



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION



PAUL MERCER  
COMMISSIONER

November 6, 2018

Michael Dube  
4 Spruce Trail  
Sydney, ME 04330  
[Dubetrail@AOL.COM](mailto:Dubetrail@AOL.COM)

RE: *ICIS Tracking Number #MEU509012  
Maine Waste Discharge License (WDL) Application # W009012-5J-C-R  
Finalized MEPDES License Renewal*

Dear Michael Dube:

Enclosed please find a copy of your **final** Maine WDL **renewal** which was approved by the Department of Environmental Protection. Please read this permit/license renewal and its attached conditions carefully. Compliance with this permit/license will protect water quality.

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 (207)-592-7161.

Your Department compliance inspector copied below is also a resource that can assist you with compliance. Please do not hesitate to contact them with any questions.

Thank you for your efforts to protect and improve the waters of the great state of Maine!

Sincerely,

Aaron Dumont  
Division of Water Quality Management  
Bureau of Water Quality

Enc.

cc: Jim Crowley, DEP/CMRO, Lori Mitchell, DEP/CMRO, Marelyn Vega, USEPA,  
Richard Carvalho, USEPA, Shelley Puleo, USEPA

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

BANGOR  
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PRESQUE ISLE, MAINE 04769  
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STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

AAA INTERSTATE SEPTIC SERVICES INC. ) PROTECTION AND IMPROVEMENT  
NEW SHARON, FRANKLIN COUNTY, MAINE ) OF WATERS  
SURFACE WASTEWATER DISPOSAL SYSTEM) )  
MEU509012 ) WASTE DISCHARGE LICENSE  
W009012-5J-C-R ) **APPROVAL** ) **RENEWAL**

Pursuant to *Conditions of licenses*, 38 M.R.S. § 414-A, and applicable regulations, the Department of Environmental Protection (Department) has considered the application of AAA Interstate Septic Services Inc. (AAA/licensee), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

**APPLICATION SUMMARY**

On June 12, 2018, the Department accepted as complete for processing a complete application from the licensee for the renewal of Waste Discharge License (WDL) #W009012-5J-B-R/ Integrated Compliance Information System (ICIS) #MEU509012 which was issued by the Department on April 10, 2013, for a five-year term. The 4/10/2013 license authorized the seasonal disposal of up to 183,260 gallons/week of supernatant from a septage dewatering operation onto a 4.5-acre parcel of land that is owned by the licensee in New Sharon, Maine. The wastewater will be disposed via a surface wastewater disposal system (spray irrigation) on the 4.5-acre parcel of land at the dewatering facility. The storage lagoon and network of piping for the disposal system have not been constructed as of the date of issuance of this license renewal.

**LICENSE SUMMARY**

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

1. Eliminate the monitoring requirement for chlorides to be consistent with other septage dewatering operations throughout the state.

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## CONCLUSIONS

Based on the findings summarized in the attached and incorporated Fact Sheet dated November 1, 2018, and subject to the special and standard conditions that follow, 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. § 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 water of the State constitutes an outstanding natural resource, that water quality will be maintained and protected;
  - c. Where the standards of classification of the receiving waterbody are not met, the discharge will not cause or contribute to the failure of the waterbody to meet the standards of classification;
  - d. Where the actual quality of any classified receiving waterbody 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 waterbody, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in *Conditions of licenses*, 38 M.R.S. § 414-A(1)(D).

**ACTION**


THEREFORE, the Department APPROVES the above noted application of AAA INTERSTATE SEPTIC SERVICES INC., to operate a surface wastewater disposal system to treat at a dewatering facility and seasonally dispose of up to 183,260 gallons/week onto a 4.5-acre spray irrigation area, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

1. *Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable to All Permits*, revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This license and the authorization to discharge become effective upon the date of signature below and expire at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this license, the authorization to discharge and the terms and conditions of this license and all modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (amended June 9, 2018)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 2 DAY OF November 2018.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:   
*For* PAUL MERCER, Commissioner

Filed
NOV 05 2018
State of Maine Board of Environmental Protection

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

Date of initial receipt of application: June 11, 2018

Date of application acceptance: June 12, 2018

This Order prepared by Aaron Dumont, BUREAU OF WATER QUALITY

**SPECIAL CONDITIONS**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. The licensee is authorized to operate a surface wastewater treatment and disposal system. The **STORAGE LAGOON EFFLUENT (OUTFALL #001)** must be limited and monitored as specified below<sup>(1)(2)</sup>.

<b>Parameter</b>	<b>Daily Maximum as specified</b>	<b>Measurement Frequency as specified</b>	<b>Sample Type as specified</b>
Biochemical Oxygen Demand <i>[00310]</i>	100 (mg/L) <i>[19]</i>	1/Month <sup>(3)</sup> <i>[01/30]</i>	Grab <i>[GR]</i>
Total Suspended Solids <i>[00530]</i>	Report (mg/L) <i>[19]</i>	1/Month <sup>(3)</sup> <i>[0/30]</i>	Grab <i>[GR]</i>
Nitrate-Nitrogen <i>[00620]</i>	Report (mg/L) <i>[19]</i>	1/Month <sup>(3)</sup> <i>[01/30]</i>	Grab <i>[GR]</i>
PH (Standard Units) <i>[00400]</i>	6 – 9 (S.U.) <i>[12]</i>	1/Month <sup>(3)</sup> <i>[01/30]</i>	Grab <i>[GR]</i>
<u>Metals (Total):</u> Arsenic, Cadmium, Chromium, Copper, Lead, , Nickel and Zinc <i>[01002, 01027, 01034, 01042, 01051, 01067, 01092]</i>	Report (ug/L) <i>[28]</i>	1/5 Year <sup>(4)</sup> <i>[01/5Y]</i>	Grab <i>[GR]</i>

