STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

July 15, 2013

Mr. Leo McConnell
Nestle Waters North America
400 Lillick Pond Road
Hollis Center, ME 04042
Leo.mcconnell@waters.nestle.com

Transmitted via electronic mail
Delivery confirmation requested

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #MEU508248
Maine Waste Discharge License (WDL) Application #W008247-5S-B-R
Final Permit

Dear Mr. McConnell:

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 Meunier

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

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

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-3901 FAX: (207) 287-3435
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
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 04769-2094
(207) 764-6477 FAX: (207) 764-1507

web site: www.maine.gov/dep

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

NESTLE WATERS NORTH AMERICA INC.	)	PROTECTION AND IMPROVEMENT
d/b/a POLAND SPRING BOTTLING CO.	)	OF WATERS
HOLLIS, YORK COUNTY, MAINE	)	
SURFACE WASTEWATER DISPOSAL SYSTEM	)	
#MEU508248	)	WASTE DISCHARGE LICENSE
#W008248-5S-B-R **APPROVAL**	)	**RENEWAL**

Pursuant to the provisions of the *Conditions of licenses*, 38 M.R.S.A. § 414-A, and applicable regulations, the Department of Environmental Protection (Department) has considered the application of NESTLE WATERS NORTH AMERICA INC. (NWNA) with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The NWNA has submitted a timely and complete application to the Department for renewal of Waste Discharge License (WDL) #W008248-5S-B-R/ Maine Pollutant Discharge System (MEPDES) permit, which was issued by the Department on July 21, 2008 and is scheduled to expire on July 21, 2013. The 7/21/2008 MEPDES permit authorized NWNA to discharge 981,000 gallons per week of treated process wastewater, boiler blowdown and chiller/cooling tower waters via a surface wastewater disposal system (spray irrigation system) on 26-acres to ground water, Class GW-A, in Hollis, Maine.

LICENSE SUMMARY

a. Terms and Conditions: This license carries forward all terms and conditions of the previous licensing action, except:

-The previously established limit for pH in lagoon has been eliminated and replaced with a reporting condition; and

-The weekly maximum application rate of wastewater discharged to the Spray Irrigation Field (SF1) will no longer be reported to the Department in gallons per acre. Rather a maximum weekly volume of 981,000 gallons is being established to allow for flexibility in better management of the spray irrigation fields.

CONCLUSIONS

Based on the findings summarized in the attached Fact Sheet dated July 15, 2013, 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 38 M.R.S.A. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of NESTLE WATERS NORTH AMERICA INC. to operate a surface wastewater disposal system to dispose of 981,000 gallons per week of commercial wastewater during the period of April 1st – October 31st of each year, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

1. *Standard Conditions of Approval for POTW Waste Discharge Licenses* revised July 16, 1996, copy attached.

1. 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 expires at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this license, the authorization to discharge and the terms and conditions of this license and all modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective April 1, 2003)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 17th DAY OF July 2013.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns
for PATRICIA W. AHO, Commissioner

Filed
JUL 17 2013
State of Maine
Board of Environmental Protection

Date filed with Board of Environmental Protection _____

Date of initial receipt of application: May 22, 2013
Date of application acceptance: May 24, 2013

This Order prepared by Yvette Meunier, *Bureau of Land & Water Quality*

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. The licensee is authorized to operate a surface wastewater treatment and disposal system. The **LAGOON EFFLUENT (OUTFALL #001A)** shall be limited and monitored as specified below[1].

April 1st – October 31st of each year

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Freeboard [2] *[82564]*	2.0 feet *[27]*	---	2/Month[2] *[2/30]*	Measure *[MS]*
Total Phosphorus *[00665]*	---	Report mg/L *[19]*	1/Month[3] *[1/30]*	Grab *[GR]*
Nitrate-Nitrogen *[00620]*	---	Report mg/L *[19]*	1/Month[3] *[1/30]*	Grab *[GR]*
Total Kjeldahl-Nitrogen (TKN) *[00625]*	---	Report mg/L *[19]*	1/Month[3] *[1/30]*	Grab *[GR]*
pH *[00400]*	---	Report SU *[12]*	1/Month[3] *[1/30]*	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 Pages 7 through 8 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

2. The licensee is authorized to apply wastewater to the land via a spray irrigation system during a limited time frame of April 1st – October 31st of each year. The **SPRAY IRRIGATION FIELD (SF1)** shall be limited and monitored as specified below.

April 1st – October 31st of each year

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Monthly Total	Weekly Maximum	Measurement Frequency	Sample Type
Application Rate[4] *[51128]*	---	981,000 (Gallons)[6] *[57]*	1/Week[5] *[01/07]*	Calculate *[CA]*
Flow - Total Gallons[4] *[51500]*	Report (Gallons) *[57]*	---	1/Month *[01/30]*	Calculate *[CA]*

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 Pages 7 through 8 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

3. The licensee is authorized to operate a surface wastewater treatment and disposal system. The **GROUND WATER MONITORING WELL(S)** shall be limited and monitored as specified below.

   MW-1 is located approximately 800 feet south-southeast and down-gradient of the 26-acre spray site.
   MW-2 is located approximately 800 feet east and down-gradient of the 26-acre spray site.

April 1st – October 31st of each year

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Depth to Water Level Below Land Surface *[72019]*	---	Report (feet)[7] *[27]*	1/Month *[1/30]*	Measure *[MS]*
Total Suspended Solids *[00530]*	---	Report mg/L *[19]*	1/Quarter[8] *[1/90]*	Grab *[GR]*
Specified Conductance *[00095]*	---	Report (umhos/cm)[9] *[11]*	1/Quarter[8] *[1/90]*	Grab *[GR]*
Nitrate-Nitrogen *[00620]*	---	10 mg/L *[19]*	1/Quarter[8] *[1/90]*	Grab *[GR]*
Total Phosphorus *[00665]*	---	Report mg/L *[19]*	1/Quarter[8] *[1/90]*	Grab *[GR]*
pH (Standard Units) *[00400]*	---	6.0 - 9.0 SU *[12]*	1/Quarter[8] *[1/90]*	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 Pages 7 through 8 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Footnotes – [Special Condition A(1), A(2) & A(3)]

Lagoon Effluent

1. Samples must be analyzed using either; 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 provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended February 13, 2000).

