres and snow making area #5 currently covers 20 acres. The spray irrigation system includes two pumps, distribution laterals, and spray nozzles at the spray irrigation fields. The snow making system includes an effluent pump, a 75 hp air compressor, an air dryer, and seven (7) existing (and four [4] proposed) snow making towers that distribute the made snow across the snow making fields. When the additional towers are installed, the snow making area will be enlarged and the amount of waste water that can be applied to the areas will also be increased.

4. CONDITIONS OF LICENSES

Conditions of Licenses, 38 M.R.S.A. § 414-A, requires that the effluent limitations prescribed for discharges require application of best practicable treatment, 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 Classification System.

5. RECEIVING WATER QUALITY STANDARDS

Classification of Groundwater, 38 M.R.S.A § 470 indicates the groundwater at the point of discharge is classified as Class GW-A receiving waters. *Standards for the Classification of Groundwater*, 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.

6. EFFLUENT AND GROUNDWATER LIMITATIONS AND MONITORING REQUIREMENTS

Slow-rate land irrigation and snowmaking are environmentally sound and appropriate technology for best practicable treatment and disposal of sanitary waste water. The soil and vegetation within the spray irrigation and snowmaking area will provide adequate filtration and adsorption of waste water to preserve the integrity of the soil and both surface and ground water resources in the area. Snowmaking is appropriate technology for the area which generates the greatest volume of sanitary waste water during the months when snow can be generated.

The Department has established lagoon effluent, underdrain, spray irrigation/snowmaking and groundwater monitoring parameters in order to provide consistency across similar facilities now licensed by the Department. The licensee shall periodically monitor the locations onsite at the specified frequencies and locations as called for in Special Condition A of this license.

a. *Biochemical Oxygen Demand & Total Suspended Solids (BOD5 & TSS)* – BOD5 is the rate at which organisms use the oxygen in waste water while stabilizing decomposable organic matter under aerobic conditions. BOD5 measurements indicate the organic strength of wastes in water. TSS consists of both settleable and non-settleable solid materials contained in the waste water. Monitoring for these parameters yields an indication of the effectiveness of the lagoon treatment process and the condition of the waste water being applied.

b. *pH* – The daily maximum effluent pH limit of 6.0 – 9.0 standard units is a best practicable treatment standard incorporated into similar waste discharge licenses issued by the Department. pH is considered a "field" parameter meaning that it is measured directly in the field via instrumentation and does not require laboratory analysis. It is considered a surveillance level monitoring parameter that is used as an early-warning indicator of potential groundwater contamination.

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

c. *Specific Conductance* – Specific conductance is considered a "field" parameter, meaning that it is measured directly in the field via instrumentation and does not require laboratory analysis. It is considered a surveillance level monitoring parameter that is used as an early-warning indicator of potential groundwater or surface water contamination.

d. *Depth to Water Level Below Land Surface* – Measurement of the distance from the ground level to the groundwater surface in monitoring wells will be used to monitor representative groundwater conditions.

e. *Temperature* – Temperature is considered a "field" parameter, meaning that it is measured directly in the field via instrumentation and does not require laboratory analysis. It is considered a surveillance level monitoring parameter that is used as an early-warning indicator of potential groundwater contamination.

f. *Application Rates (Weekly)* – The weekly maximum application rates are being carried forward from the previous licensing action. The weekly limit is based on the characteristics of in-situ soils and provides protection against hydraulically overloading and preventing runoff from the spray irrigation area.

g. *Nitrate-nitrogen* – Nitrogen assumes different forms depending upon the oxidation-reduction conditions in the soil and groundwater. The presence of a particular form of nitrogen indicates the nutrient attenuation capacity of the spray site. The monitoring requirements included in this licensing action for nitrate-nitrogen in groundwater as well as nitrate-nitrogen in the lagoon effluent are important in determining the effectiveness of the treatment process. The monitoring well sampling for this parameter can also help identify chronic leakage from the lagoon or overloading of the spray sites. The spray area sampling requirement addresses the efficiency of the site in attenuating the pollutant loading, helping to safeguard against exceeding the ability for plant uptake which would result in accumulation of excess nitrogen in the site. Nitrogen compounds can indicate human health concerns if elevated in a drinking water supply. The 10 mg/L limit for nitrate nitrogen in monitoring wells is based on state and federal drinking water standards.

