STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

October 3, 2011

VIA ELECTRONIC MAIL

Mr. Dana Fowler, Solid Waste Director
City of Presque Isle
12 Second Street
Presque Isle, ME 04769
dfowler@presqueisleme.us

RE: Maine Permit Compliance System Tracking #MEU508088
Maine Waste Discharge License (WDL) Application #W008088-6B-F-R
Final License – City of Presque Isle Landfill

Dear Mr. Fowler:

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

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

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

Sincerely,

Phyllis Arnold Rand

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

Enclosure
Cc: Bill Sheehan, DEP/NMRO Lori Mitchell, DEP/DMU Sandy Mojica, EPA

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

DEPARTMENT ORDER
IN THE MATTER OF

CITY OF PRESQUE ISLE	)	PROTECTION AND IMPROVEMENT
PRESQUE ISLE, AROOSTOOK COUNTY, MAINE	)	OF WATERS
SURFACE WASTEWATER DISPOSAL SYSTEM	)	
MEU508088	)	WASTE DISCHARGE LICENSE
W008088-6B-F-R **APPROVAL**	)	**RENEWAL**

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

APPLICATION SUMMARY

The licensee has submitted an application to the Department for renewal of Waste Discharge License (WDL) #W008088-6B-E-R which was issued by the Department on July 21, 2006, for a five-year term and subsequently modified on August 17, 2007 and September 29, 2009. The 7/21/06 license and subsequent modifications authorized the operation of a surface waste water disposal (spray-irrigation) system for the treatment and seasonal disposal of landfill leachate waste water onto land owned by the licensee and to a shallow swale that leads to a forested wetland in Presque Isle, Maine.

LICENSE SUMMARY

Terms & Conditions: This licensing action is carrying forward all the terms and conditions with the following exceptions. This licensing action is different in that it is:

1. Modifying the Treatment Plant Operator Certification requirement to include an SITS-II certificate or higher.

2. Eliminating the requirement to submit a Groundwater Quality Monitoring Plan in order to maintain consistency with similar licenses.

3. Revising the requirement for the licensee to maintain the lagoon freeboard of at least three (3) feet, to maintaining the lagoon freeboard at design levels or at least two (2) feet, whichever is greater, based on EPA guidance.

4. Eliminating flow monitoring requirements for the lagoons and establishing flow monitoring requirements for the spray-irrigation areas.

5. Addition of Spray Area #7 as a licensed outfall in Special Condition A.3.

LICENSE SUMMARY (cont'd)

6. Eliminating the groundwater elevation monitoring parameter in order to maintain consistency with similar licenses.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated September 14, 2011, and subject to the Conditions listed below, the Department makes the following conclusions:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.

2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.

3. The provisions of the State's antidegradation policy, 38 MRSA Section 464(4)(F), will be met, in that:

   (a) Existing water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;

   (b) Where high quality waters of the State constitute an outstanding natural resource, that water quality will be maintained and protected;

   (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;

   (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and

   (e) Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.

4. The discharge will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A.§414-A(1)(D).

ACTION

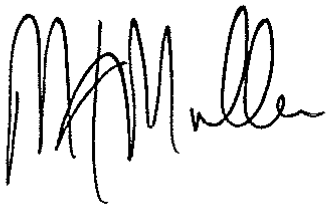
THEREFORE, the Department APPROVES the above noted application of the CITY OF PRESQUE ISLE, to operate a surface waste water disposal system for the disposal of up to 589,155 gallons per week, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

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

2. The attached Special Conditions, including effluent limitations and monitoring requirements.

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

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES



This permit is digitally signed by Michael Mullen on behalf of Acting Commissioner Patricia Aho. It is digitally signed pursuant to 10 M.R.S.A. § 9418. It has been filed with the Board of Environmental Protection as of the signature date. 2011.10.05 08:19:16 -04'00'

Date of initial receipt of application: July 6, 2011
Date of application acceptance: July 7, 2011

This Order prepared by Phyllis Arnold Rand, BUREAU OF LAND & WATER QUALITY
MEU508088 2011

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. Beginning the effective date of this license, the licensee is authorized to operate a surface waste water treatment and disposal system. The **LAGOON EFFLUENT (OUTFALL #001 IS THE CONICAL LAGOON, OUTFALL #002 IS THE RECTANGULAR LAGOON)** shall be limited and monitored as specified below:

Minimum Monitoring Requirements

	Weekly Maximum	Daily Maximum	Measurement Frequency	Sample Type
Lagoon Level (Freeboard)(1)				
Rectangular Storage Lagoon *[82564]*	---	Report, Feet *[27]*	1/Week *[01/07]*	Measure *[MS]*
Conical Lagoon *[82564]*	---	Report, Feet *[27]*	1/Week *[01/07]*	Measure *[MS]*
Biochemical Oxygen Demand *[00310]*	---	Report, mg/L *[19]*	1/Month(2,3) *[01/30]*	Grab*[GR]*
Total Suspended Solids*[00530]*	---	Report, mg/L *[19]*	1/Month(2,3) *[01/30]*	Grab*[GR]*
Specific Conductance *[00095]*	---	Report, umhos/cm *[11]*	1/Month(2,3) *[01/30]*	Grab*[GR]*
Total Phosphorus *[00665]*	---	Report, mg/L *[19]*	1/Month(2,3) *[01/30]*	Grab*[GR]*
Total Aluminum *[01105]*	---	Report, mg/L *[19]*	1/Month(2,3) *[01/30]*	Grab*[GR]*
Total Arsenic *[01002]*	---	Report, mg/L *[19]*	1/Month(2,3) *[01/30]*	Grab*[GR]*
Total Cadmium *[01027]*	---	Report, mg/L *[19]*	1/Month(2,3) *[01/30]*	Grab*[GR]*
Total Copper *[01042]*	---	Report, mg/L *[19]*	1/Month(2,3) *[01/30]*	Grab*[GR]*
Total Lead *[01051]*	---	Report, mg/L *[19]*	1/Month(2,3) *[01/30]*	Grab*[GR]*
Total Nickel *[01067]*	---	Report, mg/L *[19]*	1/Month(2,3) *[01/30]*	Grab*[GR]*
Total Zinc *[01092]*	---	Report, mg/L *[19]*	1/Month(2,3) *[01/30]*	Grab*[GR]*
pH (Standard Units) *[00400]*	---	Report S.U. *[12]*	1/Month(2,3) *[01/30]*	Grab*[GR]*

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: Refer to pages 9 – 11 for footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

2. Beginning the effective date of this license, the licensee is authorized to operate a surface waste water disposal system. The **LEACHATE LAGOON UNDERDRAIN** shall be limited and monitored as specified below[4]:

	Discharge Limitations	**Minimum Monitoring Requirements (as specified)**	
	Daily Maximum	**Measurement Frequency**	**Sample Type**
Specific Conductance *[00095]*	Report, umhos/cm[5] *[11]*	1/Month[3] *[01/30]*	Measure *[MS]*

Title 40 CFR Part 445 Parameters

Biochemical Oxygen Demand *[00310]*	140 mg/L[6] *[19]*	1/Year *[01/YR]*	Grab *[GR]*
Total Suspended Solids *[00610]*	88 mg/L[6] *[19]*	1/Year *[01/YR]*	Grab *[GR]*
Ammonia as N *[00610]*	10 mg/L[6] *[19]*	1/Year *[01/YR]*	Grab *[GR]*
α–Terpineol *[51031]*	33 ug/L[6] *[28]*	1/Year *[01/YR]*	Grab *[GR]*
Benzoic Acid *[77247]*	0.12 mg/L[6] *[28]*	1/Year *[01/YR]*	Grab *[GR]*
ρ-Cresol *[79778]*	25 ug/L[6] *[28]*	1/Year *[01/YR]*	Grab *[GR]*
Phenol *[46000]*	26 ug/L[6] *[28]*	1/Year *[01/YR]*	Grab *[GR]*
Total Zinc *[01092]*	200 ug/L[6] *[28]*	1/Year *[01/YR]*	Grab *[GR]*
pH *[00400]*	6.0-9.0 SU[6] *[12]*	1/Year *[01/YR]*	Grab *[GR]*

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: Refer to pages 9 – 11 for footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

3. Beginning the effective date of this license, the licensee is authorized to operate a surface waste water disposal system. The **SPRAY-IRRIGATION AREAS (SA)** shall be limited and monitored as specified below for land application between ***April 15th and November 15th*** of each year:

Parameter	Monthly Total	Weekly Maximum(7,8)	Minimum Measurement Frequency	Sample Type(9)
Flow - Total Gallons *[82220]*	Report, Gallons *[80]*	---	1/Month *[01/30]*	Calculate *[CA]*
Application Rate				
SA1	---	84,165 gal/week	1/Week	Calculate
SA2	---	84,165 gal/ week	1/Week	Calculate
SA3	---	84,165 gal/ week	1/Week	Calculate
SA4	---	84,165 gal/ week	1/Week	Calculate
SA5	---	84,165 gal/ week	1/Week	Calculate
SA6	---	84,165 gal/ week	1/Week	Calculate
SA7 *[51125]*	---	84,165 gal/ week *[8B]*	1/Week *[01/01]*	Calculate *[CA]*

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: Refer to pages 9 – 11 for footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

4. Beginning the effective date of the license, this licensee is authorized to operate a surface waste water disposal system. The **GROUNDWATER MONITORING WELL(S) MW9, MW101, AND MW102** shall be limited and monitored as specified below.

Parameter	Daily Maximum as specified	Minimum Measurement Frequency as specified	Sample Type as specified
Depth to Water Level Below Landsurface *[72019]*	Report (feet)(10) *[27]*	3/Year(11, 15) *[03/YR]*	Measure *[MS]*
Specific Conductance*[00094]*	Report, umhos/cm(5) *[11]*	3/Year(11) *[03/YR]*	Grab *[GR]*
Temperature *[00011]*	Report, degrees (F) *[15]*	3/Year(11,12) *[03/YR]*	Grab *[GR]*
pH *[00400]*	Report (S.U.) *[12]*	3/Year(11,12) *[03/YR]*	Grab *[GR]*
Chloride *[00940]*	250 mg/L (13) *[19]*	3/Year(11) *[03/YR]*	Grab *[GR]*
Total Dissolved Solids *[70296]*	500 mg/L(13) *[19]*	3/Year(11) *[03/YR]*	Grab *[GR]*
Total Aluminum *[01105]*	Report, mg/L *[19]*	3/Year(11) *[03/YR]*	Grab *[GR]*
Total Arsenic *[01002]*	0.05 mg/L(13) *[19]*	3/Year(11) *[03/YR]*	Grab *[GR]*
Total Cadmium *[01027]*	0.005 mg/L (13) *[19]*	3/Year(11) *[03/YR]*	Grab *[GR]*
Total Copper *[01042]*	1.0 mg/L (13) *[19]*	3/Year(11) *[03/YR]*	Grab *[GR]*
Total Lead *[01051]*	0.015 mg/L (13) *[19]*	3/Year(11) *[03/YR]*	Grab *[GR]*
Total Nickel *[01067]*	Report, mg/L *[19]*	3/Year(11) *[03/YR]*	Grab *[GR]*
Total Zinc *[01092]*	5.0 mg/L (13) *[19]*	3/Year(11) *[03/YR]*	Grab *[GR]*

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: Refer to pages 9 – 11 for footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

4. **GROUNDWATER MONITORING WELL(S) MW9, MW101, AND MW102**

	Daily Maximum as specified	Minimum Measurement Frequency as specified	Sample Type as specified
Total Kjeldahl Nitrogen *[00625]*	Report, mg/L *[19]*	3/Year(11) *[03/YR]*	Grab *[GR]*
Biochemical Oxygen Demand *[00310]*	Report, mg/L *[19]*	3/Year(11) *[03/YR]*	Grab *[GR]*
Total Calcium *[00916]*	Report, mg/L *[19]*	3/Year(11) *[03/YR]*	Grab *[GR]*
Chemical Oxygen Demand *[81017]*	Report, mg/L *[19]*	3/Year(11) *[03/YR]*	Grab *[GR]*
Total Iron *[01045]*	Report, mg/L *[19]* (13)	3/Year(11) *[03/YR]*	Grab *[GR]*
Total Magnesium *[00927]*	Report, mg/L *[19]*	3/Year(11) *[03/YR]*	Grab *[GR]*
Total Manganese *[01055]*	Report, mg/L *[19]*	3/Year(11) *[03/YR]*	Grab *[GR]*
Total Nitrate-Nitrogen *[00620]*	10 mg/L *[19]* (13)	3/Year(11) *[03/YR]*	Grab *[GR]*
Total Sodium *[00929]*	20 mg/L *[19]* (14)	3/Year(11) *[03/YR]*	Grab *[GR]*
Sulfate *[81020]*	250 mg/L *[19]* (13)	3/Year(11) *[03/YR]*	Grab *[GR]*
Total Coliform Bacteria *[74056]*	Report, col/100 mL *[19]*	3/Year(11) *[03/YR]*	Grab *[GR]*
Total Organic Carbon *[00680]*	Report, mg/L *[19]*	3/Year(11) *[03/YR]*	Grab *[GR]*
Total Phosphorus *[00665]*	Report, mg/L*[19]*	3/Year(11) *[03/YR]*	Grab *[GR]*
Total Suspended Solids *[00530]*	Report, mg/L *[19]*	3/Year(11) *[03/YR]*	Grab *[GR]*
Total Hardness (CaCO3) *[00900]*	Report, mg/L *[19]*	3/Year(11) *[03/YR]*	Grab *[GR]*

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: Refer to pages 9 – 11 for footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Footnotes – [Special Conditions A(1) – A(4)]

Sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services. Samples that are sent to a POTW licensed pursuant to *Waste discharge licenses,* 38 M.R.S.A. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules,* 10-144 CMR 263 (last amended 2/13/00). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of the *Maine Comprehensive and Limited Laboratory Certification Rules,* 10-144 CMR 263 (last amended February 13, 2000).