2. Freeboard is defined as being the difference in elevation between the surface of the water in the lagoon and lowest point of the lagoon berm. Measurements must be conducted between **April – October (inclusive)** with at least 15 days between measurements and measurements must be made to the nearest one tenth ($1/10^{th}$) of a foot. If site conditions prevent safe or inaccurate measurements, the permittee shall estimate this value and indicate this to the Department.

3. Lagoon effluent sampling must be conducted **between April and October (inclusive)** of each calendar year in accordance with approved methods for sampling, handling and preservation (see footnote #1). The licensee is not required to test for these parameters during a month where no wastewater was disposed of via the spray irrigation system.

Spray-Irrigation Fields

4. The licensee shall measure the flow of wastewater to the irrigation area by the use of a meter or pump calibration data.

5. Weekly is defined as Sunday through Saturday.

6. For Discharge Monitoring Report (DMR) reporting purposes, the licensee shall report the highest weekly application rate for the month in the applicable box on the form. Compliance with weekly reporting requirements must be reported for the month in which the calendar week ends.

Ground Water Monitoring

7. Measured to the nearest one tenth ($1/10^{th}$) of a foot as referenced from the surface of the ground at the base of the monitoring well.

8. Ground water sampling shall be conducted from **April – October (inclusive)** of each year and there must be at least 45 days between sampling events. Sampling, handling, and preservation must be conducted in accordance with approved methods (See footnote #1).

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

9. Specific conductance (calibrated to 25.0° C) is considered to be a "field" parameter meaning that they are measured directly in the field via instrumentation and does not require laboratory analysis. However, in certain instances, specific conductance samples may be preserved and forwarded to a laboratory for evaluation. The licensee is required to test for this parameter whether wastewater was disposed of via the spray-irrigation system or not. Specific conductance values indicating a statistically significant trend upwards or sudden spikes from previous levels may necessitate the need for additional ground water testing requirements.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain materials in concentrations or combinations which would impair the usages designated by 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 in accordance with: 1) the licensee's General Application for Waste Discharge License, accepted for processing on May 24, 2013; 2) the terms and conditions of this license; and 3) only to the existing spray irrigation field (SF1) and from those sources as indicated in the May 24, 2013 Waste Discharge License Application. Discharge of wastewater from any other location or from sources other than those indicated on said application requires formal modification of this license.

The collection, treatment or discharge of wastewater which has constituents unlike that or significantly higher in strength than that of domestic wastewater is prohibited without formal modification of this license.

D. NOTIFICATION REQUIREMENT

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

Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system. For the purposes of this section, adequate notice shall include information on:

a. The quality or 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.

SPECIAL CONDITIONS

E. TREATMENT PLANT OPERATOR

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

F. GENERAL OPERATIONAL CONSTRAINTS

1. All wastewaters must receive pretreatment through septic tanks and a properly designed, operated, and maintained lagoon system prior to land irrigation.

2. The spray irrigation facilities must be effectively maintained and operated at all times so that there is no discharge to surface waters, nor any contamination of ground waters which will render them unsatisfactory for usage as a public drinking water supply.

3. The surface wastewater disposal system must not cause lowering of the quality of the ground water, as measured in the ground water monitoring wells specified by this license below the State Primary and Secondary Drinking Water Standards specified in the Maine State Drinking Water Regulations pursuant to Maine Law 22 M.R.S.A. § 2611.

   In the event that ground water monitoring indicates adverse effects, the licensee may be required to take immediate remedial action(s), which may include but are not limited to, adjustment of the irrigation schedule or application rates, a reduction of the pollutant loading, or ceasing operation of the system until the Department determines that such actions are no longer required.

4. The Department shall be notified as soon as the licensee becomes aware of any threat to public health, unlicensed discharge of wastewater, or any malfunction that threatens the proper operation of the system, and action taken to repair/correct, and prevent recurrence. Notification shall be made in accordance with the attached Standard Condition #5 of this license.

5. The licensee shall maintain a file on the location of all system components and relevant features. Each component must be mapped and field-located sufficiently to allow adequate inspection and monitoring by both the licensee and the Department. Septic tanks must be accessible for inspection and pumping. Risers must be installed as necessary.

6. All system components including collection pipes, tanks, manholes, pumps, pumping stations, spray disposal fields, and monitoring wells must be identified and referenced by a unique identifier (alphabetic, numeric or alpha-numeric) in all logs and reports.

SPECIAL CONDITIONS

G. SPRAY IRRIGATION OPERATIONAL CONSTRAINTS

1. Suitable vegetative cover must be maintained. Wastewater may not be applied to areas without sufficient vegetation or ground cover to prevent erosion or surface water runoff outside the designated boundaries of the spray field.

2. At least 10 inches of separation from the ground surface to the ground water table must be present prior to spraying.

3. There shall be no runoff outside the designated spray field boundaries as a result of operation of the spray system.

4. No wastewater shall be applied to the site following a rainfall accumulation exceeding 1.0 inches within the previous 24-hour period. A rain gauge shall be located on site to monitor daily precipitation. The licensee shall also manage application rates by taking into consideration the forecast for rain events in the 48-hour period to follow a scheduled application.

5. No wastewater shall be applied where there is snow present on the surface of the ground.

6. No wastewater shall be applied when there is frost within the upper 10 inches of the soil profile.

7. No traffic or equipment shall be allowed in the spray-irrigation field except where installation of equipment occurs or where normal operations and maintenance is performed.