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

h. *Fecal Coliform Bacteria* – This licensing action is carrying forward the requirement to measure the concentration of fecal coliform bacteria at the underdrain sampling port. This licensing action carries forward, from the previous licensing action, a "report" only requirement on a once per year monitoring frequency.

i. *Groundwater Monitoring Wells* – The wells currently being sampled are identified below in bold and italicized print, with the remaining four wells indicated as inactive. An additional monitoring well, MW 11, is used for monitoring the nearby septage field.

Well Designation	Location
MW1	***West of storage lagoon***
MW2	***East of Lagoons***
MW3	South of spray irrigation area #1 (Inactive)
MW4	southerly of spray irrigation field #3, to be installed before field #3 becomes active in the future.
MW5	***Installed east of snowmaking area #4***
MW6	***Installed east of snowmaking area #5***
MW7	***Upgradient from lagoons***
MW8	Southwest of Spray irrigation area #7 (Inactive)
MW8A	***Southwest of Spray irrigation areas #7***
MW9	Southwest of Spray irrigation area #6(Inactive)
MW9A	***Southwest of Spray irrigation area #6***
MW10	***Between spray field #1 and #2***

A summary of groundwater monitoring well results for the period 5/16/09 – 5/16/12 is below:

Depth to Water Level Below Landsurface

Monitoring Well	Limit (Feet)	Range (Feet)	Average (Feet)	Number of DMRs	Compliance Status
MW1	Report	3 – 10	6	6	N/A
MW2	Report	3 – 7	6	6	N/A
MW3	Report	6 – 6	6	1	N/A
MW5	Report	0 – 5	4	5	N/A
MW6	Report	0 – 5	3	4	N/A
MW7	Report	15 – 21	18	5	N/A
MW8A	Report	9 – 14	11	6	N/A
MW9A	Report	37 – 40	39	6	N/A

This licensing action is carrying forward the monitoring requirements for depth to water level below landsurface from the previous licensing action.

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

Summaries of groundwater monitoring well results for the period 5/16/09 – 5/16/12 are below:

Nitrate-nitrogen

Monitoring Well	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW1	10	0.2 – 0.9	0.6	6	100%
MW2	10	0 - <0.5	0.2	6	100%
MW3	10	< 0.5 - < 0.5	<0.5	1	100%
MW5	10	2 – 2	2	3	100%
MW6	10	0 – 4	2	3	100%
MW7	10	<0.05 – 2	0.4	6	100%
MW8A	10	0.1 – 2	1	6	100%
MW9A	10	0.6 – 0.8	0.7	6	100%

Results reported as "less than" (<) were considered present at the detection limit for calculation purposes. This licensing action is carrying forward the monitoring requirements for nitrate-nitrogen from the previous licensing action.

Specific Conductance

Monitoring Well	Limit (umhos/cm)	Range (umhos/cm)	Average (umhos/cm)	Number of DMRs	Compliance Status
MW1	Report	119 – 420	238	6	N/A
MW2	Report	173 – 310	246	6	N/A
MW3	Report	32 – 32	32	1	N/A
MW5	Report	132 – 350	234	3	N/A
MW6	Report	202 – 350	257	3	N/A
MW7	Report	174 – 330	256	6	N/A
MW8A	Report	141 – 320	248	6	N/A
MW9A	Report	102 – 260	202	6	N/A

This licensing action is carrying forward the monitoring requirements for specific conductance from the previous licensing action.

