



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE  
GOVERNOR

PATRICIA W. AHO  
COMMISSIONER

June 11, 2012

VIA ELECTRONIC MAIL

Mr. Kevin Gagne, P.E.  
City of Lewiston  
P.O. Box 479  
Lewiston, ME 04243  
[kgagne@lewistonmaine.gov](mailto:kgagne@lewistonmaine.gov)

RE: Maine Permit Compliance System #MEU508126  
Maine Waste Discharge License (WDL) Application #W008126-6A-C-R  
**Final License – No Name Pond Community System**

Dear Mr. Gagne:

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 license to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

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

If you have any questions regarding this matter, please feel free to contact me at (207) 287-7658 or via email at: [phyllis.a.rand@maine.gov](mailto:phyllis.a.rand@maine.gov).

Sincerely,

Phyllis Arnold Rand  
Division of Water Quality Management  
Bureau of Land and Water Quality

Enclosure

Cc: Stuart Rose, DEP/SMRO   Lori Mitchell, DEP/DMU   Sandy Mojica, EPA

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

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

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

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04679-2094  
(207) 764-0477 FAX: (207) 760-3143



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

**DEPARTMENT ORDER**

**IN THE MATTER OF**

CITY OF LEWISTON (NO NAME POND)	)	PROTECTION AND IMPROVEMENT
LEWISTON, ANDROSCOGGIN COUNTY	)	OF WATERS
SUBSURFACE WASTEWATER DISPOSAL	)	WASTE DISCHARGE LICENSE
MEU508126	)	
W008126-6A-C-R	)	
<b>APPROVAL</b>	)	<b>RENEWAL</b>

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, § 1251, et seq. and Maine Law 38 M.R.S.A. § 414-A, et seq., and applicable regulations, the Department of Environmental Protection ("Department") has considered the application of the CITY OF LEWISTON ("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 for a renewal of Waste Discharge License (WDL) #W008126-5K-B-R, which was issued on January 30, 2007 and expired on January 30, 2012. The application is for the continuing operation of a subsurface wastewater disposal system that is designed to treat domestic wastewater generated from 13 single-family dwellings. The dwellings are located along the northerly shore of No Name Pond in Lewiston, Maine. The system discharges treated sanitary wastewater from the system at a rate not to exceed 4,000 gallons per day, to groundwater, Class GW-A, in Lewiston, Maine.

**LICENSE SUMMARY**

This licensing action is carrying forward the terms and conditions from the previous licensing action with the following exception. This licensing action is:

- 1) Eliminating the flow reporting requirement based on Department Best Professional Judgment.

## CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated June 11, 2012, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, 38 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 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 of 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 discharge will be subject to effluent limitations, which require application of best practicable treatment.

**ACTION**

THEREFORE, the Department APPROVES the above noted application of the CITY OF LEWISTON to discharge 4,000 gallons per day of treated wastewater from a subsurface wastewater disposal system to groundwater, Class GW-A, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

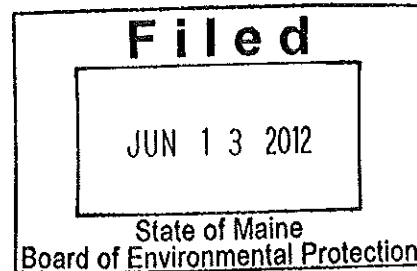
1. Standard Conditions of Approval for POTW Waste Discharge Licenses dated July 16, 1996, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This license and the authorization to discharge become effective upon the date of signature below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

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 11<sup>th</sup> DAY OF JUNE, 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhn  
For Patricia Aho, Commissioner



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

Date of initial receipt of application 4/12/12  
Date of application acceptance 4/13/12

This Order prepared by Phyllis Arnold Rand, BUREAU OF LAND & WATER QUALITY

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. The licensee is authorized to discharge treated sanitary waste waters from **Outfall #001** to groundwater, Class GW-A. Outfall #001 is defined as the septic system leachfield area. Such discharges shall be limited and monitored by the licensee as specified below:

Effluent Characteristic	Discharge Limitations			Monitoring Requirements	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow	4,000 GPD	—	—	1/Quarter	Measure <sup>(1)</sup>

**Note: The licensee is not required to submit quarterly DMR data; however, monitoring results are to be kept onsite for a minimum of three (3) years.**

Footnotes:

1. Flow shall be calculated as follows: The total discharge, by liquid (gallons) measure, during the calendar quarter divided by the number of days in the quarter that the facility was operating.