H. SPRAY IRRIGATION OPERATIONAL PROCEDURES, LOGS AND REPORTS

1. **Each day prior to irrigating,** the licensee shall visually inspect the spray irrigation site to determine if the soil-moisture conditions are appropriate for spraying and all the operational constraints listed in Special Condition G of this license are met.

2. The licensee shall at all times maintain in good working order and operate at maximum efficiency all wastewater collection, treatment and/or control facilities. **Within one hour after start-up of the spray-irrigation system and at the conclusion of the spray-event,** the licensee shall walk the spray irrigation site to check the system for leakage in the piping system and determine if individual spray heads and pump(s) are functioning as designed, and verify that application rates are appropriate for the existing site conditions.

   Should significant malfunctions or leaks be detected, the licensee must shut down the malfunctioning portion of the spray system and make necessary repairs before resuming operation of the system. The licensee shall cease irrigation if runoff is observed outside the designated boundaries of the spray field(s).

SPECIAL CONDITIONS

H. SPRAY IRRIGATION OPERATIONAL PROCEDURES, LOGS AND REPORTS (cont'd)

3. **The licensee shall maintain a daily log of all spray irrigation operations** which records, date, weather and soil conditions, rainfall, lagoon freeboard (lowest point of the lagoon berm to the water surface), areas irrigated, volume sprayed (gallons), application rates (daily and hourly), and other relevant observations/comments from daily inspections. The log shall be in accordance with the format or similar format of the "Monthly Operations Log" provided as Attachment A of this license.

   Weekly spray application rates shall be reported in accordance with the format or similar format of the "Spray Application Report by Week" provided as Attachment B of this license. Depth to water below land surface observed in monitoring wells shall be reported in accordance with the format or similar format provided as Attachment A of this license.

   The daily operational logs and weekly spray application reports for each month shall be submitted to the Department as an attachment to the monthly Discharge Monitoring Reports (DMR's). Copies will also be maintained on site for Department review and for license operation maintenance purposes.

I. VEGETATION MANAGEMENT

1. The licensee shall remove vegetation in the spray-irrigation areas as necessary as not to impair the operation of the spray-irrigation system and to ensure uniform distribution of wastewater over the desired application area.

2. The vegetative buffer zones along the perimeter of the site shall be maintained to maximize vegetation and forest canopy density in order to minimize off-site drift of spray.

J. LAGOON MAINTENANCE

1. The banks of the lagoon shall be inspected weekly during the operating season and properly maintained. There shall be no overflow through or over the banks. Any signs of leaks, destructive animal activity or soil erosion of the berms shall be repaired immediately. The Department shall be notified in writing within five (5) days of such incidents documenting the corrective action(s) that were taken to eliminate the overflow.

2. Maintenance of the banks of the lagoon shall be conducted to keep them free of woody vegetation and other vegetation that may be detrimental to the integrity of the berm and or lagoon liner.

3. The waters within the lagoon shall be kept free of all vegetation (i.e. grasses, reeds, cattails, etc) that hinders the operation of the lagoon.

SPECIAL CONDITIONS

J. LAGOON MAINTENANCE (cont'd)

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

5. At the end of each spray season, the lagoon shall be lowered to a level sufficient to allow for storage of precipitation and/or infiltration during the period the spray system is not being used and/or operated.

6. The licensee shall maintain the lagoon freeboard at design levels or at least two (2) feet whichever is greater. Freeboard measured to the nearest tenth of a foot, shall be reported on the daily operational logs as the mathematical difference between the water level in the lagoon and the lowest elevation point on the lagoon berm of the beginning and end of spray irrigation.

K. DISPOSAL OF TRANSPORTED WASTE IN WASTEWATER TREATMENT FACILITY

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

L. INSPECTIONS AND MAINTENANCE

1. All inspections shall include an evaluation of any repair, upgrades, pumping, operational and/or maintenance needs.

2. The inspection report or log shall include the date of the inspection, the names of the person performing the inspection, and other relevant system operations.

3. Maintenance logs shall be maintained for each system component including pumps, pump stations, septic tanks, lagoons, spray apparatus, and pipes. At a minimum, the log shall include the alphanumeric ID, the date of maintenance, type of maintenance performed, names or person performing the maintenance, and other relevant system observations.

SPECIAL CONDITIONS

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

This facility shall maintain a current written comprehensive Operation & Maintenance (O&M) Plan. The plan shall provide a systematic approach by which the licensee shall at all times, properly operate and maintain all facilities and 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 permittee shall evaluate and modify the O&M Plan including site plan(s) and schematic(s) for the wastewater treatment facility to ensure that it is up-to-date. The O&M Plan shall be kept on-site at all times and made available to Department and USEPA personnel upon request.

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

N. GROUND WATER MONITORING

All monitoring wells shall be equipped with a cap and lock to limit access and shall be maintained in a secured state at all times when they are not being sampled. The Department reserves the right to require increasing the depth and/or relocating any of the ground water monitoring wells if the well is perennially dry or is determined not to be representative of ground water conditions.

O. MONITORING AND REPORTING

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

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

SPECIAL CONDITIONS

P. MONITORING AND REPORTING (cont'd)

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

Q. REOPENING OF THE LICENSE FOR MODIFICATIONS

Upon evaluation of the tests results in the Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at any time and with notice to the permittee, modify this permit 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.