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

1. Lagoon freeboard shall be measured weekly for each lagoon between May 1 and October 31 of each year. Weekly is defined as Sunday through Saturday. The licensee shall maintain the lagoon freeboard at design levels or at least two (2) feet, whichever is greater. For reporting on DMRs, report the minimum freeboard recorded for the storage lagoon. In the event that freeboard levels in either lagoon are 2 feet or less, the licensee shall notify the Department's Compliance Inspector and consult for freeboard management and further recommendations.

2. Storage lagoon effluent shall be sampled at the outlet pump pipeline and shall be representative of what is actually being applied to the fields. Any change in sampling location must be approved by the Department in writing.

3. Sampling shall occur during the months of April, May, June, July, August, September, October and November of each year. In the event that no wastewater is disposed of via the spray-irrigation system during the month, the licensee is not required to sample for effluent monitoring.

4. See Special Condition M, *Underdrain Discharge,* of this license.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Footnotes – [Special Conditions A(1) – A(4)]

5. Specific conductance (calibrated to 25.0 Deg C) may be measured either in the field or the laboratory. If a specific conductance reading exceeds the maximum previously measured by more than 15%, the licensee shall verbally notify the Department within 16 hours of the measurement. Within 72 hours of a specific conductance reading 15% higher than the maximum previously measured reading, the licensee shall monitor the underdrain for the parameters in 40 CFR Part 445 listed in Special Condition A.2 of this license. Specific conductance is to be measured whether or not waste water was disposed of via the spray-irrigation system.

6. If sampling of the underdrain exceeds any of the limitations, the licensee shall initiate procedures outlined in the licensee's Operations & Maintenance (O&M) manual and commence Assessment Monitoring consistent with *Water Quality Monitoring, Leachate Monitoring, and Waste Characterization*, 06-096 CMR 405 [effective June 16, 2006] until such time the discharge is below applicable thresholds for two consecutive monitoring events. If the concentrations are less than the limits established, the licensee may continue to discharge.

7. Weekly is defined as Sunday through Saturday. A field's daily or weekly application rate is the total gallons sprayed over the applicable period of time divided by the size of the wetted area of the field(s) utilized. Note: 27,152 gallons is equivalent to one acre-inch. The licensee shall measure the flow of waste water to the irrigation area(s) by the use of a flow measuring device that is checked for calibration at least once per calendar year.

8. For Discharge Monitoring Report (DMR) reporting purposes, the licensee shall report the highest weekly application rate for the month in the applicable box on the form. Compliance with weekly reporting requirements must be reported for the month in which the calendar week ends. The application rate shall not exceed 0.25 inches per hour.

9. As recorded in the pump log for the spray pumps.

10. Depth to water level shall be measured to the nearest one-tenth ($1/10^{th}$) of a foot as referenced from the surface of the ground at the base of the monitoring well. Elevation shall be measured to the nearest $1/10^{th}$ of a foot as referenced to an established onsite benchmark

11. Monitoring wells shall be sampled during the months of May, August and November of each year.

12. Temperature, specific conductivity and pH are considered "field" parameters and are to be measured in the field via instrumentation. The licensee is required to test for temperature and pH whether or not waste water was disposed of via the spray-irrigation system.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Footnotes – [Special Conditions A(1) – A(4)]

13. State and Federal Primary or Secondary Drinking Water Standards.

14. Maine Department of Human Services, Bureau of Health Maximum Exposure Guidelines.

15. A minimum of 14 days between any two groundwater elevation measurements in any calendar month.

B. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a **Grade SITS-II** certificate or higher (or Registered Maine Professional Engineer) pursuant to Title 32 M.R.S.A. §4171 *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 permittee may engage the services of the contract operator.

C. AUTHORIZED DISCHARGES

The licensee is authorized to discharge treated landfill leachate waste water only in accordance with the terms and conditions of this license and only to the existing spray-irrigation fields (Fields #1-#7) and from those sources as indicated in the 7/07/11 Waste Discharge License Application. This license also conditionally authorizes the discharge of groundwater from the underdrain system associated with the leachate lagoon. See Special Condition M, *Underdrain Discharge* of this license. Discharge of waste water from any other location or from sources other than those indicated on said application requires formal modification of this license.

D. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain materials in concentrations or combinations which would impair the uses designated by the classification of the groundwater.

2. The effluent must not lower the quality of any classified body of water (groundwater is a classified body of water under *Standards for Classification of Ground Water*, 38 M.R.S.A., §465-C) below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

SPECIAL CONDITIONS

E. NOTIFICATION REQUIREMENT

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

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

   (a) the quality and quantity of waste water introduced to the treatment system; and

   (b) any anticipated impact caused by the change in the quantity or quality of the waste water to be introduced into the treatment system.

F. GENERAL OPERATIONAL CONSTRAINTS

1. All waste water shall receive biological treatment through a properly designed, operated and maintained lagoon system prior to disposal via spray-irrigation.

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

3. The surface waste water disposal system shall 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.A. §2611. 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 shall be notified as soon as the licensee becomes aware of any threat to public health, unlicensed discharge of waste water, or any malfunction that threatens the proper operation of the system. Notification shall be made in accordance with the attached Standard Condition #4 of this license.

5. The licensee shall maintain a file on the location of all system components and relevant features. System components including collection pipes, tanks, manholes, pumps, pumping stations, spray disposal fields, and monitoring wells shall be identified and referenced by a unique identifier (alphabetical, numeric or alpha-numeric) in all logs and reports. Each component shall be mapped and field located sufficiently to allow adequate inspections and monitoring by both the licensee and the Department.

SPECIAL CONDITIONS

G. SPRAY-IRRIGATION OPERATIONAL CONSTRAINTS, LOGS AND REPORTS

1. Waste water 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 fields. There shall be no significant runoff within or outside of the spray-irrigation area due to the spray-irrigation events.

2. At least 10 inches of separation from the ground surface to the groundwater table shall be present prior to spray-irrigation.