## **SPECIAL CONDITIONS**

### **B. NARRATIVE EFFLUENT LIMITATIONS**

1. The effluent shall not contain a visible oil sheen, foam or floating solids at any time which would impair the usages designated for the classification of the receiving waters.
2. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated for the classification of the receiving waters.
3. The discharge shall not cause visible discoloration or turbidity in the receiving waters, which would impair the usages designated for the classification of the receiving waters.
4. Notwithstanding specific conditions of this license, the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

### **C. TREATMENT PLANT OPERATOR**

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

### **D. NOTIFICATION REQUIREMENT**

The licensee shall notify the Department of the following:

1. Any increase of volume above the 4,000 GPD flow to the system or any substantial change in the character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants to the system at the time of license issuance.
2. For the purposes of this section, adequate notice shall include information on:
  - (a) the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
  - (b) any anticipated impact of the change in the quantity or quality of the wastewater to be discharged from the treatment system.

### **E. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY**

The licensee is prohibited from accepting transported wastes for disposal into any part or parts of the waste water disposal system.

## **SPECIAL CONDITIONS**

### **F. MAINTENANCE AND OPERATIONS**

The licensee shall ensure that system components are properly maintained and operated. The licensee shall ensure that the following maintenance and operations provisions are implemented:

1. Annual inspections of the septic tanks located on the individual homeowner's property that flow to and are served by the community system (including cleaning of outlet filters, if necessary) to determine levels of accumulated grease or sludge. The licensee shall maintain a record of the annual inspections of all the system components (including septic tank inspections), the name of the inspectors, date of inspections, and the results of the inspections, observations taken, and any maintenance recommended to be performed. Inspections shall be performed by a qualified inspector knowledgeable of septic system functions and operations.
2. Pumping of the septic tanks at least once every three to five years, or more often if indicated by the annual inspections. The licensee shall maintain a record of septic tank pumping including the location and date of pumping, quantity of material removed, other relevant observations.
3. Reports of the system inspections and pumping frequency, including records of system performance observations, quantity removed from each septic tank and the dates of maintenance for each tank connected to the community system.
4. Reports of the observations of the septic leach field performance and from the observation ports in the disposal field (height of water level, and characteristics of grease/sludge components, or short circuiting in the wastewater disposal field).

In the event that the individual homeowners have not demonstrated evidence of septic tank maintenance, the licensee must perform the required maintenance and document the date of maintenance, the type of maintenance performed, the names and contact phone numbers of the person performing the maintenance and other relevant system observations. Copies of the reports of inspections performed must be retained by the licensee and made available for inspection by DEP or EPA staff upon request.

### **G. PROHIBITION OF NON-DOMESTIC USERS**

The wastewater collection and treatment system may not be used to collect, treat or discharge wastewater other than from domestic users.

**SPECIAL CONDITIONS**

**H. AUTHORIZED DISCHARGES**

The licensee is authorized to discharge only in accordance with: 1) the licensee's General Application for Waste Discharge Permit, accepted for processing on April 13, 2012; 2) Outfall #001 and 3) the terms and conditions of this license. Discharges of wastewater from any other point source are not authorized under this license.

**I. REOPENING OF LICENSE FOR MODIFICATIONS**

Upon evaluation of the test 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.

**J. MONITORING AND REPORTING**

All reports required herein shall be submitted to the Department-assigned compliance inspector (unless otherwise specified) at the following address:

Maine Department of Environmental Protection  
Southern Maine Regional Office  
Bureau of Land & Water Quality  
Division of Water Quality Management  
312 Canco Road  
Portland, Maine 04103

**K. SEVERABILITY**

In the event that any provision, or part thereof, of the license is declared to be unlawful by a reviewing court, the remainder of this 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.