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

**FOOTNOTES:** See Page 7 of this license for applicable footnotes.

**SPECIAL CONDITIONS**

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

2. Beginning the effective date of the license, application of wastewater to the land via a spray irrigation system must be limited to the time period **April 15<sup>th</sup> to November 15<sup>th</sup> of each calendar year**. The **spray-irrigation field (SF-1)** must be limited and monitored as specified below<sup>(1)</sup>:

**(April 1<sup>st</sup> – November 15<sup>th</sup>)**

<b>Parameter</b>	<b>Monthly Total<sup>(6)</sup> as specified</b>	<b>Weekly Maximum<sup>(6)</sup> as specified</b>	<b>Daily Maximum as specified</b>	<b>Measurement Frequency as specified</b>	<b>Sample Type</b>
Application Rate (Weekly) <sup>(5)</sup> <i>[51125]</i>	---	183,260 (gal/week) <i>[8B]</i>	---	1/Week <i>[01/07]</i>	Measure <i>[MS]</i>
Flow – Total Gallons <sup>(5)</sup> <i>[82220]</i>	Report (Gallons) <i>[57]</i>	---	---	1/Month <i>[01/30]</i>	Calculate <i>[CA]</i>

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

**FOOTNOTES:** See Page 7 of this license for applicable footnotes.

**SPECIAL CONDITIONS**

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

3. Beginning the effective date of the license and lasting through the license expiration date, **GROUND WATER MONITORING WELL(S)** must be limited and monitored as specified below.

**#MW2A, #MW7A, #MW8A, #MW9A, M11A)** must be limited and monitored as specified below.

<b>Parameter</b>	<b>Daily Maximum as specified</b>	<b>Measurement Frequency as specified<sup>(4)</sup></b>	<b>Sample Type as specified</b>
Depth to Water Level Below Landsurface <i>[72019]</i>	Report (feet) <i>[27]</i>	2/Year <sup>(7)(8)</sup> <i>[02/YR]</i>	Measure <i>[MS]</i>
Nitrate-Nitrogen <i>[00620]</i>	10 (mg/L) <i>[19]</i>	2/Year <sup>(8)</sup> <i>[02/YR]</i>	Grab <i>[GR]</i>
Specific Conductance <i>[00095]</i>	Report (umhos/cm) <i>[11]</i>	2/Year <sup>(8)(9)</sup> <i>[02/YR]</i>	Grab <i>[GR]</i>
Temperature (°C) <i>[00011]</i>	Report (°C) <i>[04]</i>	2/Year <sup>(8)(9)</sup> <i>[02/YR]</i>	Grab <i>[GR]</i>
pH (Standard Units) <i>[00400]</i>	Report (S.U.) <i>[12]</i>	2/Year <sup>(8)(9)</sup> <i>[02/YR]</i>	Grab <i>[GR]</i>
Total Suspended Solids <i>[00530]</i>	Report (mg/L) <i>[19]</i>	2/Year <sup>(8)</sup> <i>[02/YR]</i>	Grab <i>[GR]</i>
<u>Metals (Total):</u> Arsenic, Cadmium, Chromium, Copper, Lead, Nickel, and Zinc <i>[01002, 01027, 01034, 01042, 01051, 01067, 01092]</i>	Report (ug/L) <i>[28]</i>	1/5 Year <sup>(4)</sup> <i>[01/5Y]</i>	Grab <i>[GR]</i>

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

**FOOTNOTES:** See Page 7 of this license for applicable footnotes.

## SPECIAL CONDITIONS

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

#### **FOOTNOTES:** Special Condition A(1), A(2) & A(3)

**Sampling** – Any change in sampling location must be approved by the Department in writing. The licensee must conduct sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for wastewater. Samples that are sent to a publicly owned treatment works (POTW) pursuant to *Waste discharge licenses*, 38 M.R.S. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (effective April 1, 2010). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10-144 CMR 263. If the licensee monitors any pollutant more frequently than required by the license using test procedures approved under 40 CFR Part 136 or as specified in this license, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR).

1. **Wastewater treatment effluent sampling** – In the event that no wastewater is disposed of via spray irrigation for an entire month, the licensee is not required to conduct effluent monitoring as otherwise required in Special Condition A(1) of this license.
2. **Lagoon effluent sampling** – Lagoon effluent must be sampled as it exits the lagoon to be sprayed and must be representative of what is sprayed on the spray-irrigation field.
3. **Lagoon Effluent Monitoring Period** – Lagoon effluent sampling must be conducted in **April, May, August, and October** of each calendar year in accordance with federally approved methods for sampling, handling and preservation. Samples must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for wastewater and in accordance with methods approved by 40 Code of Federal Regulations (CFR) Part 136. The licensee is not required to conduct effluent monitoring as otherwise required in Special Condition A(1) of this license during the months when no wastewater is disposed of via spray irrigation for an entire month.
4. **Monitoring for Metals** – Metals testing must be performed at least 30 days prior to the commencement of operation of the spray irrigation system and then once every five years thereafter.
5. **Application Rates** – A field's daily or weekly application rate is the total gallons sprayed over the spray-irrigation field or in that portion of the field utilized. The licensee must measure the flow of wastewater to the irrigation area by the use of a flow measuring device that is checked for calibration by an independent third party at least once per calendar year. Weekly is defined as Sunday through Saturday.
6. **Discharge Monitoring Report (DMR)** – For reporting purposes, the licensee must report the highest weekly and total monthly flow for the month in the applicable box on the form.