R. 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 shall remain in full force and effect, and shall be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

ATTACHMENT A

Attachment A

Monthly Operations Log

Nestle Water NA Inc. (WDL #W008248) **(Month/Year)** _____

Spray Field # SF#1 **Weekly Application Rate:** _____gallons/week

A	B	C	D	E		G	H
Date	Precipitation Previous 24 hours (inches)	Air Temp (°F)	Weather/ Soil Conditions	Wind-Direction/ Speed (mph)	Lagoon Freeboard ($1/10^{th}$ of a foot)	Depth To GW in Observation well (inches)	Total Gallons Pumped (gallons)
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
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26							
27							
28							
29							
30							
31							

Signature of Responsible Official: _____ Date _____

ATTACHMENT B

Attachment B
Spray Application Report by Week

Nestle Water North America Inc. (WDL #W008248) **(Month/Year)** _____

Spray Field #	Weekly Limit (Gallons/Week)	Spray Application Rates (Gallons/Week)					Monthly Total
		Week 1	Week 2	Week 3	Week 4	Week 5	

Signature of Responsible Official: _____ Date _____

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **JULY 15, 2013**

PERMIT COMPLIANCE TRACKING SYSTEM NUMBER: **#MEU508248**

LICENSE NUMBER: **#W008248-5S-B-R**

NAME AND MAILING ADDRESS OF APPLICANT:

NESTLE WATERS NORTH AMERICA INC.
D/B/A POLAND SPRING BOTTLING COMPANY
400 KILLICK POND ROAD
HOLLIS, ME. 04042

COUNTY: **YORK**

NAME AND ADDRESS OF FACILITY:

400 KILLICK POND ROAD
HOLLIS, MAINE

RECEIVING WATER/ CLASSIFICATION: **GROUND WATER /CLASS GW-A**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **LEO MCCONNELL**
207-727-7925
LEO.MCCONNELL@WATERS.NESTLE.COM

1. APPLICATION SUMMARY

Application: Nestle Waters North America Inc. (NWNA) d/b/a Poland Spring Bottling Company (PSBC) has submitted a timely and complete application to the Department of Environmental Protection (Department) for renewal of Waste Discharge License (WDL) #W008248-5S-B-R, which was issued by the Department on July 21, 2008 and is scheduled to expire on July 21, 2013. The 7/21/2008 MEPDES license authorized WWC to discharge 981,000 gallons per week of treated process waste waters, boiler blowdown and chiller/cooling tower waters via a surface waste water disposal system surface spray irrigation system on 26-acres to ground water, Class GW-A, in Hollis, Maine.

2. LICENSE SUMMARY

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

2. LICENSE SUMMARY (cont'd)

-The previously established limit for pH in lagoon has been eliminated and replaced with a reporting condition; and

-The weekly maximum application rate of wastewater discharged to the Spray Irrigation Field (SF1) will no longer be reported to the Department in gallons per acre. Rather a maximum weekly volume of 981,000 gallons is being established to allow for flexibility in better management of the spray irrigation field.

b. History: This section provides a summary of significant licensing actions and milestones that have been completed for the licensee's facility.

July 21, 2008 – The Department Wastewater Discharge License (WDL) #W008248-5S-A-N to NWNA for a five-year term.

May 22, 2013 – NWNA submitted a timely and complete application to the Department for renewal of the 7/21/08 license. The application was accepted for processing on May 24, 2013, and was assigned WDL #W008248-5S-A-N / MEPDES #MEU508248.

c. Source Description: The water bottling process at the PSBC facility in Hollis generates wastewaters such as spillage from bottling operations, clean-in-place (CIP) waters (cleaning of bottling lines), boiler blowdown and chiller/cooling tower waters. Combined, the daily maximum flow is anticipated to be as high as 100,000 gpd. The spillage and CIP waters are generated on daily basis and the boiler blowdown and chiller/cooling tower waters are generated intermittently and seasonally. From April through October all process wastewaters, chiller/cooling tower waters and boiler blowdown are discharged via a subsurface wastewater disposal system surface spray irrigation system on a 26-acres to ground water. During all other months the wastewater is transported to the municipal wastewater treatment facility owned and operated by the Town of Saco. Sanitary wastewaters generated by employees at the facility are currently (and will continue to be) trucked to the municipal wastewater treatment facility owned and operated by South Berwick Sewer District. The discharges from the municipal wastewater treatment facilities in Saco and South Berwick are permitted by this Department via the MEPDES permit program.

d. Wastewater Treatment (Spray-Irrigation): The applicant treats commercial wastewater through a slow-rate land irrigation system (spray-irrigation). Prior to spraying, the wastewater will receive primary treatment of settling and pH adjustment. Once the pH is adjusted, wastewaters are conveyed to a synthetically lined storage lagoon with a working capacity of 250,000 gallons. Between April and October (inclusive) of each year, the water in the lagoon is sprayed onto a 26-acre site via a center pivot spray apparatus. See Attachment B of this Fact Sheet for a sketch of the lagoon and spray irrigation site.

2. LICENSE SUMMARY (cont'd)

e. Wastewater Treatment (Spray-Irrigation): The applicant treats commercial wastewater through a slow-rate land irrigation system (spray-irrigation). Prior to spraying, the wastewater will receive primary treatment of settling and pH adjustment. Once the pH is adjusted, wastewaters are conveyed to a synthetically lined storage lagoon with a working capacity of 250,000 gallons. Between April and October (inclusive) of each year, the water in the lagoon is sprayed onto a 26-acre site via a center pivot spray apparatus. See Attachment B of this Fact Sheet for a sketch of the lagoon and spray irrigation site.

f. Site Conditions: The lagoon and spray irrigation area are located on a gradual slope about 4,000 feet north of Wales Pond, the nearest water body. Surveys performed of the area of the system indicate the soil series consist of Adams and Croghan soils, characterized as well-drained loamy sands that extend to depths of 12 – 30 feet. The ground water table ranges from 4-8 feet below the surface of the ground and the flow direction is west to east towards Wales Pond Brook. See Attachment A of this Fact Sheet for site location map.

3. 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. In addition, 38 M.R.S.A. § 420 and 06-096 CMR 530 require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Classification of ground water, 38 M.R.S.A § 470 indicates the ground water at the point of discharge is classified as Class GW-A receiving waters. 38 M.R.S.A. §465-C(1) describes the standards for Class GW-A waters as the highest classification of ground water that shall be of such quality that it can be used for public water supplies. These waters shall be free of radioactive matter or any matter that imparts color, turbidity, taste, or odor which would impair the usage of these waters, other than occurring from natural phenomena.