**MAINE WASTE DISCHARGE LICENSE**

**FACT SHEET**

**June 11, 2012**

PERMIT COMPLIANCE SYSTEM NUMBER: **MEU508126**

LICENSE NUMBER: **W-008126-6A-C-R**

NAME AND MAILING ADDRESS OF APPLICANT:

**CITY OF LEWISTON  
103 Adams Avenue  
P.O. Box 479  
Lewiston, Maine 04243**

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

**NO NAME POND COMMUNITY SYSTEM  
Loon Drive and Center Avenue  
Lewiston, Maine 04240**

REGION WHERE FACILITY DISCHARGE OCCURS: **Androscoggin County**

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

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Kevin Gagne, P.E.  
(207) 513-3003  
kgagne@lewistonmaine.gov**

**1. APPLICATION SUMMARY**

- a. The City of Lewiston ("licensee") has applied for a renewal of Waste Discharge License (WDL) #W008126-5K-B-R, which was issued on January 30, 2007 and expired on January 30, 2012. The application is for the continuing operation of a subsurface wastewater disposal system that is designed to treat domestic wastewater generated from 13 single-family dwellings. The dwellings are located along the northerly shore of No Name Pond in Lewiston, Maine. The system discharges treated sanitary wastewater from the system at a rate not to exceed 4,000 gallons per day, to groundwater, Class GW-A, in Lewiston, Maine.

**1. APPLICATION SUMMARY (cont'd)**

- b. This licensing action is carrying forward the terms and conditions from the previous licensing action with the following exception. This licensing action is:

1. Eliminating the monthly flow reporting requirement based on Department Best Professional Judgment.

- c. History: The most recent licensing actions include the following:

May 2, 2001 – The Department authorized the discharge of treated sanitary wastewater via a sub-surface wastewater disposal system serving the No Name Pond community area via WDL #W008126-5K-A-N.

January 30, 2007 – The Department issued Waste Discharge License #W008126-5K-B-R for a 5-year term.

April 12, 2012 – The licensee submitted an application for license renewal. The Department accepted the application as complete on April 13, 2012 and assigned WDL# W008126-6A-C-R.

- d. Source Description: The licensee receives residential sanitary wastewater from 13 dwellings in the No Name Pond Community Area in Lewiston, Maine. There are no industrial users on the system. The licensee is not authorized to receive septage.
- e. Wastewater Treatment: Wastewater generated by the individual dwellings in the No Name Pond Community Area flows into privately owned septic tanks located on the dwelling owner's property. The licensee has obtained an "Agreement for Payment of Sewer Assessment" with attached homeowners' requirements indicating that the dwelling owners are responsible for maintenance of certain components on the individual dwelling owner's property, such as the gravity sewer line from the dwelling to the septic tank, the septic tank itself, the sewer line from the septic tank to the stub connection of the community collection pipe system, annual maintenance and inspections, pumping of the septic tank at least once every three to five years (or more frequently if required as noted in the annual inspections) and a prohibition on the installation of garbage disposal units, and the disposal of paints, solvents, grease, oil or similar products to the community system.

The community system consists of a pump station and force main pipe that discharges wastewater to a primary distribution box as shown on an engineered plan entitled, "No Name Pond, Sewage Disposal System, Disposal System Plan," prepared by Pine Tree Engineering, dated September 27, 2000. Wastewater is directed from the primary distribution box to two sector distribution boxes that then distribute wastewater to two Enviro-Septic pipe clusters that form two distinct leachfield areas located on well-drained soils. The clusters are depicted as Cluster AB and Cluster CD on the September 27, 2000

## 1. APPLICATION SUMMARY (cont'd)

plan. Each cluster includes 14 rows of Enviro-Septic pipe that are dosed with wastewater in an alternating row series. Each row of pipe measures 100 feet long and each cluster covers a footprint area measuring 100 feet long, 40 feet wide. Observation ports are located at the mid-point along each row of pipe to allow internal inspection of the leachfield area, providing 28 total ports for inspection of the leachfield area.

The design engineer of the wastewater treatment system previously recommended that the system be constructed and maintained using the following parameters:

1. All septic tanks are to be pumped every 3 to 5 years.
2. A filtration-type baffle is installed on all septic tank outlets.
3. Flow equalizers are installed on all distribution outlets.
4. Inspection ports are installed at representative locations in the disposal leach field area.
5. The pump station be equipped with run-time flow meters to allow calculation of the average flow to the disposal area.
6. Periodic inspections of the pump station and disposal area are conducted to detect and eliminate solids carryover.