## SPECIAL CONDITIONS

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

7. **Groundwater Level** – Measured to the nearest one-tenth of a foot as referenced from the surface of the ground at the base of the monitoring well. Measurements must be taken in **April thru October**.
8. **Groundwater Monitoring** – Groundwater sampling must be conducted in the month of **May and October** of each year in accordance with Department approved methods for sampling, handling, and preservation. In addition to ground water sampling, the licensee is required to install two ground water observation wells pursuant to Special Condition G(7) of this license to verify that 10 inches of separation from the ground surface to the observed ground water level is present prior to spraying.
9. **Field Measurements** – Specific conductance (calibrated to 25.0° C), temperature, and pH are considered to be “field” parameters, and are to be measured in the field via instrumentation. The licensee is required to test for these parameters whether wastewater was disposed of via the spray-irrigation system or not.

### B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent must not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the use designated by the classification of the groundwater.
2. The effluent must not lower the quality of any classified body of groundwater below such classification, (ground water is a classified body of water under 38 M.R.S. § 465-C) or lower the existing quality of any body of water if the existing quality is higher than the classification.

### C. TREATMENT PLANT OPERATOR

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

### D. NOTIFICATION REQUIREMENT

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

1. Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants to the system at the time of license issuance.

#### D. NOTIFICATION REQUIREMENT (cont'd)

2. For the purposes of this section, notice regarding substantial change must include information on:
  - a. the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
  - b. any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

#### E. AUTHORIZED DISCHARGES

The licensee is authorized to discharge only in accordance with: 1) the licensee's General Application for Waste Discharge License, accepted for processing on June 12, 2018; 2) the terms and conditions of this license; and 3) only to the proposed spray-irrigation field and from those sources as indicated in the June 12, 2018 Waste Discharge License Application. Discharges of wastewater from any other point source(s) are not authorized under this license, and must be reported in accordance with Standard Condition D(1)(F), *Twenty-four-hour reporting*, of this license.

#### F. COMMENCEMENT OF OPERATIONS

Should the licensee or a new owner commence the operation of the facility, the licensee or new owner/operator must notify the Department's permitting and compliance inspection staff **a minimum of thirty (30) days prior to commencing operations** at the facility to review the applicability of the permit limitations, monitoring requirements, and reporting requirements. Should the Department determine that the proposed operations are significantly different from what was presented in past application materials or subsequently revised and included in permitting actions; the Department may require the applicable party to modify this permit or to file an application for a new permit. In addition, pursuant to Department Rule, Chapter 2 Rules *Concerning the Processing of Applications and Other Administrative Matters*, Section 21, *License Renewals, Amendments and Transfers*, Sub-section C, *Transfers*, a transferee must make application to the Department no later than two (2) weeks after transfer of ownership or entering into a licensee agreement to conduct business or said property. Pending determination on the application for approval of transfer the transferee shall abide by all of the conditions of this permit, and is jointly or severally liable with the licensee for any violation of the terms and conditions thereof."

#### G. GENERAL OPERATIONAL CONSTRAINTS

1. All wastewater must receive biological treatment through a properly designed, operated and maintained lagoon system prior to disposal via spray irrigation.
2. The spray irrigation facilities must be effectively maintained and operated at all times so that there is no discharge to surface water, nor any contamination of groundwater which will render it unsatisfactory for usage as a public drinking water supply.
3. The surface wastewater disposal system must not cause the lowering of the quality of the groundwater, as measured in the groundwater 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 *Drinking Water Regulations*, 22 M.R.S. §2611.

## G. GENERAL OPERATIONAL CONSTRAINTS (cont'd)

In the event that groundwater monitoring results indicate lowering of the existing groundwater quality, the licensee may be required to take immediate remedial action(s), which may include, but not be limited to, adjustment of the irrigation schedule or application rates, a reduction of the pollutant loading, groundwater remediation, or ceasing operation of the system until the groundwater attains applicable standards.

4. The Department must 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. Notification must be made in accordance with the attached Standard Condition D(1)(f) of this license.
5. The licensee must 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 inspections and monitoring by both the licensee and the Department.
6. System components including collection pipes, tanks, manholes, pumps, pumping stations, spray disposal fields, and monitoring wells must be identified and referenced by a unique system identifier in all logs and reports.
7. The licensee must 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**, the licensee must inspect the spray-irrigation site or have other means to check the system for leakage in the piping system and determine if individual sprayheads and pump(s) are functioning as designed, and verify that application rates are appropriate for the existing site conditions. The procedures used to determine the system is functioning as designed must be described in the facility's O&M manual. Should significant malfunctions or leaks be detected, the licensee must shut down the malfunctioning/leaking sections of the spray system and make necessary repairs before resuming operation. The licensee must cease irrigation if runoff is observed outside the designated boundaries of the spray field(s).

The licensee must field calibrate equipment to ensure proper and uniform spray applications when operating. Calibration involves collecting and measuring application rate at different locations within the application area. A description of the calibration procedures and a log sheet that have been used for recording calibration results must be included as part of the Operations & Maintenance manual.

8. **The licensee must maintain a daily log** of all spray irrigation which records the date, weather, rainfall, areas irrigated, volume sprayed (gallons), application rates (daily and weekly), and other relevant observations/comments from daily inspections. The log must be in accordance with the general format of the "*Monthly Operations Log*" provided as **Attachment A** of this license, or other similar format approved by the Department. Weekly application rates must be reported in accordance with the general format of the "*Spray Application Report by Week*" provided as **Attachment B** of this license or other format as approved by the Department. The *Monthly Operations Log, and Spray Application Report by Week*, for each month must be submitted to the Department as an attachment to the monthly Discharge Monitoring Reports (DMRs) in a format approved by the Department. Copies will also be maintained on site for Department review and for license operation maintenance purposes.