The impounded headwaters of Wales Pond Brook, which is referred to as Wales Pond, and the brook itself are "waters of the State" as defined by 38 M.R.S.A. § 361-A(7). 38 M.R.S.A. §467(12)(B), classifies tributaries of the Saco River, unless otherwise classified, which includes Wales Pond Brook at the point of discharge from the Shy Beaver Hatchery facility located approximately 3,000 feet to the south of the PSBC facility, as Class B waters. Maine law, 38 M.R.S.A. §465(3) describes the standards of classification for Class B waters as follows:

4. RECEIVING WATER QUALITY STANDARDS (cont'd)

A. Class B waters shall be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; and navigation; and as habitat for fish and other aquatic life. The habitat shall be characterized as unimpaired.

B. The dissolved oxygen content of Class B waters may not be less than 7 parts per million or 75% of saturation, whichever is higher, except that for the period from October 1st to May 14th, in order to ensure spawning and egg incubation of indigenous fish species, the 7-day mean dissolved oxygen concentration may not be less than 9.5 parts per million and the 1-day minimum dissolved oxygen concentration may not be less than 8.0 parts per million in identified fish spawning areas. Between May 15th and September 30th, the number of *Escherichia coli* bacteria of human and domestic animal origin in these waters may not exceed a geometric mean of 64 per 100 milliliters or an instantaneous level of 236 per 100 milliliters.

C. Discharges to Class B waters may not cause adverse impact to aquatic life in that the receiving waters must be of sufficient quality to support all aquatic species indigenous to the receiving water without detrimental changes in the resident biological community.

5. RECEIVING WATER QUALITY CONDITIONS

The Department is not aware of any information that indicates the ground water in and around the 26-acre surface wastewater disposal system is not attaining Class GW-A standards. However, ground water flows in the direction of Wales Pond Brook, the receiving water for the Shy Beaver Hatchery. The water quality conditions at Wales Pond Brook have been classified as follows:

The State of Maine 2010 Integrated Water Quality Monitoring and Assessment Report lists Wales Pond Brook as "Category 5-A: Rivers and Steams Impaired by Pollutants Other Than Those Listed in 5-B Through 5-D (TMDL Required)." Impairment in this context refers to the impairment of the aquatic life standard for Class B waters. The Department is scheduled to monitor Wales Pond Brook for TMDL development in the near future.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall #001

a. Freeboard: The previous licensing action established, and this licensing action is carrying forward, a twice per month (April through October) monitoring requirement for and a daily maximum limit of greater than two-feet of freeboard. The licensee is not required to measure freeboard when site conditions prevent safe measurements, the permittee shall report and estimated value and indicate this to the Department at such times.

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

The Department reviewed 26 DMRs that were submitted for the period August 31, 2008 – October 31, 2012. A review of the data indicates the following:

Freeboard

Limit (feet)	Minimum (feet)	Maximum (feet)	Average (feet)
>2	0.8	5.3	2.85

b. Lagoon Effluent: The previous licensing action established, and this licensing action is carrying forward, a once per month (April through October) monitoring requirement for total phosphorus, nitrate-nitrogen, and total kjeldahl-nitrogen (TKN) for lagoon effluent as it exits the lagoon to be sprayed. Monitoring for these parameters yields an indication of the effectiveness of the lagoon treatment process and the condition of the wastewater being applied.

The Department reviewed 26 DMRs that were submitted for the period August 31, 2008 – October 31, 2012. A review of the data indicates the following:

Total phosphorus

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	Report	0.40 – 11	2.1

Nitrate-nitrogen

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	Report	0.25 – 16	15.14

Total kjeldahl-nitrogen (TKN)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	Report	0.0 – 2.40	1.27

c. pH: The previous licensing action established, and this licensing action is carrying forward the pH range limitation of 6.0 – 9.0 standard units (SU) based on Department best professional judgment of best practicable treatment (BPT) for this discharge. A monitoring frequency a once per month (April through October) is being carried forward in this permitting action.

The Department reviewed 26 DMRs that were submitted for the period August 31, 2008 – October 31, 2012. A review of the data indicates the following:

pH

Value	Limit (SU)	Minimum (SU)	Maximum (SU)
Range	6.0 – 9.0	6.80	10.30

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

The pH value of the effluent shall not be lower than 6.0 SU nor higher than 9.0 SU at any time unless these limitations are exceeded due to natural causes.

Spray Irrigation Field – SF1

d. Spray Irrigation Monthly Totals & Weekly Application Rate: The previous licensing action established a seasonal (April – October), weekly maximum application rate 37,730 gallons per acre per week for spray area SF1 based on the characteristics of the in-situ soils.

The Department reviewed 26 DMRs that were submitted for the period August 31, 2008 – October 31, 2012. A review of the data indicates the following:

Weekly application rates

Value	Limit (gal/acre)	Range (gal/acre)	Average (gal/acre)
Weekly Maximum	37,730	17,833 – 33,130	23,490

In addition to establishing a weekly maximum application rate, the previous licensing action established a reporting requirement for the total quantity of wastewater applied to the spray field on a monthly basis. With a weekly maximum application of 37,730 gallons per week over the 26-acre site, the licensee is theoretically limited to 3,923,920 gallons per month. The Department reviewed 26 DMRs that were submitted for the period August 31, 2008 – October 31, 2012. A review of the data indicates the following:

Monthly totals

Value	Limit (gallons)	Range (gallons)	Average (gallons)
Total gallons/month	3,923,920	1,191,660 – 3,130,563	2,050,743

This licensing action is establishing a seasonal (April – October), weekly maximum application volume of 981,000 gallons per week for spray area SF1 to allow for flexibility in better management of the spray irrigation field. The license is carrying forward a reporting requirement for the total quantity of wastewater applied to the spray field on a monthly basis.

