



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE  
GOVERNOR

PATRICIA W. AHO  
COMMISSIONER

January 20, 2015

Mr. Richard Knowlton  
Vice President, Operations  
Maine Water Company  
93 Industrial Park Road  
Saco, Maine 04072  
[rknowlton@mainewater.com](mailto:rknowlton@mainewater.com)

*Transmitted via electronic mail  
Delivery confirmation requested*

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #MEU508087  
Maine Waste Discharge License (WDL) Application #W008087-5S-D-R  
**Final Permit**

Dear Mr. Knowlton:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL **renewal** which was approved by the Department of Environmental Protection. Please read this permit/license renewal 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 215-1579.

Sincerely,

Yvette M. Meunier  
Division of Water Quality Management  
Bureau of Land and Water Quality

Enc.

cc: Clarissa Trasko, DEP/EMRO  
Sandy Mojica, USEPA  
Olga Vergara, USEPA  
Marelyn Vega, USEPA

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-3901 FAX: (207) 287-3435  
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STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

MAINE WATER COMPANY.	)	PROTECTION AND IMPROVEMENT
MOOSEHEAD JCT TWP., PISCATAQUIS CTY	)	OF WATERS
SUBSURFACE WASTEWATER DISPOSAL SYSTEM)	)	
#MEU508087	)	WASTE DISCHARGE LICENSE
#W008087-5S-D-R      APPROVAL	)	RENEWAL AND TRANSFER

In compliance with the applicable provisions of *Pollution Control*, 38 M.R.S.A. §§ 411 – 424-B, *Water Classification Program*, 38 M.R.S.A. §§ 464 – 470, and applicable rules of the Department of Environmental Protection (Department), the Department has considered the application of the MAINE WATER COMPANY (Maine Water), with its supportive data, agency review comments, and other related materials on file, and FINDS THE FOLLOWING FACTS:

**APPLICATION SUMMARY**

On September 2, 2014, the Department accepted as complete for processing, a renewal application for Waste Discharge License (WDL) #W008087-5S-C-R / Permit Compliance System (PCS) tracking #MEU508087 which was issued on November 3, 2009 for a five year term. The 11/3/09 WDL authorized Aqua Maine, Inc to treat and discharge a monthly average of 0.0025 MGD of filter cleaning (backwash) wastewater from a drinking water treatment facility to ground waters, Class GW-A, in Moosehead Junction Township, Maine.

**LICENSE SUMMARY**

This licensing action is carrying forward all the terms and conditions of the previous license except it is:

1. Transferring the WDL from Aqua Maine, Inc. to Maine Water Company;
2. Revising the daily flow limit to be reported in gallons per day (gpd) rather than million gallons per day (MGD) for data management purposes; and
3. Incorporating Special Condition E, OPERATIONS AND MAINTENANCE (O & M) PLAN AND SITE PLAN(S).

## CONCLUSIONS

Based on the findings summarized in the attached DRAFT Fact Sheet dated January 20, 2015, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, *Classification of Maine waters*, 38 M.R.S.A. § 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 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 water 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 discharges will be subject to effluent limitations that require application of best practicable treatment as defined in *Conditions of licenses*, 38 M.R.S.A. § 414-A(1)(D).

**ACTION**

THEREFORE, the Department APPROVES the above noted application of the MAINE WATER COMPANY to discharge a monthly average of 2,500 gpd of filter cleaning (backwash) wastewater from a drinking water treatment facility to ground waters, Class GW-A, in Moosehead Junction Township, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. *Standard Conditions of Approval for Publicly Owned Treatment Works (POTW) Waste Discharge Licenses* dated July 16, 1996, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This license expires five (5) years from the date of the signature below. 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) (amended August 25, 2013)]

DONE AND DATED AT AUGUSTA, MAINE, THIS 20<sup>th</sup> DAY OF January, 2015.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhn  
PATRICIA W. AHO, Commissioner