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

Summaries of groundwater monitoring well results for the period 5/16/09 – 5/16/12 are below:

Temperature

Monitoring Well	Limit (Deg C)	Range (Deg C)	Average (Deg C)	Number of DMRs	Compliance Status
MW1	Report	6 – 10	8	6	N/A
MW2	Report	6 – 8	7	6	N/A
MW3	Report	6 – 6	6	1	N/A
MW5	Report	9 – 11	10	3	N/A
MW6	Report	9 – 15	12	3	N/A
MW7	Report	9 – 15	11	6	N/A
MW8A	Report	8 – 13	10	6	N/A
MW9A	Report	8 – 9	9	6	N/A

This licensing action is carrying forward the monitoring requirements for temperature from the previous licensing action.

pH

Monitoring Well	Limit (S.U.)	Range (S.U.)	Number of DMRs	Compliance Status
MW1	Report	5.6 – 7.1	6	N/A
MW2	Report	6.2 – 7.7	6	N/A
MW3	Report	6.1 – 6.1	1	N/A
MW5	Report	6.5 – 7.9	3	N/A
MW6	Report	7.0 – 7.9	3	N/A
MW7	Report	6.9 – 7.5	6	N/A
MW8A	Report	6.3 – 6.9	6	N/A
MW9A	Report	5.7 – 6.8	6	N/A

This licensing action is carrying forward the monitoring requirements for pH from the previous licensing action.

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

Summaries of groundwater monitoring well results for the period 5/16/09 – 5/16/12 are below:

Total Suspended Solids

Monitoring Well	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW1	Report	<1 – 130	24	6	N/A
MW2	Report	<1 – 130	24	6	N/A
MW3	Report	5 – 5	5	1	N/A
MW5	Report	<1 – 120	42	3	N/A
MW6	Report	<1 – 150	52	3	N/A
MW7	Report	< 4 – 180	35	6	N/A
MW8A	Report	<1 – 160	30	6	N/A
MW9A	Report	<1 – 100	20	6	N/A

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the TSS monitoring requirements from the previous licensing action.

Total Arsenic

Monitoring Well	Daily Maximum (ug/L)	Result (ug/L)	Number of DMRs	Compliance Status
MW1	Report	0.008	1	N/A
MW2	Report	0.27	1	N/A
MW5	Report	<8.0	1	N/A
MW6	Report	<8.0	1	N/A
MW7	Report	<0.008	1	N/A
MW8	Report	<0.008	1	N/A
MW9	Report	<0.008	1	N/A

This licensing action is carrying forward the metals monitoring requirements from the previous licensing action.

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

Summaries of groundwater monitoring well results for the period 5/16/09 – 5/16/12 are below:

Total Cadmium

Monitoring Well	Daily Maximum (ug/L)	Result (ug/L)	Number of DMRs	Compliance Status
MW1	Report	0.01	1	N/A
MW2	Report	0.01	1	N/A
MW5	Report	<10.0	1	N/A
MW6	Report	<10.0	1	N/A
MW7	Report	<0.01	1	N/A
MW8A	Report	<0.01	1	N/A
MW9A	Report	<0.01	1	N/A

This licensing action is carrying forward the metals monitoring requirements from the previous licensing action.

Total Chromium

Monitoring Well	Daily Maximum (ug/L)	Result (ug/L)	Number of DMRs	Compliance Status
MW1	Report	0.015	1	N/A
MW2	Report	0.015	1	N/A
MW5	Report	<15.0	1	N/A
MW6	Report	<15.0	1	N/A
MW7	Report	<0.015	1	N/A
MW8A	Report	<0.015	1	N/A
MW9A	Report	<0.015	1	N/A

This licensing action is carrying forward the metals monitoring requirements from the previous licensing action.