Monitoring Wells MW-1 & MW-2 (See Attachment B)

e. Ground Water Monitoring Wells: The previous licensing action established, and this licensing action is carrying forward a seasonal (April – October), monthly monitoring requirement to seasonally track ground water levels. The licensee is not being required to measure ground water levels in November, December, January, February and March due to the logistics of monitoring said levels during the winter season.

The Department reviewed 28 DMRs that were submitted for the period August 31, 2008 – October 31, 2012. A review of the data indicates the following:

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

Depth to ground water

Daily Maximum Limit (feet)	Minimum (feet)	Maximum (feet)	Average (feet)
MW-1	3.0	12.0	6.8
MW-2	2.3	19.0	11.0

f. Total Suspended Solids (TSS): The previous licensing action established, and this licensing action is carrying forward a seasonal (April – October), once per quarter monitoring requirement to measure TSS in ground water.

The Department reviewed 14 DMRs for MW-1 and 13 DMRs for MW-2 that were submitted for the period August 31, 2008 – October 31, 2012. A review of the data indicates the following:

TSS

Monitoring Well	Limit	Range (umhos/cm)	Average (umhos/cm)
MW-1	Report	6.80 - 970	242
MW-2	Report	4.0 -3,300	534

g. Specific Conductivity: Tracking the levels of these parameters is important in determining the efficiency of the soil in attenuating the pollutant loading via the spray-irrigation area and is likely to identify chronic leakage in the lagoon. Specific conductivity is considered a surveillance-level monitoring parameter that is used as early-warning indicators of potential ground water contamination.

For purposes of this license, specific conductivity (normally a field parameter) may be measured in the laboratory as long as Department approved methods for handling and preservation of the sample are adhered to and analysis is performed in accordance with methods approved by 40 Code of Federal Regulations (CFR) Part 136. By definition the sample shall be temperature-calibrated to 25°C. Specific conductance values indicating a statistically significant trend upwards or sudden spikes from previous levels may necessitate the need for additional ground water testing requirements.

The previous licensing action established, and this licensing action is carrying forward a seasonal (April – October), once per quarter monitoring requirement to measure specific conductance in ground water.

The Department reviewed 13 DMRs that were submitted for the period August 31, 2008 – October 31, 2012. A review of the data indicates the following:

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

Specific conductance

Monitoring Well	Limit	Range (umhos/cm)	Average (umhos/cm)
MW-1	Report	188 - 250	225
MW-2	Report	130 -190	156

h. Nitrate-nitrogen: Nitrogen compounds are by-products of the biological breakdown of ammonia and organic nitrogen, and are inherent in domestic like sanitary wastewater. Because nitrate-nitrogen is weakly absorbed by soil, it functions as a reliable indicator of contamination from waste-disposal sites. Also, elevated levels of nitrate-nitrogen in the drinking water supply are of human health concern. The limit of 10 mg/L is a National Primary Drinking Water standard.

The previous licensing action established, and this licensing action is carrying forward a seasonal (April – October), once per quarter monitoring requirement to measure nitrate-nitrogen in ground water.

The Department reviewed 14 DMRs for MW-1 and 13 DMRs for MW-2 that were submitted for the period August 31, 2008 – October 31, 2012. A review of the data indicates the following:

Nitrate-nitrogen

Monitoring Well	Limit (mg/L)	Range (mg/L)	Average (mg/L)
MW-1	10	0.00 – 0.30	0.09
MW-2	10	0.00 – 0.10	0.08

i. Total Phosphorus: The previous licensing action established, and this licensing action is carrying forward a daily maximum concentration reporting requirement for total phosphorous during the critical warm season of June 1 through September 30 of each year to assist the licensee and the Department in evaluating potential impacts resulting from the authorized discharge via the subsurface system.

The previous licensing action established, and this licensing action is carrying forward a seasonal (April – October), once per quarter monitoring requirement to measure Total Phosphorus in ground water.

The Department reviewed 14 DMRs that were submitted for the period August 31, 2008 – October 31, 2012. A review of the data indicates the following:

Total phosphorus

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
MW-1	Report	0.1 – 2.4	0.46
MW-2	Report	0.1 – 4.6	0.62

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

j. pH: The previous licensing action established, and this licensing action is carrying forward the pH range limitation of 6.0 – 9.0 standard units (SU) based on a National Secondary Drinking Water Standard established by the U.S. Environmental Protection Agency (USEPA) for drinking water. This licensing action is eliminating this range limitation as this is a non-mandatory water quality standard for drinking water that is not enforced by either the State or the USEPA. Monitoring and reporting for ground water pH is being carried forward to assist the licensee and the Department in evaluating potential impacts resulting from the authorized discharge via the subsurface system.

The previous licensing action established, and this licensing action is carrying forward a seasonal (April – October), once per quarter monitoring requirement to measure nitrate-nitrogen in ground water.

The Department reviewed 14 DMRs that were submitted for the period August 31, 2008 – October 31, 2012. A review of the data indicates the following:

pH

Value	Limit (SU)	Minimum (SU)	Maximum (SU)
MW-1	6.0 – 9.0	6.40	7.5
MW-2	6.0 – 9.0	6.00	7.1

7. SYSTEM CALIBRATION

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

Calibration involves collecting and measuring flow at several locations in the application area (typically a grid pattern of containers with uniform diameters). Rain gauges work best because they already have a graduated scale from which to read the application amount without having to perform additional calculations.

8. TREATMENT

Slow-rate land irrigation treatment is an environmentally sound and appropriate technology for best practicable treatment and disposal of commercial wastewater. The soils and vegetation within the irrigation area will provide adequate filtration and absorption to preserve the integrity of the soil, and both the surface and ground water quality in the area.