## SPECIAL CONDITIONS

### H. SPRAY-IRRIGATION OPERATIONAL CONSTRAINTS

1. Suitable vegetative cover must be maintained. Wastewater may not be applied to areas without sufficient vegetation or ground cover as to prevent erosion or surface water runoff outside the designated boundaries of the spray field. The licensee must have an updated Operation & Maintenance (O&M) plan that includes provisions for maintaining the spray irrigation area in optimum condition for the uptake of nutrients and moisture holding capacity.
2. At least 10 inches of separation from the ground surface to the ground water table must be present prior to spray irrigating.
3. No wastewater may be applied to the site following a rainfall accumulation exceeding 1.0 inch within the previous 24-hour period. A rain gauge must be located on site to monitor daily precipitation. The licensee must also manage application rates by taking into consideration the forecast for rain events in the 48-hour period in the future.
4. No wastewater may be spray irrigated where there is snow present on the surface of the ground or there is any evidence of frost or frozen ground within the upper 10 inches of the soil profile.
5. No traffic or equipment must be allowed in the spray-irrigation field(s) except where installation occurs or where normal operations and maintenance are performed. For this site, haying is limited to two cutting events per year.
6. Prior to the commencement of spray irrigation for the season, the licensee must notify the Department's compliance inspector in writing that they have verified that soil conditions are appropriate (absence of frozen ground, soil conditions, moisture, etc.) for spray irrigation.
7. The licensee must install the equivalent of two ground water level inspection wells per spray field to verify that 10 inches of separation from the ground surface to the observed ground water level is present prior to spraying. Depths to ground water must be recorded in accordance with the general format of "*Monthly Operations Log*" provided as **Attachment A** of this license or other format as approved by the Department.

### I. VEGETATION MANAGEMENT

1. The licensee must remove grasses and other vegetation such as shrubs and trees if necessary so as not to impair the operation of the spray-irrigation system, ensure uniform distribution of wastewater over the desired application area and to optimize nutrient uptake and removal.
2. The vegetative buffer zones along the perimeter of the site must be maintained to maximize vegetation and forest canopy density in order to minimize off-site drift of spray.

## **SPECIAL CONDITIONS**

### **J. LAGOON MAINTENANCE**

1. The banks of the lagoon must be inspected periodically during the operating season (at least two times per year) and properly maintained at all times. There must be no overflow through or over the banks. Any signs of leaks, destructive animal activity or soil erosion of the banks must be repaired immediately.
2. The banks of the lagoon must be maintained to keep them free of woody vegetation and other vegetation that may be detrimental to the integrity of the bank and/or lagoon liner. The water within the lagoons must be kept free of all vegetation (i.e. grasses, reeds, cattails, etc) that hinders the operation of the lagoon.
3. The licensee must maintain the lagoon freeboard at a level no higher than design levels.
4. The treatment and storage lagoons must be dredged as necessary to maintain the proper operating depths in all lagoons that will provide best practicable treatment of the wastewater. All material removed from the lagoon(s) must be properly disposed of in accordance with all applicable State and Federal rules and regulations.

### **K. INSPECTIONS AND MAINTENANCE**

The licensee must periodically inspect all system components to ensure the facility is being operated and maintained in accordance with the design of the system. Maintenance logs must be maintained for each major system component including pumps, pump stations, septic tanks, lagoons, spray apparatus, and pipes. At a minimum, the logs must include the unique identifier [see Special Condition F(6)], the date of maintenance performed, name(s) of person(s) performing the maintenance, and other relevant system observations.

### **L. GROUNDWATER MONITORING WELLS**

1. The licensee must maintain an approved ground water quality monitoring plan prepared by a professional qualified in water chemistry.
2. All monitoring wells must be equipped with a cap and lock to limit access and must be maintained in a secured state at all times. The integrity of the monitoring wells must also be verified annually in order to insure representative samples of ground water quality.
3. The Department reserves the right to require increasing the depth of and/or relocating any of the ground water monitoring wells if the well is frequently dry or is determined not to be representative of ground water conditions.

## **SPECIAL CONDITIONS**

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

The licensee must have a current written comprehensive Operation & Maintenance (O & M) Plan. The plan must provide a systematic approach by which the licensee must at all times, properly operate and maintain all facilities and the systems of treatment and control (and related appurtenances) which are installed or used by the licensee to achieve compliance with the conditions of this license. Of particular importance is the management of the spray application sites such that the sites are given ample periods of rest to prevent over application events.

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

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

### **N. PUBLIC ACCESS TO LAND APPLICATION SITE AND SIGNAGE**

Access to the land application sites must be limited during the season of active site use. The licensee must install signs measuring at least 8 ½" x 11", in areas of concern around the perimeter of the lagoon and spray irrigation sites that inform the general public that the area is being used to dispose of sanitary wastewater. The signs must be constructed of materials that are weather resistant. The licensee must annually inspect and make any necessary repairs to the signage to comply with this condition.

### **O. MONITORING AND REPORTING**

#### Electronic Reporting

*NPDES Electronic Reporting*, 40 C.F.R. 127, requires MEPDES permit holders to submit monitoring results obtained during the previous month on an electronic discharge monitoring report to the regulatory agency utilizing the USEPA electronic system.

Electronic Discharge Monitoring Reports (DMRs) submitted using the USEPA NetDMR system, must be:

1. Submitted by a facility authorized signatory; and
2. Submitted no later than **midnight on the 15<sup>th</sup> day of the month** following the completed reporting period.

## SPECIAL CONDITIONS

### O. MONITORING AND REPORTING (cont'd)

Documentation submitted in support of the electronic DMR may be attached to the electronic DMR. Toxics reporting must be done using the DEP toxsheet reporting form. An electronic copy of the Toxsheet reporting document must be submitted to your Department compliance inspector as an attachment to an email. In addition, a hardcopy form of this sheet must be signed and submitted to your compliance inspector, or a copy attached to your NetDMR submittal will suffice.

