



STATE OF MAINE
Department of Environmental Protection

Paul R. LePage
GOVERNOR

Patricia W. Aho
COMMISSIONER

October 21, 2011

Mr. Francis Edward Wood
P.O. Box 570
Shapleigh, ME 04076

RE: Maine Waste Discharge License (WDL) #W008129-5S-C-M
Minor Revision

Dear Mr. Wood:

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

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

If you have any questions regarding the matter, please feel free to call me at 287-7693.

Sincerely,

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

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

Enc.

cc: Matt Hight, DEP/SMRO
Sandy Mojica, USEPA



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

DEPARTMENT ORDER

IN THE MATTER OF

| | | |
|------------------------|---|----------------------------|
| WATERWAYS, INC. |) | PROTECTION AND IMPROVEMENT |
| WATERBORO, YORK COUNTY |) | OF WATERS |
| COMMERCIAL CAR WASH |) | WASTE DISCHARGE LICENSE |
| MEU508129 |) | |
| W008129-5S-C-M |) | MINOR REVISION |
| APPROVAL | | |

Pursuant to the provisions of Maine Law 38 M.R.S.A., Section 414-A et seq., and applicable regulations, the Department of Environmental Protection (Department hereinafter) is initiating a minor revision of WDL W008129-5S-B-R issued to WATERWAYS, INC., (licensee hereinafter) on December 31, 2009. With its supportive data, agency review comments, and other related materials on file the Department FINDS THE FOLLOWING FACTS:

LICENSE SUMMARY

The terms and conditions of WDL W008129-5S-B-R/MEU508129, issued by the Department on December 31, 2009, are being carried forward except that this licensing action is:

1. Providing more specific monitoring and reporting requirements for extractable petroleum hydrocarbons (EPH) and volatile petroleum hydrocarbons (VPH) and reducing the monitoring frequencies for all parameters for the treatment system from 1/Month to 1/Quarter.
2. Eliminating the monitoring requirements and or limitations for Methyl Tertiary-Butyl-Ether (MTBE), Benzene-Toluene-Ethylene-Xylene (BTEX), total dissolved solids (TDS), and oil & grease to be consistent with the limitations and monitoring requirements for other like licensing action.
3. Reducing the monitoring frequency for ground water monitoring from 1/Quarter to 1/Year in the month of September.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated October 12, 2011, and subject to the Conditions listed below, the Department makes the following conclusions:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, 38 MRSA Section 464(4)(F), will be met, in that:
 - (a) Existing groundwater 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 quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharge will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the above noted minor revision of WDL W008129-5S-B-R issued to WATERWAYS, INC., on December 31, 2009, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

1. “*Standard Conditions of Industrial Discharge Licenses*,” revised August 14, 1996, copy attached to WDL W008129-5S-B-R/MEU508129 issued by the Department on December 31, 2009.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. All terms and conditions of WDL W008129-5S-B-R/MEU508129, issued by the Department on December 31, 2009, not modified by this licensing action remain in effect and enforceable.
4. This minor revision becomes effective upon signature and expires on December 31, 2014, concurrent with WDL W008129-5S-B-R/MEU508129. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of the this license the terms and conditions of the this license and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective April 1, 2003)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt August 25, 2011.
Date of acceptance: August 25, 2011.

This Order prepared by Gregg Wood, BUREAU OF LAND & WATER QUALITY
MEU508129 MR 2011 10/12/11

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- Beginning the effective date of this minor revision, the licensee is authorized to discharge treated process waste water from **Outfall #001** to a sub-surface waste water disposal (leachfield) system. Limitations are applicable and monitoring shall be **conducted at a sampling port located after carbon filtration** but before the distribution box for the leachfield.

Limitations and monitoring by the licensee will be as specified below:

| Effluent Characteristic | Discharge Limitations | Monitoring Requirements | |
|----------------------------------|--------------------------------|---|-------------------------------|
| | | Measurement Frequency (as specified) | Sample Type (as specified) |
| Flow [50050] | 2,500 gpd ⁽¹⁾ [03] | 1/Day [01/01] | Metered [MT] |
| Specific Conductance [00095] | Report, uhmos/cm [11] | 1/Quarter [01/90] | Measure [MS] |
| Temperature [00011] | Report, degree Fahrenheit [15] | 1/Quarter [01/90] | Measure [MS] |
| Benzene [34030] | Report, ug/l [19] | 1/Quarter [01/90] | Grab [GR] |
| Lead [01051] | 15 ug/l [28] | 1/Quarter [01/90] | Grab [GR] |
| EPH ⁽²⁾ | | | |
| C9-C18 Aliphatics [51678] | 700 µg /L [28] | 1/Quarter [01/90] | Grab [GR] |
| C19-C36 Aliphatics [51679] | 10,000 µg /L [28] | 1/Quarter [01/90] | Grab [GR] |
| C11-C22 Aromatics [51681] | 200 µg /L [28] | 1/Quarter [01/90] | Grab [GR] |
| VPH ⁽³⁾ | | | |
| C5-C8 Aliphatics [51676] | 300 µg /L [28] | 1/Quarter [01/90] | Grab [GR] |
| C9-C12 Aliphatics [51677] | 700 µg /L [28] | 1/Quarter [01/90] | Grab [GR] |
| C9-C10 Aromatics [51680] | 200 µg /L [28] | 1/Quarter [01/90] | Grab [GR] |
| Chlorides ⁽⁴⁾ [00940] | 250 mg/L [19] | 2/Year [02/YR] | Grab [GR] |
| pH [00400] | 6.0 – 9.0 SU [12] | --- | --- |

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

Footnotes:

See pages 6 and 7 of this minor revision.

SPECIAL CONDITIONS

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

2. Beginning the effective date of this minor revision, the licensee is required to monitor groundwater quality at **Groundwater Monitoring Well #1 (GW-1) and Groundwater Monitoring Well #2 (GW-2)**⁽¹⁾ as specified below. **GW-1 (HT-2)** on Attachment C of the Fact Sheet of the license dated December 31, 2009) an up-gradient well will be considered representative of background conditions and **GW-2 (GW-2)** on Attachment C of the Fact Sheet of the license dated December 31, 2009) a down-gradient well will serve to determine potential impacts to ground water from the leachfield.

| <u>Effluent Characteristic</u> | <u>Discharge Limitations</u> | <u>Monitoring Requirements</u> | |
|---|--|---|--------------------|
| | | <u>Measurement Frequency</u> ⁽⁵⁾ | <u>Sample Type</u> |
| Specific Conductance [00095] | Report, uhmos/cm [11] | 1/Year [01/YR] | Measure [MS] |
| TSS [00530] | Report, mg/l [19] | 1/Year [01/YR] | Grab [GR] |
| Depth to Water from Ground Surface [72019] | Report, inches (to the nearest 1/10" below ground surface) [61] | 1/Year [01/YR] | Measure [MS] |
| Temperature [00011] | Report, degree Fahrenheit [15] | 1/Year [01/YR] | Measure [MS] |
| Lead [01051] | 15 ug/l [28] | 1/Year [01/YR] | Grab [GR] |
| Chlorides [00940] | 250 mg/l [19] | 1/Year [01/YR] | Grab [GR] |
| EPH ⁽²⁾ | | | |
| C9-C18 Aliphatics[51678] | 700 µg /L [28] | 1/Year [01/YR] | Grab [GR] |
| C19-C36 Aliphatic[51679] | 10,000 µg /L [28] | 1/Year [01/YR] | Grab [GR] |
| C11-C22 Aromatics[51681] | 200 µg /L [28] | 1/Year [01/YR] | Grab [GR] |
| VPH ⁽³⁾ | | | |
| C5-C8 Aliphatics [51676] | 300 µg /L [28] | 1/Year [01/YR] | Grab [GR] |
| C9-C12 Aliphatics[51677] | 700 µg /L [28] | 1/Year [01/YR] | Grab [GR] |
| C9-C10 Aromatics [51680] | 200 µg /L [28] | 1/Year [01/YR] | Grab [GR] |
| pH [00400] | 6.0-8.5, S.U. [12] | 1/Year [01/YR] | Grab [GR] |

Footnotes:

See pages 6 and 7 of this minor revision.

SPECIAL CONDITIONS

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

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

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

Footnotes:

1. Flow shall be calculated as follows: The total discharge by liquid (gallons) measure during the calendar month divided by the number of days in the month that the facility was operating.
2. **Extractible Petroleum Hydrocarbons (EPH)** – The permittee shall utilize test method entitled, Method For the Determination of Extractible Petroleum Hydrocarbons (EPH), Massachusetts Department of Environmental Protection, Division of Environmental Analysis, Office of Research and Standards, Bureau of Waste Site Cleanup, May 2004, Revision 1.1. The RL for EPH is 100 ug/L.
3. **Volatile Petroleum Hydrocarbons (VPH)** - The permittee shall utilize test method entitled, Method For the Determination of Volatile Petroleum Hydrocarbons (VPH), Massachusetts Department of Environmental Protection, Division of Environmental Analysis, Office of Research and Standards, Bureau of Waste Site Cleanup, May 2004, Revision 1.1. The RL for VPH is 100 ug/L.
4. **Chlorides** – Sampling shall be conducted between December and March inclusively.
5. **Ground water sampling** – Sampling shall be conducted in the month of September of each year.