The Department finds that the licensee must continue to comply with the recommendations of the design engineer. The licensee has indicated that homeowners within the No Name Pond Community Area and served by the community system will continue to be responsible for certain improvements and maintenance of the sanitary system components on their property.

By memorandum submitted to the Department on February 28, 2001, the licensee is requiring homeowners served by the community system to: Conduct annual inspections of the septic tank outlet filters; annually inspect the septic tank for sludge and grease accumulations; pump the septic tank at least once every five years (or sooner if indicated by the annual inspections); prohibit garbage disposal units in the system; prohibit disposal of paints, solvents, grease, oil or similar products through the system; authorize the licensee to inspect the homeowner's septic system as deemed necessary by the licensee; and other measures outlined in the memorandum to ensure the system functions adequately. The applicant has indicated, by memorandum dated March 1, 2001, that in the event that the homeowners served by the system do not pump out their septic tanks or perform other required or necessary maintenance as required, the licensee will maintain the tank and charge the homeowner(s) for the work performed. In the event that the individual dwelling owners do not perform required maintenance, the licensee retains the right to perform the maintenance and levy assessments for the work performed on the property in a manner consistent with other customers that are provided public sewer connections in the City of Lewiston.

## 2. CONDITIONS OF THE 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.

## 3. RECEIVING WATER QUALITY STANDARDS

*Classification of Groundwater*, 38 M.R.S.A., §470 indicates that groundwater at the point of discharge is classified as Class GW-A receiving waters. *Standards of Classification of Groundwater*, 38 M.R.S.A., §465-C, describes the standards for waters classified as Class GW-A 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 usage of these waters, other than that occurring from natural phenomena.

## 4. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Flow: The monthly average flow limitation of 4,000 gallons per day is being carried forward in this licensing action. Monitoring data for the period January 31, 2007 through October 30, 2011 (n = 23) indicates the licensee discharged a monthly average flow of 1,784 gallons per day (gpd) with a range of 829 gpd to 3,589 gpd. As the licensee has discharged on average less than 50% of the licensed design flow for the facility, this licensing action is eliminating the flow reporting requirement based on BPJ. This licensing action is carrying forward the quarterly flow monitoring requirement.

## 5. 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 groundwater to meet standards for Class GW-A classification.

## 6. PUBLIC COMMENTS

Public notice of this application was made in the *Lewiston Sun Journal* newspaper on or about April 11, 2012. 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 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).

## 7. DEPARTMENT CONTACTS

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

Phyllis Arnold Rand  
Division of Water Quality Management  
Bureau of Land & Water Quality  
Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017      Tel: (207) 287-7658      Fax: (207) 287-3435  
e-mail: [phyllis.a.rand@maine.gov](mailto:phyllis.a.rand@maine.gov)

## 8. RESPONSE TO COMMENTS

During the period of May 7, 2012, through the issuance date of the license, the Department solicited comments on the proposed draft license to be issued for the discharge from the licensee. The Department did not receive comments from the licensee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the license. Therefore, the Department has not prepared a Response to Comments.

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

1. General Conditions

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

2. Treatment Plant Operator

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

3. ~~Disinfection~~

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

4. Wastewater Treatment and Sampling Facilities

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

5. Monitoring and Reporting

a. Representative Sampling

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

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

c. Reporting

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

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

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



d. All reports shall be signed by:

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

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

6. Non-Compliance Notification

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

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

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

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

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

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

#### 7. Change of Discharge

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

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

#### 8. Transfer of Ownership

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

#### 9. Records Retention

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

10. Other Materials

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

a. They are not

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

(2) known to be hazardous or toxic by the licensee.

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

11. Removed Substances

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

12. Bypass of Waste Treatment Facilities

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

13. Emergency Action--Electric Power Failure

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

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

14. Spill Prevention and Containment

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

15. Connection to Municipal Treatment System

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

16. Pretreatment

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

## DEFINITIONS

FOR THE PURPOSE OF THIS LICENSE THE FOLLOWING SHALL APPLY

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