9. 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.

10. PUBLIC COMMENTS

Public notice of this application was made in the Smart Shopper newspaper on or about May 28, 2013. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft licenses shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses,* 06-096 CMR 522 (effective January 12, 2001).

11. DEPARTMENT CONTACTS

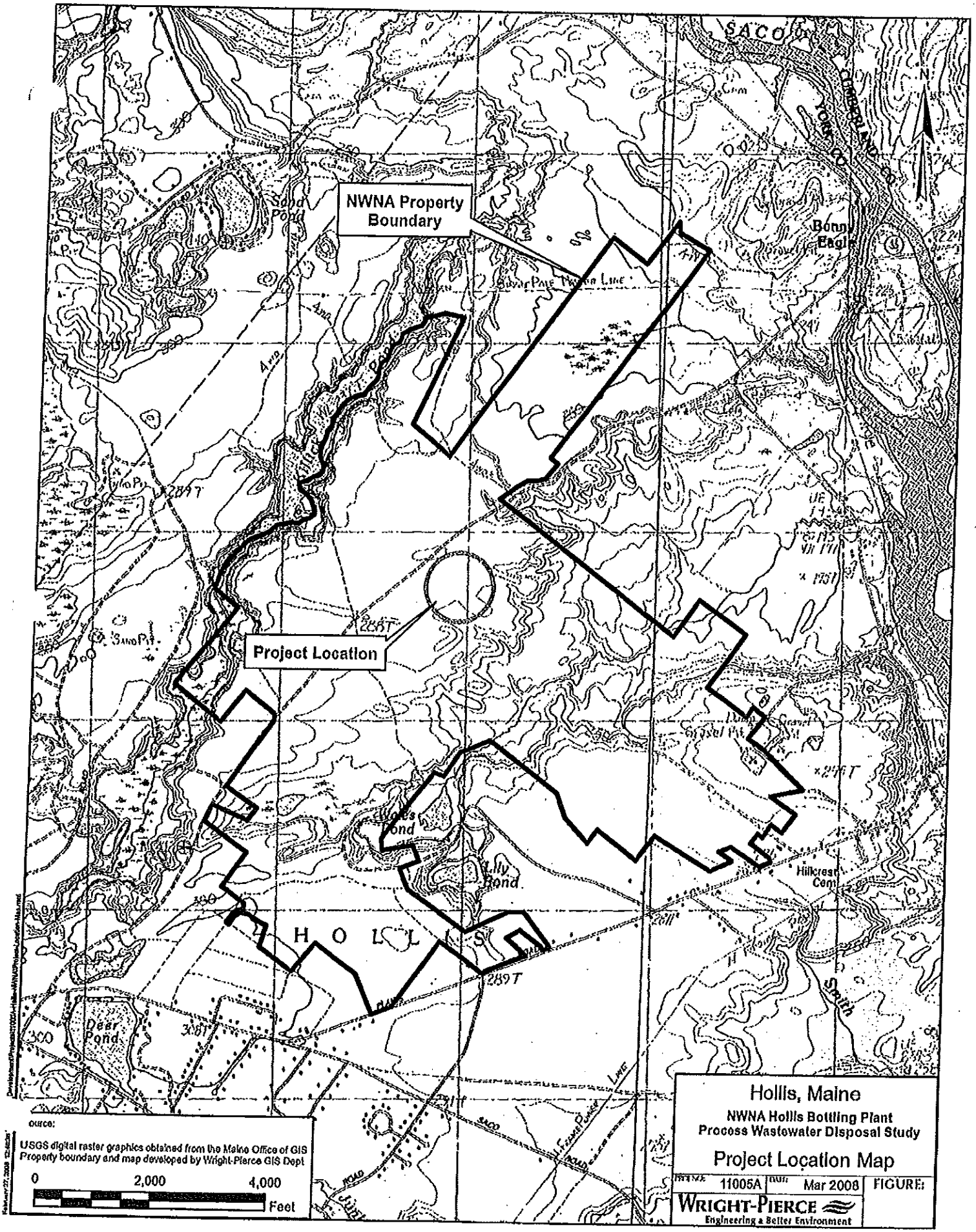
Additional information concerning this licensing action may be obtained from and written comments should be sent to:

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 Fax: (207) 287-3435
e-mail: yvette.meunier@maine.gov