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

Summaries of groundwater monitoring well results for the period 5/16/09 – 5/16/12 are below:

Total Copper

Monitoring Well	Daily Maximum (ug/L)	Result (ug/L)	Number of DMRs	Compliance Status
MW1	Report	0.025	1	N/A
MW2	Report	0.025	1	N/A
MW5	Report	25.0	1	N/A
MW6	Report	<25.0	1	N/A
MW7	Report	<0.025	1	N/A
MW8A	Report	<0.025	1	N/A
MW9A	Report	<0.025	1	N/A

This licensing action is carrying forward the metals monitoring requirements from the previous licensing action.

Total Lead

Monitoring Well	Daily Maximum (ug/L)	Result (ug/L)	Number of DMRs	Compliance Status
MW1	Report	0.005	1	N/A
MW2	Report	0.005	1	N/A
MW3	Report	No Data	---	---
MW5	Report	<5.0	1	N/A
MW6	Report	<5.0	1	N/A
MW7	Report	<0.005	1	N/A
MW8A	Report	<0.005	1	N/A
MW9A	Report	<0.005	1	N/A

This licensing action is carrying forward the metals monitoring requirements from the previous licensing action.

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

Summaries of groundwater monitoring well results for the period 5/16/09 – 5/16/12 are below:

Total Mercury

Monitoring Well	Daily Maximum (ug/L)	Result (ug/L)	Number of DMRs	Compliance Status
MW1	Report	<0.20	1	N/A
MW2	Report	0.20	1	N/A
MW5	Report	<0.20	1	N/A
MW6	Report	<0.20	1	N/A
MW7	Report	<0.20	1	N/A
MW8A	Report	<0.20	1	N/A
MW9A	Report	<0.20	1	N/A

This licensing action is carrying forward the metals monitoring requirements from the previous licensing action.

Total Nickel

Monitoring Well	Daily Maximum (ug/L)	Result (ug/L)	Number of DMRs	Compliance Status
MW1	Report	0.04	1	N/A
MW2	Report	0.04	1	N/A
MW5	Report	<40.0	1	N/A
MW6	Report	<40.0	1	N/A
MW7	Report	<0.04	1	N/A
MW8A	Report	<0.04	1	N/A
MW9A	Report	<0.04	1	N/A

This licensing action is carrying forward the metals monitoring requirements from the previous licensing action.

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

Summaries of groundwater monitoring well results for the period 5/16/09 – 5/16/12 are below:

Total Zinc

Monitoring Well	Daily Maximum (ug/L)	Result (ug/L)	Number of DMRs	Compliance Status
MW1	Report	0.025	1	N/A
MW2	Report	0.025	1	N/A
MW5	Report	<25.0	1	N/A
MW6	Report	<25.0	1	N/A
MW7	Report	<0.025	1	N/A
MW8A	Report	<0.025	1	N/A
MW9A	Report	<0.025	1	N/A

This licensing action is carrying forward the metals monitoring requirements from the previous licensing action.

j. Lagoon Effluent Monitoring

Summaries of lagoon monitoring results for the period 5/16/09 – 5/16/12 are below:

Lagoon Influent Flow

Value	Limit	Range	Mean	Number of DMRs	Compliance
Monthly Average	Report, gal/week	81,245 – 767,185	185,257	34	N/A
Daily Maximum	Report, gal/day	74,300 – 689,480	185,835	34	N/A

This licensing action is carrying forward the flow monitoring requirements from the previous licensing action.

Lagoon Effluent Depth (in storage lagoon)

Value	Limit	Range (feet)	Mean (feet)	Number of DMRs	Compliance
Daily Maximum	Report	5 – 24	16	34	N/A

This licensing action is carrying forward the lagoon effluent depth monitoring requirement from the previous licensing action.

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

Summaries of lagoon monitoring results for the period 5/16/09 – 5/16/12 are below:

BOD5

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)	Number of DMRs	Compliance
Daily Maximum	100	2 – 54	17	33	100%

This licensing action is carrying forward the BOD5 monitoring requirement from the previous licensing action.