Documentation submitted electronically to the Department in support of the electronic DMR must be submitted no later than midnight on the 15<sup>th</sup> day of the month following the completed reporting period.

#### Non-electronic Reporting

If you have received a waiver from the Department concerning the USEPA electronic reporting rule, or are permitted to submit hardcopy DMR's to the Department, then your monitoring results obtained during the previous month must 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 (13<sup>th</sup>) day of the month or hand-delivered to a Department Regional Office such that the DMR's are received by the Department on or before the fifteenth (15<sup>th</sup>) day of the month** following the completed reporting period.

Toxsheet reporting forms must be submitted electronically as an attachment to an email sent to your Department compliance inspector. In addition, a signed hardcopy of your toxsheet must also be submitted.

A signed copy of the DMR and all other reports required herein must be submitted to the Department assigned compliance inspector (unless otherwise specified) following address:

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

### P. REOPENING OF LICENSE FOR MODIFICATION

In accordance with 38 M.R.S. § 414-A(5) and upon evaluation of the tests results or monitoring requirements specified in Special Conditions of this licensing action, new site specific information, or any other pertinent test results or information obtained during the term of this license, the Department may, at any time and with notice to the licensee, modify this license to: 1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded, (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

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**Q. SEVERABILITY**

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



**MAINE WASTE DISCHARGE LICENSE**

**FACT SHEET**

DATE: **November 1, 2018**

COMPLIANCE TRACKING NUMBER: **MEU509012**  
WASTE DISCHARGE LICENSE: **W009012-5J-C-R**

NAME AND ADDRESS OF APPLICANT:

**AAA INTERSTATE SEPTIC SERVICES INC.  
4 SPRUCE TRAIL  
SIDNEY, ME 04330**

COUNTY: **FRANKLIN COUNTY**

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

**AAA INTERSTATE SEPTIC SERVICES INC.  
147 LANE ROAD  
NEW SHARON, MAINE 04955**

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

COGNIZANT OFFICIAL CONTACT INFORMATION:

**MR. MICHAEL DUBE**  
**(207)-547-3714**  
[dubetrail@aol.com](mailto:dubetrail@aol.com)

**1. APPLICATION SUMMARY**

On June 12, 2018, the Department accepted as complete for processing a complete application from the licensee for the renewal of Waste Discharge License (WDL) #W009012-5J-B-R/ Integrated Compliance Information System (ICIS) #MEU509012 which was issued by the Department on April 10, 2013, for a five-year term. The 4/10/2013 license authorized the seasonal disposal of up to 183,260 gallons/week gallons per year of supernatant from a septage dewatering operation onto a 4.5-acre parcel of land that is owned by the licensee in New Sharon, Maine. The wastewater will be disposed via a surface wastewater disposal system (spray irrigation) on the 4.5-acre parcel of land at the dewatering facility. The storage lagoon and network of piping for the disposal system have not been constructed as of the date of issuance of this license renewal.

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## 2. LICENSE SUMMARY

- a. Terms and Conditions: This licensing action is carrying forward all the terms and conditions of the previous licensing action and subsequent minor revisions except that this licensing action is:
1. Eliminate the monitoring requirement for chlorides to be consistent with other septage dewatering operations throughout the state.
- b. History: This section provides a summary of significant licensing actions and milestones that have been completed for the licensee.

*December 6, 2007* – The Department issued a new WDL #W009012-5J-A-N / ICIS #MEU509012 to AAA Interstate Septic Services, Inc. The Order allowed for the disposal of up to 1,000,000 gallons per week of supernatant from a septage dewatering operation week to the soil above the ground water resources of the state, Class GW-A.

*April 10, 2013* – The Department issued WDL #W009012-5J-B-N / ICIS #MEU509012 to AAA Interstate Septic Services, Inc. The Order allowed for the disposal of up to 1,000,000 gallons per week of supernatant from a septage dewatering operation week to the soil above the ground water resources of the state, Class GW-A.

*June 6, 2018* – The licensee submitted a complete application to the Department to renew WDL #W00509012-5J-A-N / (ICIS) #MEU509012 for the disposal of up to 1,000,000 gallons per week of supernatant from a septage dewatering operation week to the soil above ground water resources of the state, Class GW-A. On June 12, 2018, the application was approved for processing and assigned WDL #W009012-5J-C-R / (ICIS) #MEU509012.

- c. Source Description: The licensee pumps out septic tanks for residential customers. It's customer base is located primarily in Franklin and Somerset counties in western Maine. The licensee services anywhere from 900 – 1,100 customers per year which generates as high as 12,000 gallons/day and as high as 1,000,000 gallons/year.
- d. Wastewater Treatment (Spray-Irrigation): The licensee is proposing to construct a surface wastewater disposal system to treat and seasonally dispose of the liquid fraction (supernatant) of the septage to a 4.5 –acre parcel of land that has historically been used to spread septage. The septage brought into the facility will receive treatment by screening (via a rotary screen), dewatering (via gravity filtration), conveyed to two 15,000-gallon tanks to be aerated via a fine bubble diffusion apparatus and then pumped to storage lagoon for ultimate disposal via a spray irrigation system. See **Attachment B** of this Fact Sheet for schematic of the treatment processes.

The licensee has conducted a Class A High Intensity soil survey in the 4.5 – acre spray site. This area contains Dixfield, Elmwood, Nicholville and Roundabout soils that are fine to very fine sandy loams soils. Seasonally high water tables range from 15 to 27 inches below the surface of the ground.