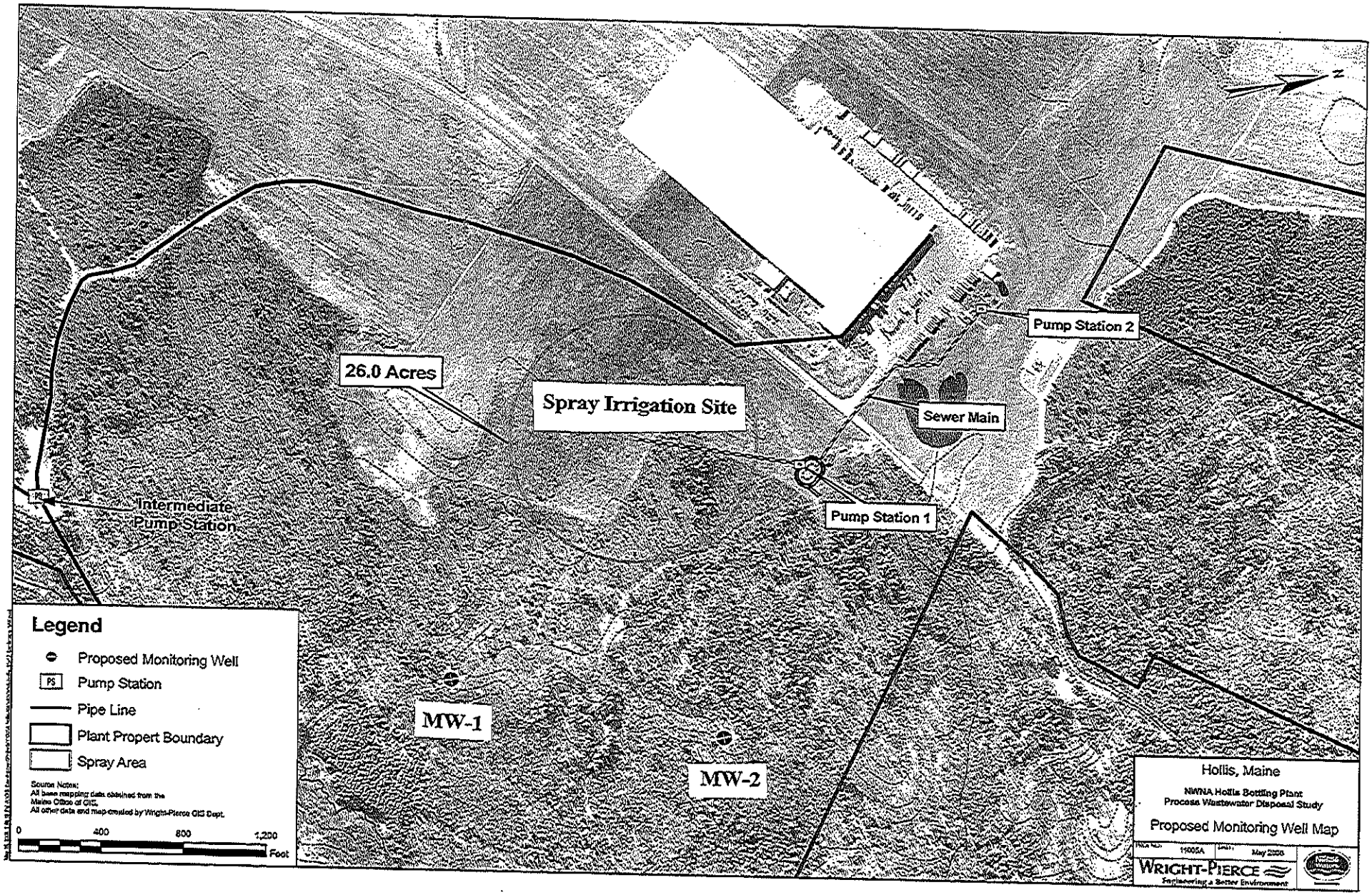
12. RESPONSE TO COMMENTS

During the period of June 13, 2013 through July 15, 2013, the Department solicited comments on the proposed draft Maine Pollutant Discharge Elimination System Permit to be issued to Nestle Waters North America Inc. for the proposed discharge. The Department did not receive significant comments on the draft permit; therefore, a response to comments was not prepared.

ATTACHMENT A


NWNA Property Boundary
Project Location
SACO
HOLLIS
Bonny Eagle
Hillcrest Cem
Dear Pond
Lily Pond
Sand Pond
N
Source:
USGS digital raster graphics obtained from the Maine Office of GIS
Property boundary and map developed by Wright-Pierce GIS Dept
0
2,000
4,000
Feet
Hollis, Maine
NWNA Hollis Bottling Plant
Process Wastewater Disposal Study
Project Location Map
PROJECT 11005A
DATE Mar 2008
FIGURE
WRIGHT-PIERCE
Engineering a Better Environment

ATTACHMENT B


26.0 Acres
Spray Irrigation Site
Pump Station 2
Sewer Main
Pump Station 1
Intermediate Pump Station
PS
MW-1
MW-2
N
Legend
Proposed Monitoring Well
PS Pump Station
Pipe Line
Plant Propert Boundary
Spray Area
Source Notes:
All base mapping data obtained from the Maine Office of GIS.
All other data and map created by Wright-Pierce GIS Dept.
0 400 800 1,200
Feet
Hollis, Maine
NWNA Hollis Bottling Plant
Process Wastewater Disposal Study
Proposed Monitoring Well Map
11005A
May 2005
WRIGHT-PIERCE
Engineering a Better Environment

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 an 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 occurance.

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 an severally liable for any violation thereof until such time as the Department approves transfer or issuance of a waste discharge license to the new owner. The Department may in its discretion require the new owner to apply for a new license, or may approve transfer of the existing license upon a satisfactory showing that the new owner can abide by its terms and conditions.

9. Records Retention

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

10. Other Materials

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

a. They are not

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

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

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

11. Removed Substances

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

12. Bypass of Waste Treatment Facilities

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

13. Emergency Action--Electric Power Failure

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

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

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

14. Spill Prevention and Containment

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

15. Connection to Municipal Treatment System

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

16. Pretreatment

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

DEFINITIONS

FOR THE PURPOSE OF THIS LICENSE THE FOLLOWING SHALL APPLY

A. Grab Sample: An individual sample collected in a period of less than 15 minutes.

B. Composite Sample: A sample consisting of a minimum of eight grab samples collected at equal intervals during a 24-hour period (or a lesser period if specified in the section on Monitoring and Sampling) and combined proportional to flow or a sample continuously collected proportionally to flow over the same time period.

C. Daily Maximum For Concentration: The maximum value not to be exceeded at any time.

D. Daily Maximum For Quantity: The maximum value not to be exceeded during any day.

E. Weekly or Monthly Average: The sum of all daily samples measurement or test results made during a week or month divided by the number of tests or measurement made during the respective time period. Exception: bacteriological tests shall be calculated as a geometric mean.

F. Bypass: The diversion of wastewater, either by act or by design, from any portion of a treatment facility or conveyance system.

DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012 **Contact: (207) 287-2811**

SUMMARY

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

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

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

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

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

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

HOW TO SUBMIT AN APPEAL TO THE BOARD

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

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

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

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

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

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

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

II. JUDICIAL APPEALS

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

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

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

ADDITIONAL INFORMATION

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

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