3. No waste water shall be applied to the site following a rainfall accumulation exceeding 1.0 inch within the previous 24-hour period. **A rain gauge shall be located on site to monitor daily precipitation.** The licensee shall also manage application rates by taking into consideration the forecast for rain events in the 48-hour period in the future.

4. No waste water shall be applied where there is snow present on the surface of the ground.

5. No waste water shall be applied when there is any evidence of frost or frozen ground within the upper 10 inches of the soil profile.

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

7. **Prior to the commencement of spray-irrigation for the season**, the licensee shall notify the Department's compliance inspector that they have verified that site conditions are appropriate (frozen ground, soil moisture etc) for spray-irrigation.

8. The licensee shall install the equivalent of one groundwater level inspection well per spray field to verify that 10 inches of separation from the ground surface to the observed groundwater level is present prior to spraying. Depths to groundwater shall be recorded in accordance with the format of, *"Depth to Groundwater"* provided as **Attachment C** of this license.

9. The licensee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities. **After start-up of the spray-irrigation system**, the licensee shall walk 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. Should significant malfunctions or leaks be detected, the licensee must shut down the malfunctioning portion of the spray system and make necessary repairs before resuming operation. The licensee shall cease irrigation if runoff is observed outside the designated boundaries of the spray field.

SPECIAL CONDITIONS

G. SPRAY-IRRIGATION OPERATIONAL CONSTRAINTS, LOGS AND REPORTS (cont'd)

10. **The licensee shall maintain a daily log** of all spray-irrigation operations which records the date, weather and soil conditions, rainfall, areas irrigated, volume sprayed (gallons), application rates (daily and weekly), and other relevant observations/comments from daily inspections. The log shall be in accordance with the format of the, *"Monthly Operations Log"* provided as **Attachment A** of this license.

11. A suitable year-round vegetative cover shall be maintained. Waste water may not be applied to areas without established vegetation or ground cover (organic matter) covering at least 75% of the surface of the ground.

12. Irrigation events should be scheduled, timed and interrupted so that:

    - No surface runoff occurs outside the designated spray-irrigation area;
    - The root zone is not completely saturated at the conclusion of irrigation;
    - Evaporation from the soil and transpiration by plants (evapotranspiration) as influenced by the temperature of the soil and air, by wind, by relative humidity and by sunlight are maximized.

13. The licensee shall manage irrigation to prevent surface water runoff and shall not irrigate land areas where water is ponded on the land surface and takes longer than 15 minutes to dissipate.

H. VEGETATION MANAGEMENT

1. The licensee shall 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 waste water over the desired application area and to optimize nutrient uptake and removal.

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

SPECIAL CONDITIONS

I. DISPOSAL OF TRANSPORTED WASTES IN THE WASTE WATER TREATMENT FACILITY

The licensee is not authorized to receive transported wastes without a formal modification of this license. The licensee is prohibited from accepting transported waste for disposal into any part or parts of the wastewater disposal system. "Transported wastes" means any liquid non-hazardous waste delivered to a wastewater treatment facility by a truck or other similar conveyance that has different chemical constituents or a greater strength than the influent described on the facility's application for a waste discharge license. Such wastes may include, but are not limited to septage, industrial wastes or other wastes to which chemicals in quantities potentially harmful to the treatment facility or receiving water have been added.

J. LAGOON MAINTENANCE

1. The integrity of the lagoons shall be inspected periodically during the operating season and properly maintained at all times. There shall be no overflow through or over the lagoon berms. Any signs of leaks or overflow shall be repaired or corrected immediately.

2. The licensee shall maintain the lagoon freeboard at design levels or at least two (2) feet, whichever is greater. The lagoons shall be operated in such a way as to balance the disposal of wastewater via spray irrigation and to ensure that design freeboard levels are maintained.

3. The lagoons shall be cleaned of solid materials as necessary to maintain the proper operating depths that will provide best practicable treatment of the wastewater. All material removed from the lagoons shall be properly disposed of in accordance with all applicable State and Federal rules and regulations.

K. INSPECTIONS AND MAINTENANCE

The licensee shall periodically inspect all system components to ensure the facility is being operated and maintained in accordance with the design of the system. Maintenance logs shall be maintained for each major system component including pumps, pump stations, storage tanks, spray apparatus, and pipes. At a minimum, the logs shall include the unique identifier [alphabetic, numeric or alpha-numeric -see Special Condition F(5)], the date of maintenance, type of maintenance performed, names or person performing the maintenance, and other relevant system observations.

SPECIAL CONDITIONS

L. GROUNDWATER MONITORING WELLS

All monitoring wells shall be equipped and maintained with a cap and lock to limit access and shall be maintained in a secured state at all times. The integrity of the monitoring wells shall also be verified annually. The integrity of the monitoring wells shall also be verified annually by checking for the following: access and visibility, condition of locks and protective caps, presence of cracks, subsurface bentonite seal condition (unusual water quality, i.e., turbidity), condition of well screens and filter packs (changes in well performance, i.e., drop in yield), and evidence of vandalism or frost heaving. The Department reserves the right to require increasing the depth and/or relocating any of the groundwater monitoring wells if the well is perennially dry or is determined to not provide data representative of groundwater conditions.

M. LAGOON UNDERDRAIN DISCHARGE

This license authorizes the licensee to discharge groundwater from the leachate lagoon underdrain system for the term of this license. If during the term of this license, the Department determines that effluent characteristics associated with the discharge cause or contribute to a violation of ambient water quality standards, the licensee will be notified by the Department, in writing, that the discharge must receive treatment or be eliminated. Upon written notification by the Department, the licensee will be given 60 days to submit to the Department for review and written approval, a scope of work and schedule to treat or eliminate the discharge. On or before 90 days after written approval by the Department of said scope of work and schedule to treat or eliminate the discharge, the licensee shall substantially complete construction (weather permitting) of a treatment system(s) or eliminate the discharge.

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

The licensee shall have a current written comprehensive Operation & Maintenance (O & M) Plan. The plan shall provide a systematic approach by which the licensee shall at all times, properly operate and maintain all facilities and 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 shall evaluate and modify the O& M Plan including site plan(s) and schematic(s) for the wastewater treatment facility to ensure that it is up-to-date. The O& M Plan shall be kept 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 shall submit the updated O&M Plan to their Department inspector for review and comment.

SPECIAL CONDITIONS

O. PUBLIC ACCESS TO LAND APPLICATION SITES AND SIGNAGE

Access to the land application sites shall be limited during the season of active site use. The licensee shall install signs measuring at least 8 ½" x 11", in areas of concern around the perimeter of the lagoon and spray-irrigation site that inform the general public that the area is being used to dispose of landfill leachate waste waters. 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.