## 2. LICENSE SUMMARY (cont'd)

The proposed storage lagoon will be 12 feet deep with 10 feet of working capacity and 2 feet dedicated to freeboard. The total working capacity of the storage lagoon is approximately 196,000 gallons. The lagoon will be lined with a six-inch bentonite clay layer, covered by six inches of sand to prevent suspension of the clay. Though this is not enough holding capacity for the septage received during the non-spray season (mid-November through mid-April), the licensee has indicated it has other acceptable disposal options such as trucking the septage to a number of municipal wastewater treatment facilities permitted by the Department.

The proposed spray site will be approximately 4.5 acres and will consist of 4 laterals with a total of 13 spray heads. Each spray head will deliver the wastewater in a circular pattern that measures 140 feet in diameter. The licensee has indicated it plans to rotate the location of the spray heads after each spray application event. At a licensed application rate of 1.5 inches/week (40,725 gallons/acre/week) the site (4.5 acres) will be able to accept up to approximately 183,262 gallons/week. With approximately one million gallons of wastewater to dispose of annually, all wastewater can be disposed of in 5-6 week period of time. Given this license establishes a spray season on April 15-November 15 of each year, the spray site is generously sized to accept all of the wastewater expected to be generated.

## 3. CONDITIONS OF LICENSE

*Conditions of licenses*, 38 M.R.S. § 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 applicable state law, and ensure that the receiving water attain the State water quality standards as described in Maine's Water Classification System.

## 4. RECEIVING WATER QUALITY STANDARDS

*Classification of Ground Waters*, 38 M.R.S. § 470 classifies the groundwater at the point of discharge as Class GW-A receiving water. *Standards of Classification of Ground Water*, 38 M.R.S., Section 465-C(1), describes the standards for water classified as Class GW-A as the highest classification of groundwater and must be of such quality that it can be used for public water supplies. These water must be free of radioactive matter or any matter that imparts color, turbidity, or odor which would impair use of these water, other than that occurring from natural phenomena.

## 5. TREATMENT

Slow rate land irrigation treatment is an environmentally sound and appropriate technology for best practicable treatment and disposal of sanitary 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 groundwater quality in the area.

## 6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- a. Monitoring Parameters – Monitoring parameters identified below provide an indication of the effectiveness of the treatment process and the condition of the wastewater being applied to the land via spray irrigation. Lagoon monitoring is being required four times per year when wastewater is being disposed of via the spray irrigation system. Ground water monitoring is required at the frequency of twice per year, once at the beginning of the spray season and once at the end of the spray season.

*Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS)* – Monitoring for BOD and TSS in lagoon effluent provides an indication of the condition of the wastewater being applied and the degree of loading of organic material and the effectiveness of the spray irrigation treatment process. Monitoring for TSS in the ground water monitoring wells provides information as to the integrity of seal of the monitoring well. This licensing action is carrying forward a daily maximum limit of 100 mg/L BOD for the lagoon effluent which is consistent with limitations established for like facilities and is considered by the Department as a best practicable treatment (BPT) standard. The technology based limitation of 100 mg/L for TSS in the previous licensing action is being changed to “Report” based on a policy change by the Department. Other like lagoon facilities have experienced algal blooms that are outside of their control which contribute to excursions of the 100 mg/L limit. Higher concentrations of TSS being sprayed on the fields does not pose an adverse environmental impact but the license should be aware that operational problems such as fouling of sprayheads may result. Lagoon effluent monitoring is required 1/Month in the months of April, May, August and October of each year when wastewater is disposed of via the spray irrigation system. For the ground water monitoring wells, monitoring is only required twice per year, at the beginning of the spray season in May and at the end of the spray season in October.

*pH*: Measuring pH in the lagoon effluent is important as wastewater with low pH applied to soils may result in the leaching of metals from the soil and in turn, elevate metal concentrations in the ground water. The pH limits established in this license are considered best practicable treatment standards and are considered a surveillance level monitoring parameter that is used as an indicator of potential contamination.

*Metals* – Metals testing of the lagoon effluent and the ground water monitoring wells must be performed 30 days prior to commencement of operations to establish a baseline level of metals loading to the spray irrigation site and then once every five years thereafter. Metals testing in the ground water monitoring wells is being established to ensure the cation exchange capacity of the soil in the spray irrigation site is maintained.

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

*Nitrate-Nitrogen Nitrogen (TKN)*– Nitrogen compounds are by-products of the biological breakdown of ammonia and are inherent in domestic-like sanitary wastewater. TKN is defined as organic nitrogen plus ammonia nitrogen and is a good indicator of the nitrogen compounds being applied to the spray irrigation site. Because nitrate-nitrogen is weakly absorbed by soil, it functions as a reliable indicator of contamination from waste disposal sites. Elevated levels of nitrate-nitrogen in drinking water supplies are human health concerns. The nitrate-nitrogen limit of 10 mg/L is a National Primary Drinking Water standard. Like BOD and TSS, lagoon effluent sampling for nitrate-nitrogen is required 1/Month in the months of April, May, August and October of each year when wastewater is disposed of via the spray irrigation system. Groundwater monitoring wells are only required to be sampled for nitrate-nitrogen twice per year, at the beginning of the spray season in May and at the end of the spray season in October.

*Specific Conductance and Temperature* – These parameters are required to be monitored in the ground water monitoring wells as they are considered to be a “field” parameter meaning that it is measured directly in the field via instrumentation and does not require laboratory analysis. Actual conductivity is dependent on the temperature of the sample collected. This licensing action is requiring the licensee to measure specific conductance in order to provide standardized sampling methodology among similar types of facilities. This parameter is considered to be a surveillance level monitoring parameter and is used as an early warning indicator of potential groundwater contamination when there exists a trend in the data. Sampling is required twice per year, at the beginning of the spray season in May and at the end of the spray season in October.