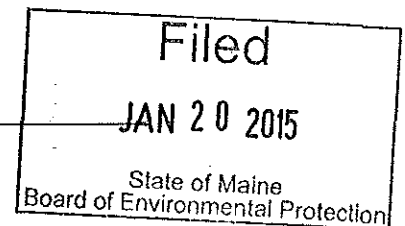
PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: September 2, 2014

Date of application acceptance: September 4, 2014

Date filed with Board of Environmental Protection \_\_\_\_\_

This Order prepared by Yvette Meunier, BUREAU OF LAND & WATER QUALITY



**SPECIAL CONDITIONS**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. **Effluent Monitoring:** The licensee is authorized to discharge **drinking water filter cleaning (backwash) wastewater via Outfall #001A** to ground waters in Moosehead Junction Township. Such discharge must be limited and monitored as specified below<sup>(1)</sup>:

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow [50050]	2,500 gpd [07]	---	1/Month [01/30]	Measure [MS]
Total Manganese [01055]	---	Report µg/L [28]	1/Month [01/30]	Grab [GR]
Total Iron [01045]	---	Report µg/L [28]	1/Month [01/30]	Grab [GR]
Settleable Solids [00545]	---	0.3 ml/L [25]	1/Quarter [01/90]	Grab [GR]

2. **Influent Monitoring:** The licensee is required to conduct influent monitoring of the **raw ground water at the raw water feed from the production well via Outfall #002A** as specified below<sup>(1)</sup>:

Influent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Total Manganese [01055]	---	Report µg/L [28]	1/Month [01/30]	Grab [GR]
Total Iron [01045]	---	Report µg/L [28]	1/Month [01/30]	Grab [GR]

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

**FOOTNOTES:** See Page 5 of this license for applicable footnote.

## SPECIAL CONDITIONS

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

#### FOOTNOTES

1. **Sampling** – All effluent monitoring must be conducted from a sampling port installed on the effluent line exiting the flush tank, or other approved location, as to be representative of end-of-pipe effluent characteristics. Any change in sampling location must be approved by the Department in writing. The licensee must conduct sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for wastewater. Samples that are sent to a 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 February 13, 2000). If the licensee monitors any pollutant more frequently than required by the license using test procedures approved under 40 CFR part 136 or as specified in this license, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report.

All analytical test results from monitoring of parameters required by this license shall be reported to the Department including results which are quantified below the respective reporting limits (RLs) specified by the Department or as specified by other approved test methods. A non-detect analytical test result shall be reported as <Y where Y is the minimum level for reporting quantitative data specified by the laboratory in their report for each respective parameter. Reporting a value of <Y that is greater than an established RL is not acceptable and will be rejected by the Department. Lab data that have an estimated value ("J" flagged) below an established RL shall be reported as "< RL". Reporting analytical data and its use in calculations must follow established Department guidelines specified in this permit or in available Department guidance documents.

### B. NARRATIVE EFFLUENT LIMITATIONS

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

### C. AUTHORIZED DISCHARGES

The licensee is authorized to discharge only in accordance with: 1) the licensee's General Application for Waste Discharge License, accepted for processing on September 4, 2014; 2) the terms and conditions of this license; and 3) via Outfall #001A. Discharges of wastewater from any other point source(s) are not authorized under this license, and must be reported in accordance with Standard Condition 11, *Bypasses of Waste Treatment Facilities*, of this license.

## **SPECIAL CONDITIONS**

### **D. NOTIFICATION REQUIREMENT**

In accordance with Standard Condition D, the licensee must notify the Department of the following:

1. Any introduction of pollutants into the wastewater collection and treatment system from an indirect discharger in a primary industrial category discharging process wastewater; and
2. Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants to the system at the time of license issuance. For the purposes of this section, notice regarding substantial change must include information on:
  - (a) the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
  - (b) any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

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

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

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

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

### **F. MONITORING AND REPORTING**

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

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

## **SPECIAL CONDITIONS**

### **F. MONITORING AND REPORTING (cont'd)**

Alternatively, if the licensee submits 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 15<sup>th</sup> 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 (13<sup>th</sup>) 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 (15<sup>th</sup>) 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 15<sup>th</sup> day of the month following the completed reporting period.