P. MONITORING AND REPORTING

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

Department of Environmental Protection
Bureau of Land and Water Quality
Northern Maine Regional Office
1235 Central Drive
Presque Isle, Maine 04769

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

SPECIAL CONDITIONS

Q. REOPENING OF LICENSE FOR MODIFICATIONS

Upon evaluation of any required test results, results of inspections and/or reporting required by the Special Conditions of this licensing action, additional site specific or any other pertinent information or test results obtained during the term of this license, the Department may, at any time and with notice to the licensee, modify this license to require additional monitoring, inspections and/or reporting based on the new information.

R. SEVERABILITY

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

Monthly Operations Log Attachment A (Month/Year) _____)

WDL # W008088-6B-F-R; Fields #_____Weekly Application Rate: 27,150 gallons/acre/week (1.0 inch/acre/week)

	A	B	C	D	E	F	G	H	I	J	K
Day	DATE	PRECIP Inches	TEMP	WEATHER	WIND Direction Speed	Soil Moisture	Total Gallons Pumped	Name of Field(s) Used	Acres Sprayed (Sum of Col H x Area of Each Field)	Gallons/Acre (inches) (Col G divided by I)	Total Inches
	1										
	2										
	3										
	4										
	5										
	6										
	7										
	8										
	9										
	10										
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	25										
	26										
	27										
	28										
	29										
	30										
	31										
Monthly Total =											

Spray Application Report by Week Attachment B Facility Name_____;

WDL # W008088-6B-F-R;(Month _____, Year _____) Weekly Application Rate 27,150 gallons/acre/week [1.0 inch])

Field Name/#	**Effective** Spray Area **(Acres)**	**Weekly Limit (Gallons/Acre)**	Actual Spray Application Rates **(Gallons per Acre)**					**Number of Exceptions to Weekly Limit**	**Monthly Average**
			Week 1	**Week 2**	**Week 3**	**Week 4**	**Week 5**		

Note: 1 acre-inch is equivalent to 27,150 gallons of liquid
27,150 gallons per acre is equivalent to 1.0 inch

Total Number of Exceptions

A spray-field's weekly application rate if the total gallons sprayed (Sunday through Saturday) divided by the size of the spray-field in acres or the size in acres of that portion of the spray field utilized.

Signature of Responsible Official: _____, Date _____

Depth to Groundwater (Tenths of Feet) **Attachment C** (Month _____, Year _____)

Facility Name: City of Presque Isle Landfill, Lathrop Road, Aroostook County; WDL# W008088-6B-F-R;

Field Name/#	**Monitoring Location**	Depth to Groundwater **(Measured From Ground Surface in Tenths of Feet)**					**Number of Exceptions**	**Monthly Average Depth**
		Week 1	**Week 2**	**Week 3**	**Week 4**	**Week 5**		
				Total Number of Exceptions				

Note: Special Condition G requires that a depth of 10 inches from the ground surface to the groundwater table must be present prior to spraying.

Signature of Responsible Official: _____, Date _____

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

September 14, 2011

PERMIT COMPLIANCE SYSTEM TRACKING NUMBER: **#MEU508088**

WASTE DISCHARGE LICENSE NUMBER: **#W008088-6B-F-R**

NAME AND MAILING ADDRESS OF APPLICANT:

CITY OF PRESQUE ISLE
Attn: Dana Fowler, PE
12 Second Street
Presque Isle, Maine 04769

COUNTY: **Aroostook County**

NAME AND ADDRESS OF FACILITY:

City of Presque Isle Solid Waste Landfill
202 Lathrop Road
Presque Isle, Maine

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

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Dana Fowler, PE**
Solid Waste Director
(207) 764-2507
dfowler@presqueisleme.us

1. APPLICATION SUMMARY

Application: The City of Presque Isle (licensee) has submitted an application to the Department for renewal of Waste Discharge License (WDL) #W008088-6B-E-R which was issued by the Department on July 21, 2006, for a five-year term and subsequently modified on August 17, 2007 and September 29, 2009. The 7/21/06 license and subsequent modifications authorized the operation of a surface waste water disposal (spray-irrigation) system for the treatment and seasonal disposal of landfill leachate waste water onto land owned by the licensee and to a shallow swale that leads to a forested wetland in Presque Isle, Maine.

2. LICENSE SUMMARY

a. Terms & Conditions: This licensing action is carrying forward all the terms and conditions with the following exceptions. This licensing action is different in that it is:

1. Modifying the Treatment Plant Operator Certification requirement to include an SITS-II certificate or higher.

2. Eliminating the requirement to submit a Groundwater Quality Monitoring Plan in order to maintain consistency with similar licenses.

3. Revising the requirement for the licensee to maintain the lagoon freeboard of at least three (3) feet, to maintaining the lagoon freeboard at design levels or at least two (2) feet, whichever is greater, based on EPA guidance.

4. Eliminating flow monitoring requirements for the lagoons and establishing flow monitoring requirements for the spray-irrigation areas.

5. Addition of Spray Area #7 as a licensed outfall in Special Condition A.3.

6. Eliminating the groundwater elevation monitoring parameter in order to maintain consistency with similar licenses.

b. History: Recent Department licensing actions include the following:

September 23, 1981 - The Department issued Site Location and Solid Waste Order #07-7501-03530 to the City of Presque Isle for the construction of a secure landfill. The Order indicates that at the time of the issuance, plans for the treatment and disposal of landfill leachate were not finalized. It is noted that the design plans for the landfill, approved by the Board of Environmental Protection in 1981, provided for landfill leachate to be spray irrigated on the top of the landfill.

August 20, 1984 - The Department issued Site Location and Solid Waste Order #L-007501-07-C-M that approved the two year operation of the spray-irrigation system on a 6.5 acre parcel of land located southerly of the landfill. The Order found that "...plans provided for spray-irrigation on top of the landfill at an application rate of 0.12"/day for 10 days/year (20,000 gallons) resulting in a removal of 200,000 gallons/year of leachate."

October 6, 1994 - The Department issued Solid Waste Order Renewal #S-07501-WC-N-R for the landfill and the ancillary features including the two leachate storage lagoons, sedimentation or stormwater basin, and the 6.5 acre leachate spray-irrigation area.

July 5, 2000 - The Department issued WDL #008088-5L-A-N, which authorized the discharge of treated landfill leachate and lagoon underdrain discharges from the municipal landfill facility. The WDL expired on July 5, 2005.

2. LICENSE SUMMARY (cont'd)

May 26, 2004 - The Department issued WDL #008088-5L-B-M that modified the July 5, 2000 WDL by changing the limitations for soil moisture content, conductivity and daily maximum limits for certain parameters. The modification also incorporated the discharge from an underdrain associated with the leachate lagoon.