Total Suspended Solids

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)	Number of DMRs	Compliance
Daily Maximum	100	18 – 96	47	33	100%

This licensing action is carrying forward the TSS monitoring requirement from the previous licensing action.

Nitrate-nitrogen

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)	Number of DMRs	Compliance
Daily Maximum	Report	0 – 8	2	23	N/A

This licensing action is carrying forward the nitrate-nitrogen monitoring requirement from the previous licensing action.

Specific Conductance

Value	Limit (umhos/cm)	Range (umhos/cm)	Mean (umhos/cm)	Number of DMRs	Compliance
Daily Maximum	Report	370 – 640	469	23	N/A

This licensing action is carrying forward the specific conductance monitoring requirement from the previous licensing action.

Temperature

Value	Limit (Deg C)	Range (Deg C)	Mean (Deg C)	Number of DMRs	Compliance
Daily Maximum	Report	1 – 22	11	32	N/A

This licensing action is carrying forward the temperature monitoring requirement from the previous licensing action.

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

Summaries of lagoon monitoring results for the period 5/16/09 – 5/16/12 are below:

Total Metals

Parameter	Daily Maximum (ug/L)	Result (ug/L)	Number of DMRs	Compliance
Arsenic	Report	No data	---	---
Cadmium	Report	No data	---	---
Chromium	Report	No data	---	---
Copper	Report	No data	---	---
Lead	Report	No data	---	---
Mercury	Report	No data	---	---
Nickel	Report	No data	---	---
Zinc	Report	No data	---	---

This licensing action is carrying forward the metals monitoring requirements from the previous licensing action.

k. Spray Irrigation Areas

A summary of the spray irrigation area monitoring results for the period 5/16/09 – 5/16/12 are below:

Application Rate

Spray Area	Weekly Max Limit (gal/acre)	Range (gal/acre)	Average (gal/acre)	Number of DMRs	Compliance Status
SF1	67,882	No data	No data	---	---
SF2	67,882	1,358 – 62,575	46,000	14	100%
SF3	67,882	No data	No data	---	---
SF6	122,186	21,700 – 66,721	56,593	14	100%
SF7	122,186	25,000 – 67,387	55,308	14	100%

This licensing action is carrying forward the spray irrigation application rate reporting requirements from the previous licensing action.

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

A summary of the spray irrigation area monitoring results for the period 5/16/09 – 5/16/12 is below:

Flow

Spray Area	Monthly Total (gallons)	Range (gallons/month)	Average (gallons/month)	Number of DMRs	Compliance Status
SF1	Report	No Data	No Data	---	---
SF2	Report	16,300 – 2,702,269	1,664,212	14	N/A
SF3	Report	No Data	No Data	---	---
SF6	Report	500,600 – 3,877,858	2,625,446	14	N/A
SF 7	Report	900,853 – 3,252,684	2,203,046	14	N/A

This licensing action is carrying forward the spray irrigation flow reporting requirements from the previous licensing action.

l. Snowmaking Areas (Fields #4 and #5)

A summary of the snowmaking area monitoring results for the period 5/16/09 – 5/16/12 is below:

Flow

Snowmaking Area	Monthly Total (gallons)	Range (gallons/month)	Average (gallons/month)	Number of DMRs	Compliance Status
Field #4	Report	30,100 – 3,247,263	2,208,606	10	N/A
Field #5	Report	20,106 – 2,419,437	1,303,004	10	N/A

This licensing action is carrying forward the snowmaking area monthly flow reporting requirements from the previous licensing action.