- b. Application rates: – This licensing action is establishing a spray application rate of 1.5 inches/week or 40,725 gallons/acre per week. With a spray application area of approximately 4.5 acres, the licensee is authorized to apply up to 183,262 gallons per week provided the operational constraint in Special Conditions F and G of this license are adhered to. Regardless of the calculated rate, the system operator must monitor each waste application to verify adequate infiltration of the waste into the soil and an irrigation cycle should be stopped if runoff or ponding start to occur.

## 6. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As licensed, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the water body to meet standards for Class GW-A classification.

## 7. SYSTEM CALIBRATION

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

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

## 8. PUBLIC COMMENTS

Public notice of this application was made in the *Franklin Journal* on or about April 7, 2018. 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 must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2011).

## 9. DEPARTMENT CONTACTS

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

Aaron Dumont  
Bureau of Water Quality  
Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017 Telephone: (207) 592-7161  
e-mail: [Aaron.A.Dumont@maine.gov](mailto:Aaron.A.Dumont@maine.gov)

## 10. RESPONSE TO COMMENTS

During the period of September 25, 2018, through the effective date of this final agency action, the Department solicited comments on the draft MEPDES permit. The Department did not receive any substantive comment on the draft permit. It is noted that minor typographical and grammatical errors identified in comments were not summarized in this section, but were corrected, where necessary, in the final permit.



# DEP INFORMATION SHEET

## Appealing a Department Licensing Decision

**Dated: March 2012**

**Contact: (207) 287-2811**

### **SUMMARY**

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

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

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

### **I. ADMINISTRATIVE APPEALS TO THE BOARD**

#### **LEGAL REFERENCES**

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

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

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

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

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

#### **WHAT YOUR APPEAL PAPERWORK MUST CONTAIN**

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

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

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

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

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

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



## II. JUDICIAL APPEALS

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

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

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

### ADDITIONAL INFORMATION

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

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

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MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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**A. GENERAL PROVISIONS**

**1. General compliance.** All discharges shall be consistent with the terms and conditions of this permit; any changes in production capacity or process modifications which result in changes in the quantity or the characteristics of the discharge must be authorized by an additional license or by modifications of this permit; it shall be a violation of the terms and conditions of this permit to discharge any pollutant not identified and authorized herein or to discharge in excess of the rates or quantities authorized herein or to violate any other conditions of this permit.

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

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

**3. Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of State law and the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

- (a) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act, and 38 MRSA, §420 or Chapter 530.5 for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- (b) Any person who violates any provision of the laws administered by the Department, including without limitation, a violation of the terms of any order, rule license, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

**4. Duty to provide information.** The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

**5. Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**6. Reopener clause.** The Department reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedule of compliance or other provisions which may be authorized under 38 MRSA, §414-A(5).

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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**7. Oil and hazardous substances.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under section 311 of the Federal Clean Water Act; section 106 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; or 38 MRSA §§ 1301, et. seq.

**8. Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.

**9. Confidentiality of records.** 38 MRSA §414(6) reads as follows. "Any records, reports or information obtained under this subchapter is available to the public, except that upon a showing satisfactory to the department by any person that any records, reports or information, or particular part or any record, report or information, other than the names and addresses of applicants, license applications, licenses, and effluent data, to which the department has access under this subchapter would, if made public, divulge methods or processes that are entitled to protection as trade secrets, these records, reports or information must be confidential and not available for public inspection or examination. Any records, reports or information may be disclosed to employees or authorized representatives of the State or the United States concerned with carrying out this subchapter or any applicable federal law, and to any party to a hearing held under this section on terms the commissioner may prescribe in order to protect these confidential records, reports and information, as long as this disclosure is material and relevant to any issue under consideration by the department."

**10. Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

**11. Other laws.** The issuance of this permit does not authorize any injury to persons or property or invasion of other property rights, nor does it relieve the permittee of its obligation to comply with other applicable Federal, State or local laws and regulations.

**12. Inspection and entry.** The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the EPA Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

**B. OPERATION AND MAINTENANCE OF FACILITIES**

**1. General facility requirements.**

- (a) The permittee shall collect all waste flows designated by the Department as requiring treatment and discharge them into an approved waste treatment facility in such a manner as to

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

**2. Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

**3. Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**4. Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**5. Bypasses.**

- (a) Definitions.
  - (i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
  - (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.
- (c) Notice.
  - (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

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- (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D(1)(f), below. (24-hour notice).
- (d) Prohibition of bypass.
  - (i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:
    - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    - (C) The permittee submitted notices as required under paragraph (c) of this section.
  - (ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (d)(i) of this section.

**6. Upsets.**

- (a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (ii) The permitted facility was at the time being properly operated; and
  - (iii) The permittee submitted notice of the upset as required in paragraph D(1)(f) , below. (24 hour notice).
  - (iv) The permittee complied with any remedial measures required under paragraph B(4).
- (d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

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**C. MONITORING AND RECORDS**

**1. General Requirements.** This permit shall be subject to such monitoring requirements as may be reasonably required by the Department including the installation, use and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). The permittee shall provide the Department with periodic reports on the proper Department reporting form of monitoring results obtained pursuant to the monitoring requirements contained herein.

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

**3. Monitoring and records.**

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.
- (c) Records of monitoring information shall include:
  - (i) The date, exact place, and time of sampling or measurements;
  - (ii) The individual(s) who performed the sampling or measurements;
  - (iii) The date(s) analyses were performed;
  - (iv) The individual(s) who performed the analyses;
  - (v) The analytical techniques or methods used; and
  - (vi) The results of such analyses.
- (d) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.
- (e) State law provides that any person who tampers with or renders inaccurate any monitoring devices or method required by any provision of law, or any order, rule license, permit approval or decision is subject to the penalties set forth in 38 MRSA, §349.