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: October 12, 2011

PERMIT COMPLIANCE SYSTEM TRACKING NUMBER: **MEU508129**
LICENSE NUMBER: **W-008129-5S-C-M**

NAME AND MAILING ADDRESS OF APPLICANT:

**WATERWAYS, INC.
P.O. Box 570
Shapleigh, Maine 04076**

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

**WATERWAYS, INC.
State Route 202/Hamilton Road
Waterboro, Maine**

COUNTY WHERE FACILITY DISCHARGE OCCURS: **York County**

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

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Francis Edward Wood
(207) 247-4023 or 247-2266**

1. LICENSE SUMMARY

The Department is initiating this minor revision to provide more specific monitoring and reporting requirements for extractable petroleum hydrocarbons (EPH) and volatile petroleum hydrocarbons (VPH), eliminate monitoring and limitations for certain parameters and reducing the monitoring frequencies for all parameters to be consistent with other like licensing action.

2. LICENSE SUMMARY (cont'd)

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

March 23, 2001 – The applicant submitted an application for approval under the Waste Discharge License (WDL) program for the disposal of wastewater generated by the proposed car wash facility that was accepted for processing on April 3, 2001.

April 26, 2001 – The Department of Human Services, Division of Health Engineering submitted comments to the Department indicating that the soils in the area proposed for the WDL licensed system are suitable for the hydraulic load from the planned on-site disposal of wastewater.

September 26, 2001 – The Department issued WDL #008129-5S-A-N for a five-year term.

December 31, 2009 – The Department issued WDL W008129-5S-B-R/MEU508129, for a five-year term.

3. CONDITIONS OF PERMITS

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

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A., Section 470 indicates that groundwater at the point of discharge is classified as Class GW-A receiving waters. Maine law, 38 M.R.S.A., Section 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.

5. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

This minor revision is establishing limitations and monitoring requirements for extractable petroleum hydrocarbons (EPH) and volatile petroleum hydrocarbons (VPH) to be consistent with the Department's Bureau of Remediation and Waste Management's (BRWM) document entitled, Remediation Guidelines for Petroleum Contaminated Sites in Maine, December 1, 2009. The BRWM has made a best professional determination that the monitoring of EPH and VPH compounds are more representative parameters for assessing the health risks associated with the discharge of petroleum products to the environment.

5. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

The numeric limitations established for specific fractions of EPH and VPH in this minor revision are consistent with values established in *Table 1, Tier I Statewide Ground Water & Drinking Water Remediation Guidelines for Petroleum Related Compounds*, in the Department document *Remediation Guidelines for Petroleum Contaminated Sites in Maine, December 1, 2009*.

This minor revision also eliminates the monitoring requirements and or limitations for Methyl Tertiary-Butyl-Ether (MTBE), Benzene-Toluene-Ethylene-Xylene (BTEX), total dissolved solids (TDS) and oil & grease to be consistent with the limitations and monitoring requirements for other like licensing actions and reduces the monitoring frequency for ground water monitoring from 1/Quarter to 1/Year in the month of September.

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 groundwater to meet standards for Class GW-A classification.

7. DEPARTMENT CONTACTS

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

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
Telephone (207) 287-7693



DEP INFORMATION SHEET

Appealing a Commissioner's Licensing Decision

Dated: May 2004

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. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

DEP's *General Laws*, 38 M.R.S.A. § 341-D(4), and its *Rules Concerning the Processing of Applications and Other Administrative Matters* (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days 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 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 and the applicant a copy of the documents. All 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

The materials constituting an appeal must contain the following information at the time submitted:

1. *Aggrieved Status.* Standing to maintain an appeal requires the appellant to show they are particularly injured by 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 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 as part of an appeal only when 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 show 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, Section 24(B)(5).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license file is public information 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.* An applicant proceeding with a project pending the outcome of an appeal 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 initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final 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. The Board will notify parties to an appeal and interested persons of its decision.

II. APPEALS TO MAINE SUPERIOR COURT

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

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.