July 21, 2006 – The Department issued WDL #W008088-5L-C-R for a five-year term.

August 17, 2007 – The Department issued WDL modification #W008088-5L-D-M to modify certain terms and conditions of WDL #W008088-5L-C-R issued on July 21, 2006, namely, authorization for the licensee to discharge leachate lagoon underdrain waste water, removal of storm water discharge references, modifications of certain sample types for groundwater monitoring parameters, elimination of soil sampling requirements and miscellaneous language changes to correct errors or clarify existing license language.

September 29, 2009 – The Department issued WDL modification #W008088-6B-E-M to modify certain terms and conditions of WDL #W008088-5L-C-R issued on July 21, 2006, namely, the approval of the relocation of three of the five active sprayheads to the southwest of the landfill due to expansion of the south end of the landfill and incorporation of two additional spray heads into the operation for a total of seven sprayheads.

July 6, 2011 – The licensee submitted a timely application for license renewal. The Department accepted the application as complete on July 7, 2011 and assigned WDL#W008088-6B-F-R.

c. Source Description: The City of Presque Isle owns and operates the municipal solid waste facility constructed in 1982. The landfill is located on a 634-acre parcel of land located 10 miles southwest of the center of Presque Isle and serves seven communities with a total population of 14,736. The landfill consists of 13.25 acres of Phase 1 secure landfill designated for the disposal of municipal solid waste, 4.1 acres of Phase 2 secure landfill for municipal solid waste and an adjacent 5.3-acres of landfill for construction/demolition debris, a waste tire storage area, processed wood waste for daily cover material, a used metal storage area, a compost storage area, two stormwater detention basins, two leachate lagoon storage basins, and the surface waste water disposal (leachate spray irrigation) system. The landfill receives 12,000 – 13,000 tons of municipal solid waste per year. There is no industrial input to the landfill.

Due to the expansion of the footprint of the landfill, the licensee was granted authorization to reconfigure the spray site as depicted on the site plan entitled, *City of Presque Isle Spray-irrigation Plan and Details*, Figure 3, in the 5/8/09 WDL modification application. Because the new spray site partially encompasses the existing spray site and expands approximately another 300 - 400 feet to the southwest of the existing spray site, the soils in the newer areas are identical to the soils in the existing site. The soils are predominately Perham soils that are moderately well-drained to well-drained with a seasonal water table deeper than 16 inches. The remainder of the spray site consists of Daigle soils which are somewhat poorly drained fined textured soils with a seasonal high water table ranging 8 – 16 inches.

2. LICENSE SUMMARY (cont'd)

In addition to the spray-irrigation fields, the conical lagoon underdrain system seasonally discharges groundwater at less than 1,000 gallons per day to a shallow swale that leads to an unnamed forested wetland.

d. Waste Water Treatment: Landfill leachate collects into a pump station which is located adjacent to the northeast corner of the landfill. Two control valves located outside the pump station allow the operator to convey leachate to one of two existing storage lagoons. The stored contents are then pumped to the on-site spray-irrigation system located to the south of the existing landfill. The two storage lagoons have a combined design storage capacity of 4.8 million gallons. This design storage capacity is 75% of the maximum storage capacity of the lagoons allowing for the additional volume of 25% of the design storage capacity which is greater than two feet of freeboard. Therefore, in the worst case scenario, the storage lagoons have enough capacity to store leachate generated by the landfill during the storage season (November 15 – April 15) when spray irrigation is not allowed.

Both lagoons were constructed with an 80-mil, high-density polyethylene liner on a geocomposite drainage liner and 12 inches of compacted glacial till base. Each lagoon has a leak detection system which conveys liquid to a leak detection manhole. A float-activated submersible pump is located in the leak detection manhole and conveys liquid back into the leachate collection pump station. The lagoons have an action leakage rate of 20 gallons per day before the licensee's Response Action Plan will be initiated.

The spray-irrigation area is currently covered with a dense sod consisting of several grass species established previously as an agricultural hay field. The grass species include Kentucky bluegrass, reed canary grass, tall fescue, perennial rye grass and deer tongue grass (also known as "orchard grass"). The spray-irrigation system is designed to operate within the confines of the existing spray fields. Each spray area consists of a center pivot spray nozzle that casts waste water in an even distribution over each of the seven (7) spray irrigation areas. The seven sprayheads are capable of distributing waste water in a circular area with a diameter of 415 feet (or 3.1 acres, total of 21.7 acres) at a spray application rate of 27,150 gals/acre/week (1.0 inch per week), for a total weekly disposal rate of 589,155 gallons per week. With a 30-week spray season, this license is carrying forward authorization for the licensee to spray up to 17.6 million gallons of waste water per season. The maximum annual volume of leachate from the existing landfill and from the southern expansion is 4.15 million gallons per year.

3. CONDITIONS OF THE LICENSE

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

4. RECEIVING WATER QUALITY STANDARDS

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

5. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Effluent and Groundwater Monitoring

Slow rate land irrigation treatment is an environmentally sound and appropriate technology for best practicable treatment and disposal of waste water. The theory behind surface waste water disposal systems is to utilize the top 10-12 inches of organic matter and in-situ soils to attenuate the pollutant loadings in the applied waste waters. The soils and vegetation within the spray field area will provide adequate filtration and absorption to preserve the integrity of the soil, and both surface and groundwater quality in the area.

The Department has established lagoon effluent, leachate lagoon underdrain, spray-irrigation and groundwater monitoring parameters in order to provide consistency across similar facilities now licensed by the Department. The licensee shall periodically monitor the lagoon effluent, leachate lagoon underdrain, spray-irrigation fields and groundwater monitoring locations onsite at the specified frequencies and locations as called for in Special Condition A of this license.

a. *Biochemical Oxygen Demand & Total Suspended Solids (BOD5 & TSS)* –BOD is the rate at which organisms use the oxygen in waste water while stabilizing decomposable organic matter under aerobic conditions. BOD5 measurements indicate the organic strength of wastes in water. TSS consists of both settleable and non-settleable solid materials contained in the waste water. Monitoring for these parameters yields an indication of the effectiveness of the lagoon treatment process and the condition of the waste water being applied.

b. *pH* – The daily maximum pH limit of 6.0 – 8.5 standard units is a best practicable treatment standard incorporated into similar waste discharge licenses issued by the Department. pH is considered a "field" parameter meaning that it is measured directly in the field via instrumentation and does not require laboratory analysis. It is considered a surveillance level monitoring parameter that is used as an early-warning indicator of potential groundwater contamination.

c. *Specific Conductance* – Specific conductance is considered a "field" parameter, meaning that it is measured directly in the field via instrumentation and does not require laboratory analysis. It is considered a surveillance level monitoring parameter that is used as an early-warning indicator of potential groundwater or surface water contamination and is being carried forward from the previous licensing action.