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

Summaries of the snowmaking area monitoring results are below:

Flow, Year-to-Date (January 1, 2009 – May 25, 2012)

Field #4 Year	Limit Year-to-Date (gallons)	Year-to-Date (gallons/month)	Compliance Status
2009	15 million gallons	8,183,759	100%
2010	15 million gallons	7,488,529	100%
2011	15 million gallons	10,390,465	100%
2012	15 million gallons	8,365,586	100%

Field #5 Year	Limit Year-to-Date (gallons)	Year-to-Date (gallons/month)	Compliance Status
2009	14 million gallons	5,455,835	100%
2010	14 million gallons	7,488,529	100%
2011	14 million gallons	6,926,979	100%
2012	14 million gallons	5,290,427	100%

This licensing action is carrying forward the snowmaking area year-to-date reporting requirements from the previous licensing action.

m. Lagoon Underdrain

A summary of the lagoon underdrain monitoring results for the period 5/16/09 – 5/16/12 is below:

Flow

Value	Limit (gal/minute)	Range (gal/minute)	Average (gal/minute)	Number of DMRs	Compliance
Daily Maximum	Report	0 – 250	121	4	N/A

This licensing action is carrying forward the flow reporting requirements from the previous licensing action.

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

Summaries of the lagoon underdrain monitoring results for the period 5/16/09 – 5/16/12 are below:

Fecal coliform bacteria

Value	Limit (#col/100 mLs)	Range (#col/100 mLs)	Geo. mean (#col/100 mLs)	Number of DMRs	Compliance
Daily Maximum	Report	<2 – <2	2	4	N/A

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the bacteria reporting requirements from the previous licensing action.

Specific Conductance

Value	Limit (umhos/cm)	Range (umhos/cm)	Mean (umhos/cm)	Number of DMRs	Compliance
Daily Maximum	Report	220 – 240	225	4	N/A

This licensing action is carrying forward the specific conductance monitoring requirement from the previous licensing action.

Temperature

Value	Limit (Deg C)	Range (Deg C)	Mean (Deg C)	Number of DMRs	Compliance
Daily Maximum	Report	6 – 16	10	4	N/A

This licensing action is carrying forward the temperature monitoring requirement from the previous licensing action.

Nitrate-nitrogen

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)	Number of DMRs	Compliance
Daily Maximum	Report	1 – 1	1	4	N/A

This licensing action is carrying forward the nitrate-nitrogen monitoring requirement from the previous licensing action.

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

A summary of the lagoon underdrain monitoring results for the period 5/16/09 – 5/16/12 is below:

pH

Value	Limit (SU)	Range (SU)	Number of DMRs	Compliance
Daily Maximum	Report	6.9 – 7.4	4	N/A

This licensing action is carrying forward the pH monitoring requirement from the previous licensing action.

7. SYSTEM CALIBRATION

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

Calibration involves collecting and measuring flow at several locations in the application area (typically a grid pattern of containers with uniform diameters). Rain gauges work best because they already have a graduated scale from which to read the application amount without having to perform additional calculations. It is recommended that a field calibration report be submitted to the Department Compliance Inspector shortly after relicensing and annually thereafter, or whenever operating conditions are changed from assumed design parameters. An example report is provided as **Attachment C** of this Fact Sheet.

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 *Original Irregular* newspaper (supplement to the Lewiston *Sun-Journal*) on or about May 11, 2012 and in the *Highlander* on or about May 2, 2012 and May 9, 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 *Application Processing Procedures for Waste Discharge Licenses,* 06-096 CMR 522 (effective January 12, 2001).