### **G. REOPENING OF LICENSE FOR MODIFICATION**

In accordance with 38 M.R.S.A. § 414-A(5) and upon evaluation of any required test results, results of inspections and/or reporting required by the Special Conditions of this licensing action, additional site-specific data or any other pertinent information or test results obtained during the term of this license, the Department may, at any time and with notice to the licensee, modify this license to require additional monitoring, inspections and/or reporting based on the new information.

### **H. SEVERABILITY**

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



## MAINE WASTE DISCHARGE LICENSE

### FACT SHEET

DATE: JANUARY 20, 2015

PERMIT COMPLIANCE TRACKING NUMBER: #MEU508087

WASTE DISCHARGE LICENSE: #W008087-5S-D-R

NAME AND ADDRESS OF APPLICANT:

MAINE WATER COMPANY  
93 INDUSTRIAL PARK ROAD  
SACO, ME 04072

COUNTY: PISCATAQUIS

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

MAINE WATER COMPANY  
681 RAILROAD BED ROAD  
LITTLE MOOSE TOWNSHIP, ME 04442

RECEIVING WATER CLASSIFICATION: GROUND WATER/CLASS GW-A

COGNIZANT OFFICIAL CONTACT INFORMATION:

MR. RICK KNOWLTON  
VICE PRESIDENT, OPERATIONS  
[rknowlton@mainewater.com](mailto:rknowlton@mainewater.com)  
(207) 282-1543

### 1. APPLICATION SUMMARY

Application: On September 2, 2014, the Department of Environmental Protection (Department) accepted as complete for processing, a renewal application for Waste Discharge License (WDL) #W008087-5S-C-R which was issued on November 3, 2009 for a five year term. The 11/3/09 WDL authorized Aqua Maine, Inc. to treat and discharge a monthly average of 0.0025 MGD of filter cleaning (backwash) wastewater from a drinking water treatment facility to ground waters, Class GW-A, in Moosehead Junction Township, Maine.

### 2. LICENSE SUMMARY

- a. Terms and Conditions: This licensing action is carrying forward all the terms and conditions of the previous license except it is:

1. Transferring the WDL from Aqua Maine, Inc. to Maine Water Company;

## 2. LICENSE SUMMARY (cont'd)

2. Revising the daily flow limit to be reported in gallons per day (gpd) rather than million gallons per day (MGD) for data management purposes; and
3. Incorporating Special Condition E, OPERATIONS AND MAINTENANCE (O & M) PLAN AND SITE PLAN(S).

b. History: The most current relevant regulatory actions include:

November 19, 2004 – The Department issued WDL #W008087-5S-B-R to Aqua Maine, Inc. for the monthly average discharge of up to 0.0025 MGD of filter cleaning (backwash) wastewater from a drinking water treatment facility to ground waters in Moosehead Junction Township. The 11/19/04 is scheduled to expire on November 19, 2009 and superseded WDL #W008087-5S-A-N, a new WDL issued to Consumers Maine Water Company (now Aqua Maine, Inc.) on September 21, 1999.

November 3, 2009 – The Department issued WDL #W-008087-5S-C-R / #MEU508087 for a five-year term to Aqua Maine Inc. (now Maine Water Company).

August 29, 2014– Aqua Maine transferred ownership of the Moosehead Junction facility to Maine Water Company.

September 2, 2014 – Maine Water Company submitted a timely and complete General Application to the Department for renewal of the 11/3/09 MEPDES license. The application was accepted for processing on September 4, 2014, and was assigned WDL #W008087-5S-D-R / PCS Tracking # MEU508087.