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

d. *Depth to Water Level Below Land Surface* – Measuring the distance from the ground level to the groundwater surface in monitoring wells will be used to monitor representative groundwater conditions.

e. *Temperature* – Temperature is considered a "field" parameter, meaning that it is measured directly in the field via instrumentation and does not require laboratory analysis. It is considered a surveillance level monitoring parameter that is used as an early-warning indicator of potential groundwater contamination.

f. *Application Rates (Weekly)* – The weekly maximum rate of 27,150 gallons per acre (1.0 inch per week) is being carried forward from the previous licensing action. The weekly limit is based on the characteristics of in-situ soils and provides protection against hydraulically overloading and preventing runoff from the spray-irrigation area.

g. *Nitrate-nitrogen* – Nitrogen assumes different forms depending upon the oxidation-reduction conditions in the soil and groundwater. The presence of a particular form of nitrogen indicates the nutrient attenuation capacity of the spray site. The monitoring requirements included in this licensing action for nitrate-nitrogen in groundwater as well as nitrate-nitrogen in the lagoon effluent are important in determining the effectiveness of the treatment process. The monitoring well sampling can also help identify chronic leakage from the lagoon or overloading of the spray sites. The spray area sampling requirement addresses the efficiency of the site in attenuating the pollutant loading, helping to safeguard against exceeding the ability for plant uptake which would result in accumulation of excess nitrogen in the site. Nitrogen compounds can indicate human health concerns if elevated in a drinking water supply. The 10 mg/L limit for nitrate nitrogen in monitoring wells is based on state and federal drinking water standards.

h. Storage Lagoon Effluent – Outfall #001 is the conical lagoon; Outfall #002 is the rectangular lagoon.

Summaries of monitoring results for the period 8/01/06 – 6/01/11 are as follow:

Flow – Outfall #001

Value	Limit	Range	Average	Number of DMRs	Compliance Status
Weekly Maximum	Report, gal/wk	30,896 – 383,680	212,716	28	N/A
Daily Maximum	Report, gal/day	77,220 – 191,900	91,356	28	N/A

This licensing action is eliminating the flow monitoring requirement from the previous licensing action and is adding flow monitoring requirements for the spray-irrigation fields.

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

h. Storage Lagoon Effluent – Outfall #001 is the conical lagoon; Outfall #002 is the rectangular lagoon.

Summaries of monitoring results for the period 8/01/06 – 6/01/11 are as follow:

Lagoon Level Freeboard

Outfall	Limit (feet)	Range (feet)	Average (feet)	Number of DMRs	Compliance Status
#001	Report	2 – 20	11	32	N/A
#002	Report	No data	N/A	N/A	N/A

This licensing action is revising the freeboard monitoring requirements from, "three (3) feet or at design level" to "two (2) feet or at design level" based on EPA guidance.

BOD5 – Outfall #001

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
Daily Maximum	Report	100 – 5,900	1,630	28	N/A

This licensing action is carrying forward the BOD5 monitoring requirement from the previous licensing action.

TSS – Outfall #001

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
Daily Maximum	Report	1 – 270	113	28	N/A

This licensing action is carrying forward the TSS monitoring requirement from the previous licensing action.

Specific Conductance – Outfall #001

Value	Limit (umhos/cm)	Range (umhos/cm)	Average (umhos/cm)	Number of DMRs	Compliance Status
Daily Maximum	Report	2,470 – 19,000	5,538	28	N/A

This licensing action is carrying forward the specific conductance monitoring requirement from the previous licensing action.

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

h. Storage Lagoon Effluent – Outfall #001 is the conical lagoon; Outfall #002 is the rectangular lagoon.

Summaries of monitoring results for the period 8/01/06 – 6/01/11 are as follow:

Total Phosphorus – Outfall #001

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
Daily Maximum	Report	0.1 – 5	1	28	N/A

This licensing action is carrying forward the total phosphorus monitoring requirement from the previous licensing action.

Total Metals – Outfall #001

Parameter	Daily Max. Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
Aluminum	Report	<0.02 – 4	0.4	28	N/A
Arsenic	Report	<0.005 – 0.1	0.01	28	N/A
Cadmium	Report	<0.001 - <0.004	<0.003	28	N/A
Copper	Report	<0.003 – 0.7	0.04	28	N/A
Lead	Report	<0.003 – 0.05	0.01	28	N/A
Nickel	Report	0.03 – 0.18	0.07	28	N/A
Zinc	Report	0.07 – 1.0	0.3	28	N/A

This licensing action is carrying forward the totals metals monitoring requirements from the previous licensing action. Results reported as "less than" (<) were considered present for calculation purposes.

A summary of monitoring results for the period 8/01/06 – 6/01/11 is as follows:

pH – Outfall #001

Value	Limit (S.U.)	Range (S.U)	Number of DMRs	Compliance Status
Daily Maximum	Report	6.5 – 7.4	28	N/A

This licensing action is carrying forward the pH monitoring requirement from the previous licensing action.

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

i. Leachate Lagoon Underdrain – Summaries of monitoring results for the period 8/01/06 – 6/01/11 are as follow:

Specific Conductance

Value	Limit (umhos/cm)	Range (umhos/cm)	Average (umhos/cm)	Number of DMRs	Compliance Status
Daily Maximum	Report	579 – 1,120	717	21	N/A

This licensing action is carrying forward the pH monitoring requirement from the previous licensing action.

BOD5

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
Daily Maximum	140	74	74	1	100%

This licensing action is carrying forward the BOD5 monitoring requirement from the previous licensing action.

TSS

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
Daily Maximum	88	6	6	1	100%

This licensing action is carrying forward the TSS monitoring requirement from the previous licensing action.

Ammonia (as N)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
Daily Maximum	10	10	10	1	100%

This licensing action is carrying forward the ammonia monitoring requirement from the previous licensing action.

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

i. Leachate Lagoon Underdrain – Summaries of monitoring results for the period 8/01/06 – 6/01/11 are as follow:

α-Terpineol

Value	Limit (ug/L)	Range (ug/L)	Average (ug/L)	Number of DMRs	Compliance Status
Daily Maximum	33	<9	9	1	100%

Result reported as "less than" (<) was considered present at the detection limit for calculation purposes. This licensing action is carrying forward the ά-Terpineol monitoring requirement from the previous licensing action.

Benzoic acid

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
Daily Maximum	0.12	0.02	0.02	1	100%

This licensing action is carrying forward the benzoic acid monitoring requirement from the previous licensing action.