10. DEPARTMENT CONTACTS

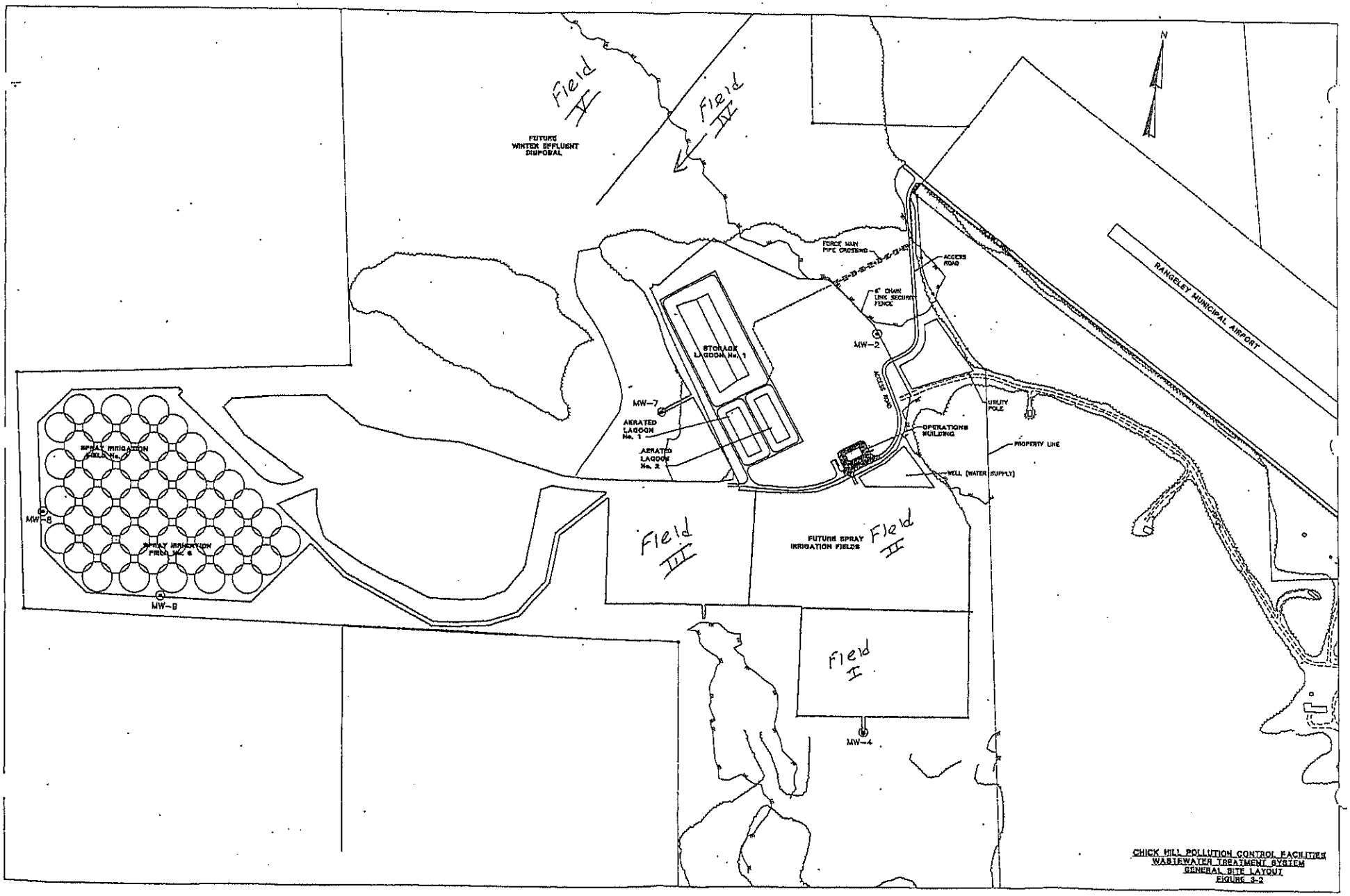
Additional information concerning this licensing action may be obtained from and written comments should be sent to:

Gregg Wood
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Tel: (207) 287-7693 Fax: (207) 287-3435
e-mail: gregg.wood@maine.gov