- c. Source Description: Maine Water Company leases a 2-acre parcel of property from the State of Maine, which is managed by the Maine Department of Conservation, Bureau of Parks and Lands. In 1994, previous owner Consumers Maine Water Company completed the transition from a surface water treatment system to a ground water treatment system via the development of two (2) 40-foot deep gravel-packed production wells in an esker adjacent to Wiggins Brook in Moosehead Junction Township. The treatment plant is commonly referred to as the Wiggins Brook Well Station and the production wells as the Wiggins Wells. The system serves approximately 1,900 residential and commercial customers in the Townships of Moosehead Junction and Greenville, Maine. In 1999, previous owner Aqua Maine, Inc. completed construction of a water treatment system in order to reduce elevated levels of iron and manganese present in the raw ground water from the production wells. The objective of the treatment system is to treat raw ground water to primary and secondary drinking water standards through the use of a cationic (positively charged) exchange system.

Raw water is pumped from the production wells to the treatment plant for treatment and filtration. Treated/filtered water is then pumped to a 330,000-gallon concrete storage tank. A map showing the location of the treatment facility and the ground water source wells is included as Fact Sheet **Attachment A**.

The filter vessels must be periodically cleaned through backwashing to remove particulate matter and maintain treatment efficiency.

## 2. LICENSE SUMMARY (cont'd)

- d. Wastewater Treatment: The treatment vessels are periodically backwashed using finished water. Maine Water reported that between 1,200 and 3,600 gallons of wastewater per day are generated from filter vessel cleaning cycles and that they discharge up to 2,250 gallons per day on average.

All wastewater generated by treatment system cleaning processes is conveyed to a 6,000-gallon, pre-cast concrete flush tank that is fitted with high and low floating water level sensors. The flush tank and level sensor system provides a 3-hour quiescent period to allow iron and manganese particles to settle. Following the three-hour settling period, water is decanted from the top of the flush tank and transferred to a subsurface chamber system by pumping at a constant rate of approximately 4 gallons per minute. The subsurface wastewater disposal system was installed in 1999 in accordance with Maine Department of Health and Human Services, Division of Health Engineering (DHE) requirements and measures 32-feet by 64-feet. The DHE HHE-200 Form included in the Consumer Maine Water Company's 1999 application packet states that the criteria used for design flow is 2,000 GPD; however, previous owner Aqua Maine, Inc. has stated that the system was designed for a flow of 4,000 GPD. Wastewater percolates down through the wastewater disposal system to the underlying ground waters, Class GW-A.

Solids that accumulate in the flush tank are collected by a septic hauler twice per year and are hauled to the Moosehead Sanitary District (WDL #W2119) for final disposal.

## 3. CONDITIONS OF LICENSE

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

## 4. RECEIVING WATER QUALITY STANDARDS

*Classification of groundwater*, 38 M.R.S.A. § 470 states "All ground water must be classified as not less than Class GW-A, except as otherwise provided in this section." *Standards of classification of ground water*, 38 M.R.S.A. § 465-C(1) contains the standards for the classification of ground waters. "Class GW-A must be the highest classification and must be of such quality that it can be used for public drinking water supplies. These waters must be free of radioactive matter or any matter that imparts color, turbidity, taste or odor which would impair usages of these waters, other than that occurring from natural phenomena."

## 5. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- a. Flow: This licensing action is carrying forward a monthly average discharge flow limitation of 2,500 gallons per day (gpd), which is representative of the effluent flow from the facility. During the period of December 2009 through August 2014 the facility has only been out of compliance with the monthly average flow of 2,500 gpd limit once in October 2012 with a monthly average flow of 2,581 reported (# DMRs = 57). It is noted that the previous license required flow be reported in million gallons per day. This licensing action is establishing a gallons per day reporting requirement for data management purposes.

## 5. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

This licensing action is carrying forward the minimum monitoring frequency requirement for discharge flow of once per month.