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**D. REPORTING REQUIREMENTS**

**1. Reporting requirements.**

- (a) Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
  - (i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
  - (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D(4).
  - (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;
- (b) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) Transfers. This permit is not transferable to any person except upon application to and approval of the Department pursuant to 38 MRSA, § 344 and Chapters 2 and 522.
- (d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
  - (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.
  - (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.
  - (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.
- (e) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (f) Twenty-four hour reporting.
  - (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance



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has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit.

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

(iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (f)(ii) of this section if the oral report has been received within 24 hours.

(g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this section.

(h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

**2. Signatory requirement.** All applications, reports, or information submitted to the Department shall be signed and certified as required by Chapter 521, Section 5 of the Department's rules. State law provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained by any order, rule, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

**3. Availability of reports.** Except for data determined to be confidential under A(9), above, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by State law, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal sanctions as provided by law.

**4. Existing manufacturing, commercial, mining, and silvicultural dischargers.** In addition to the reporting requirements under this Section, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Department as soon as they know or have reason to believe:

(a) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(i) One hundred micrograms per liter (100 ug/l);

(ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or

(iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

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- (b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
- (i) Five hundred micrograms per liter (500 ug/l);
  - (ii) One milligram per liter (1 mg/l) for antimony;
  - (iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
  - (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

**5. Publicly owned treatment works.**

- (a) All POTWs must provide adequate notice to the Department of the following:
- (i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA or Chapter 528 if it were directly discharging those pollutants.
  - (ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
  - (iii) For purposes of this paragraph, adequate notice shall include information on (A) the quality and quantity of effluent introduced into the POTW, and (B) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (b) When the effluent discharged by a POTW for a period of three consecutive months exceeds 80 percent of the permitted flow, the permittee shall submit to the Department a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.

**E. OTHER REQUIREMENTS**

**1. Emergency action - power failure.** Within thirty days after the effective date of this permit, the permittee shall notify the Department of facilities and plans to be used in the event the primary source of power to its wastewater pumping and treatment facilities fails as follows.

- (a) For municipal sources. During power failure, all wastewaters which are normally treated shall receive a minimum of primary treatment and disinfection. Unless otherwise approved, alternate power supplies shall be provided for pumping stations and treatment facilities. Alternate power supplies shall be on-site generating units or an outside power source which is separate and independent from sources used for normal operation of the wastewater facilities.
- (b) For industrial and commercial sources. The permittee shall either maintain an alternative power source sufficient to operate the wastewater pumping and treatment facilities or halt, reduce or otherwise control production and or all discharges upon reduction or loss of power to the wastewater pumping or treatment facilities.

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**2. Spill prevention.** (applicable only to industrial sources) Within six months of the effective date of this permit, the permittee shall submit to the Department for review and approval, with or without conditions, a spill prevention plan. The plan shall delineate methods and measures to be taken to prevent and or contain any spills of pulp, chemicals, oils or other contaminants and shall specify means of disposal and or treatment to be used.

**3. Removed substances.** Solids, sludges trash rack cleanings, filter backwash, or other pollutants removed from or resulting from the treatment or control of waste waters shall be disposed of in a manner approved by the Department.

**4. Connection to municipal sewer.** (applicable only to industrial and commercial sources) All wastewaters designated by the Department as treatable in a municipal treatment system will be cosigned to that system when it is available. This permit will expire 90 days after the municipal treatment facility becomes available, unless this time is extended by the Department in writing.

**F. DEFINITIONS.** For the purposes of this permit, the following definitions shall apply. Other definitions applicable to this permit may be found in Chapters 520 through 529 of the Department's rules

**Average** means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For bacteria, the average shall be the geometric mean.

**Average monthly discharge limitation** means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. Except, however, bacteriological tests may be calculated as a geometric mean.

**Average weekly discharge limitation** means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

**Best management practices ("BMPs")** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Composite sample** means a sample consisting of a minimum of eight grab samples collected at equal intervals during a 24 hour period (or a lesser period as specified in the section on monitoring and reporting) and combined proportional to the flow over that same time period.

**Continuous discharge** means a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

**Daily discharge** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.

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**Discharge Monitoring Report ("DMR")** means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by approved States as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

**Flow weighted composite sample** means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

**Grab sample** means an individual sample collected in a period of less than 15 minutes.

**Interference** means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

**Maximum daily discharge limitation** means the highest allowable daily discharge.

**New source** means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

- (a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or
- (b) After proposal of standards of performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

**Pass through** means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

**Permit** means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40 CFR parts 122, 123 and 124. Permit includes an NPDES general permit (Chapter 529). Permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

**Person** means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity.

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**Point source** means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

**Pollutant** means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or byproducts, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

**Process wastewater** means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

**Publicly owned treatment works ("POTW")** means any facility for the treatment of pollutants owned by the State or any political subdivision thereof, any municipality, district, quasi-municipal corporation or other public entity.

**Septage** means, for the purposes of this permit, any waste, refuse, effluent sludge or other material removed from a septic tank, cesspool, vault privy or similar source which concentrates wastes or to which chemicals have been added. Septage does not include wastes from a holding tank.

**Time weighted composite** means a composite sample consisting of a mixture of equal volume aliquots collected over a constant time interval.

**Toxic pollutant** includes any pollutant listed as toxic under section 307(a)(1) or, in the case of sludge use or disposal practices, any pollutant identified in regulations implementing section 405(d) of the CWA. Toxic pollutant also includes those substances or combination of substances, including disease causing agents, which after discharge or upon exposure, ingestion, inhalation or assimilation into any organism, including humans either directly through the environment or indirectly through ingestion through food chains, will, on the basis of information available to the board either alone or in combination with other substances already in the receiving waters or the discharge, cause death, disease, abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in such organism or their offspring.

**Wetlands** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**Whole effluent toxicity** means the aggregate toxic effect of an effluent measured directly by a toxicity test.