11. RESPONSE TO COMMENTS

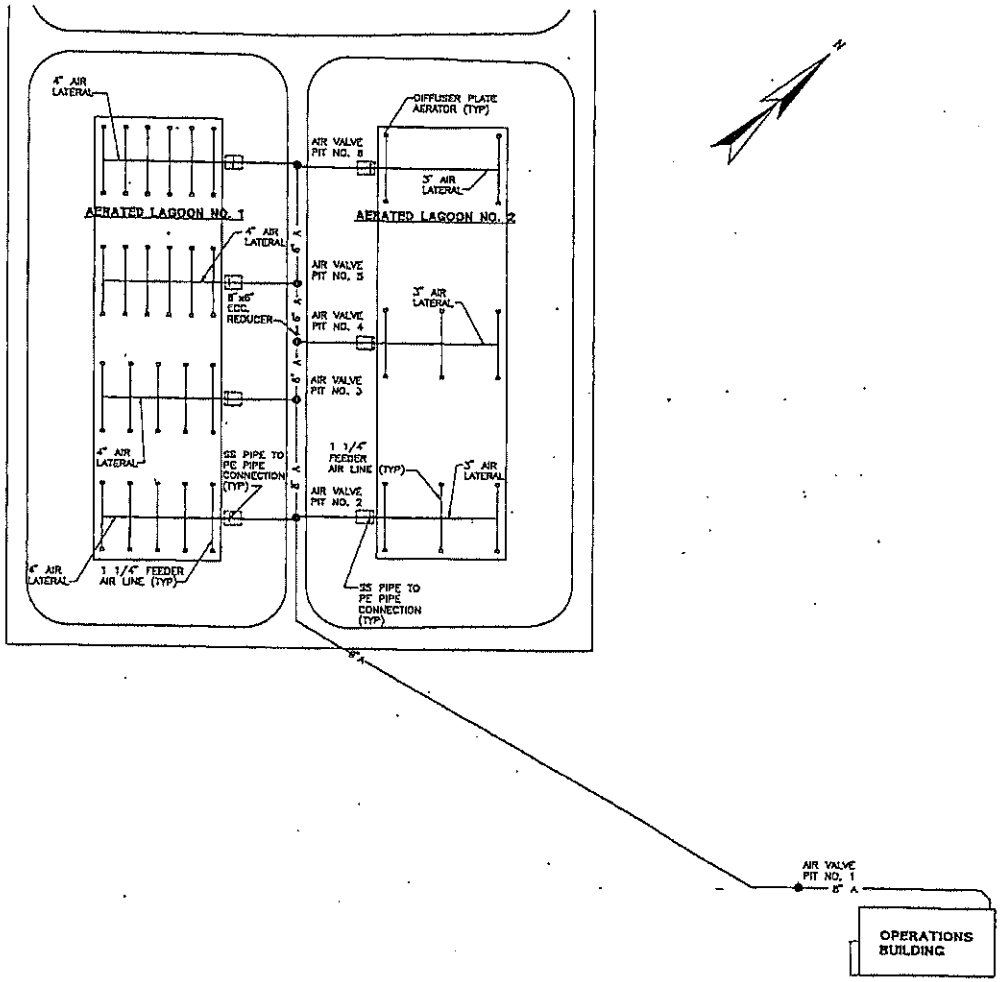
During the period August 20, 2012 through the issuance date of the license, the Department solicited comments on the proposed draft license for the licensee's facility. The Department did not receive comments from the permittee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the license. Therefore, the Department has not prepared a Response to Comments.

ATTACHMENT A



CHICK HILL POLLUTION CONTROL FACILITIES
WASTEWATER TREATMENT SYSTEM
GENERAL SITE LAYOUT
FIGURE 3-2

ATTACHMENT B



LAGOON AERATION SYSTEM SCHEMATIC
FIGURE 4-9

ATTACHMENT C

Example Spray Irrigation Field Calibration Report Form
Attachment C

Background Data

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

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

System Calibration

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

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

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

Example: (27,150 gallons/acre/week)(1.5 inch/week)(1.3 acres) = 52,942 gallons/week

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

New Calibration Data

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

Any adjustments to improve uniformity of spray applications?

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

CONTENTS

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).

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 if 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 MAINTENACE 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

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.

(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.

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.

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

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).

(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.

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 contaminates 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.

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.

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: 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.