- b. Settleable Solids: The previous licensing action established and this licensing action is carrying forward a daily maximum technology-based concentration limit of 0.3 ml/L for settleable solids based on a Department best professional judgment determination of best practicable treatment, which is consistent with the limit established for other drinking water facility discharges. A summary of quarterly settleable solids data as reported on the DMRs for the period of December 2009 through August 2014 indicates the daily maximum settleable solids concentration discharge has been in compliance with the 0.3 ml/L limit 100% of the time 2009 (# DMRs = 18). The minimum monitoring frequency requirement of once per calendar quarter is being carrying forward in this licensing action based on a Department best professional judgment determination to monitor settling tank performance.
- c. Total Iron: The treatment system utilized by Maine Water is designed to reduce iron present in the raw ground water via chemical adsorption and filtration. Filter backwash cycles are periodically performed to flush the filter media; consequently, the final effluent is expected to result in measurable levels of total iron. The previous licensing action established monthly influent (raw water from the production well) and effluent monthly average concentration and mass reporting requirements for total iron.

A summary of the influent and effluent total iron data as reported on the DMRs submitted to the Department for the period December 2009 through August 2014 is as follows:

Total Iron	Minimum	Maximum	Arithmetic Mean	# DMRs
Influent (from wells)	0.55 mg/L	1.82 mg/L	1.17 mg/L	57
Effluent (to treatment system)	0.24 mg/L	3.60 mg/L	1.52 mg/L	57

Due to the nature of the treatment system utilized by Maine Water effluent data are obtained from a point following settling but prior to additional treatment through the subsurface disposal system. The production wells are relatively shallow (40 feet deep); therefore, the effluent discharged from the subsurface system is being discharged to approximately the same depth from which raw water is extracted. The requirement to conduct influent monitoring for iron is being carried forward in this licensing action in order to monitor changes in the raw water concentrations of iron. The Maine Department of Health and Human Services has adopted a secondary (aesthetic) drinking water standard of 300 parts per billion ( $\mu\text{g/L}$ ) (same as 0.3 mg/L) for total iron. The Department is making a best professional judgment determination that the discharge from Maine Water is not causing or contributing to violations of the standards of classification for Class GW-A waters. Influent and effluent total iron monitoring and reporting requirements are being carried forward in this licensing action to assist in future evaluations of the discharge's impact on receiving water quality.

## 5. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

- c. Total Manganese: The treatment system utilized by Maine Water is designed reduce manganese present in the raw ground water via chemical adsorption and filtration. Filter backwash cycles are periodically performed to flush the filter media; consequently, the final effluent is expected to result in measurable levels of total manganese. The previous licensing action established influent (raw water from the production well) and effluent monthly average concentration and mass reporting requirements for total manganese.

A summary of the influent and effluent total manganese data as reported on the DMRs submitted to the Department for the period December 2004 through May 2009 is as follows:

Total Manganese	Minimum	Maximum	Arithmetic Mean	# DMRs
Influent (from wells)	0.58 mg/L	0.98 mg/L	0.67 mg/L	57
Effluent (to treatment system)	0.07 mg/L	4.2 mg/L	1.1 mg/L	57

See discussion above under "Total Iron." The Maine Department of Health and Human Services has adopted a secondary (aesthetic) drinking water standard of 50 parts per billion ( $\mu\text{g/L}$ ) (same as 0.05 mg/L) for total manganese. The Department is making a best professional judgment determination that the discharge from Maine Water is not causing or contributing to violations of the standards of classification for Class GW-A waters. Influent and effluent total manganese monitoring and reporting requirements are being carried forward in this licensing action to assist in future evaluations of the discharge's impact on receiving water quality.

## 6. 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.

## 7. PUBLIC COMMENTS

Public notice of this application was made in the Bangor Daily newspaper on or about August 30, 2014. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft licenses must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

## **8. DEPARTMENT CONTACTS**

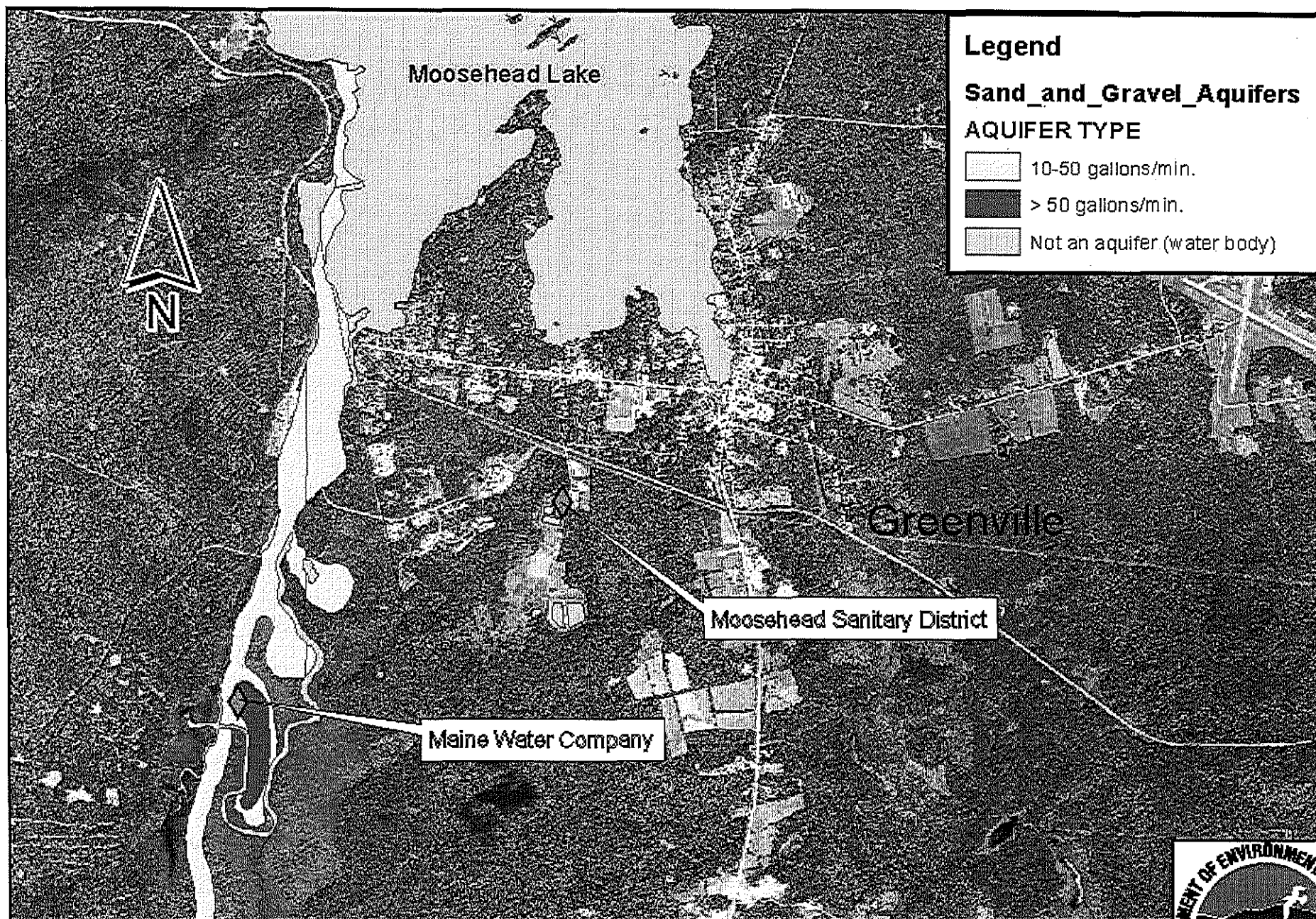
Additional information concerning this licensing action may be obtained from, and written comments sent to:

Yvette Meunier  
Division of Water Quality Management  
Bureau of Land & Water Quality  
Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017 Telephone: (207) 215-1579  
e-mail: [yvette.meunier@maine.gov](mailto:yvette.meunier@maine.gov)

## **9. RESPONSE TO COMMENTS**

During the period of December 17, 2014 through the issuance of this license, the Department solicited comments on the proposed draft Waste Discharge License to be issued to Maine Water Company for the proposed discharge. 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. It is noted that minor typographical and grammatical errors identified in comments are not included in this section, but were corrected, where necessary, in the final license.

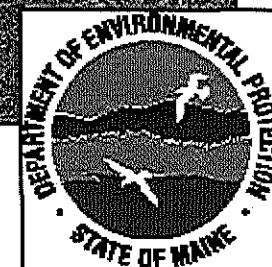
# ATTACHMENT A



0.35 0.175 0 0.35 0.7 1.05 1.4  
Miles

Maine Water Company, Moosehead Junction Township, Maine

Map created by Maine DEP  
November 24, 2014





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

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

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1. GENERAL CONDITIONS

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

2. TREATMENT PLANT OPERATOR

The Treatment Facility must be operated by a person holding a Grade certificate pursuant to 32 M.R.S.A., Section 4171 et seq. All proposed contracts for facility operation by any person must

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be approved by the department before the licensee may engage the services of the contract operator.

3. WASTE WATER TREATMENT AND SAMPLING FACILITIES

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

4. MONITORING AND REPORTING

a. Representative Sampling

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

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

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c. Reporting

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

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

d. All reports shall be signed by:

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

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

5. NON-COMPLIANCE NOTIFICATION

- a. In the event the licensee bypasses collection or treatment facilities or is unable to comply with any of the conditions of this license due, among other reasons, to:
  1. breakdown of waste treatment equipment;
  2. accidents caused by error or negligence;
  3. high strength, high volume or incompatible wastes; or
  4. other causes such as acts of nature,the licensee shall notify the Department of Environmental Protection verbally as soon as its agents have knowledge of the incident.

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- b. Within five (5) days of becoming aware of such condition the licensee shall provide the Department of Environmental Protection in writing, the following information:
  - 1. A description of the discharge and cause of noncompliance; and
  - 2. The period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the non complying discharge.
- c. If the licensee knows in advance of changes in licensed facilities or activities which may result in non-compliance or of the need to bypass, it shall submit prior notice at least ten days in advance of such occurrence.
- d. In the event of a bypass is due to inflow or infiltration of uncontaminated water into a sewer system, reporting requirements may be adjusted by the Department to a monthly basis.

6. CHANGE OF DISCHARGE

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

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

7. TRANSFER OF OWNERSHIP

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

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8. RECORDS RETENTION

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

9. OTHER MATERIALS

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

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

10. REMOVED SUBSTANCES

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

11. BYPASS OF WASTE TREATMENT FACILITIES

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

12. EMERGENCY ACTION-ELECTRIC POWER FAILURE

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

- a. maintain an alternative power source sufficient to operate the wastewater control facilities; or

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- b. Halt, reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

13. SPILL PREVENTION AND CONTAINMENT

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

14. CONNECTION TO MUNICIPAL TREATMENT SYSTEM

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

15. PRETREATMENT

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

DEFINITIONS

FOR THE PURPOSE OF THIS LICENSE THE FOLLOWING SHALL APPLY

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



# DEP INFORMATION SHEET

## Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

### SUMMARY

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

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

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

### I. ADMINISTRATIVE APPEALS TO THE BOARD

#### LEGAL REFERENCES

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

#### HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

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

#### HOW TO SUBMIT AN APPEAL TO THE BOARD

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

#### WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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



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

#### **OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD**

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

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

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

## **II. JUDICIAL APPEALS**

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

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

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

### **ADDITIONAL INFORMATION**

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

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**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.**

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