ρ-Cresol

Value	Limit (ug/L)	Range (ug/L)	Average (ug/L)	Number of DMRs	Compliance Status
Daily Maximum	25	<9	9	1	100%

Result reported as "less than" (<) was considered present at the detection limit for calculation purposes. This licensing action is carrying forward the ρ-Cresol monitoring requirement from the previous licensing action.

Phenol

Value	Limit (ug/L)	Range (ug/L)	Average (ug/L)	Number of DMRs	Compliance Status
Daily Maximum	26	<9	9	1	100%

Result reported as "less than" was considered present at the detection limit for calculation purposes. This licensing action is carrying forward the phenol monitoring requirement from the previous licensing action.

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

i. Leachate Lagoon Underdrain – Summaries of monitoring results for the period 8/01/06 – 6/01/11 are as follow:

Total Zinc

Value	Limit (ug/L)	Range (ug/L)	Average (ug/L)	Number of DMRs	Compliance Status
Daily Maximum	200	<25	25	1	100%

Result reported as "less than" was considered present at the detection limit for calculation purposes. This licensing action is carrying forward the zinc monitoring requirement from the previous licensing action.

pH

Value	Limit (S.U.)	Range (S.U)	Number of DMRs	Compliance Status
Daily Maximum	6.0 – 9.0	6.8	1	100%

This licensing action is carrying forward the pH monitoring requirement from the previous licensing action.

j. Spray-irrigation Areas

Summary of Spray-irrigation System	
Spray fields	7
Effective Area	3.1 acres each
Sprayheads	1 per spray field

Summaries of the spray-irrigation area monitoring results for the period 8/01/06 – 6/01/11 are as follow:

Application Rate

Spray Area	Weekly Max inches/week	Range (inches/week)	Average (inches/week)	Number of DMRs	Compliance Status
SA 1	1.0	0.37 – 0.99	0.84	8	100%
SA 2	1.0	0.37 – 0.99	0.79	24	100%
SA 3	1.0	0.37 – 0.99	0.79	24	100%
SA 4	1.0	0.49 – 0.99	0.81	24	100%
SA 5	1.0	0.49 – 0.98	0.78	17	100%
SA 6	1.0	0.49	0.49	1	100%

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

j. Spray-irrigation Areas

This licensing action is carrying forward the spray-irrigation application rate reporting requirements from the previous licensing action. This licensing action is adding flow monitoring requirements for the spray-irrigation areas and adding Spray Area #7 as a licensed spray area.

k. Monitoring Wells

Monitoring Wells	PCS Code	Location
MW9	MW9A	Westerly of the secure landfill and west-north-west of spray area #4. (Background well).
MW101	MW101	Easterly, and downgradient, of the secure landfill and easterly of spray area #6. (Compliance well).
MW102	MW102	Southwesterly of secure landfill and westerly of spray area #1 (Compliance well)

The same three monitoring wells shall be monitored in this licensing action.

Summaries of the monitoring well monitoring results for the period 8/01/06 – 6/01/11 are as follow:

Depth to Water Level Below Landsurface

Monitoring Well	Daily Max. (Feet)	Range (Feet)	Average (Feet)	Number of DMRs	Compliance Status
MW9	Report	6 – 35	15	13	N/A
MW101	Report	3 – 11	8	14	N/A
MW102	Report	-0.2 – 8	4	14	N/A

This licensing action is carrying forward the monitoring requirements for depth to water level below landsurface from the previous licensing action.

Specific conductance

Monitoring Well	Daily Max. (umhos/cm)	Range (umhos/cm)	Average (umhos/cm)	Number of DMRs	Compliance Status
MW9	Report	81 – 137	109	11	N/A
MW101	Report	344 – 522	416	14	N/A
MW102	Report	101 – 699	262	14	N/A

This licensing action is carrying forward the monitoring requirements for specific conductance from the previous licensing action.

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

k. Monitoring Wells

Summaries of the monitoring well monitoring results for the period 8/01/06 – 6/01/11 are as follow:

Temperature

Monitoring Well	Daily Max. (Deg F)	Range (Deg F)	Average (Deg F)	Number of DMRs	Compliance Status
MW9	Report	47 – 64	52	11	N/A
MW101	Report	43 – 61	50	14	N/A
MW102	Report	42 – 61	50	14	N/A

This licensing action is carrying forward the monitoring requirements for temperature from the previous licensing action.

pH

Monitoring Well	Daily Max. (S.U.)	Range (S.U.)	Number of DMRs	Compliance Status
MW9	Report	6.1 – 7.1	11	N/A
MW101	Report	6.7 – 7.5	14	N/A
MW102	Report	5.8 – 7.2	14	N/A

This licensing action is carrying forward the monitoring requirements for pH from the previous licensing action.

Chloride

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	250	<1 – 3	2	11	100%
MW101	250	15 – 60	33	14	100%
MW102	250	<2 – 150	22	14	100%

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the monitoring requirements for chloride from the previous licensing action.

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

k. Monitoring Wells

Summaries of the monitoring well monitoring results for the period 8/01/06 – 6/01/11 are as follow:

Total Dissolved Solids

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	500	56 – 110	85	11	100%
MW101	500	250 – 320	281	14	100%
MW102	500	82 – 560	183	14	93%

This licensing action is carrying forward the monitoring requirements for total dissolved solids from the previous licensing action.

Total Aluminum

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	Report	0.03 – 0.55	0.21	11	N/A
MW101	Report	<0.02 – 0.04	0.02	14	N/A
MW102	Report	0.02 – 0.3	0.09	14	N/A

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the monitoring requirements for total aluminum from the previous licensing action.

Total Arsenic

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	0.05	<0.005 - <0.005	0.005	11	100%
MW101	0.05	<0.005 - <0.005	0.005	11	100%
MW102	0.05	<0.005 - <0.005	0.005	11	100%

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the monitoring requirements for total arsenic from the previous licensing action.

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

k. Monitoring Wells

Summaries of the monitoring well monitoring results for the period 8/01/06 – 6/01/11 are as follow:

Total Cadmium

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	0.005	<0.0004 - <0.1	0.002	11	91%
MW101	0.005	<0.0004 - <0.1	0.002	14	91%
MW102	0.005	<0.0005 - <0.1	0.002	14	91%

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the monitoring requirements for total cadmium from the previous licensing action.

Total Copper

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	1.0	<0.003 – 0.37	0.04	11	100%
MW101	1.0	<0.003 – 0.006	0.003	14	100%
MW102	1.0	<0.003 – 0.009	0.004	14	100%

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the monitoring requirements for total copper from the previous licensing action.

Total Lead

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	0.015	<0.003 – <0.003	0.003	11	100%
MW101	0.015	<0.003 – <0.003	0.003	14	100%
MW102	0.015	<0.003 – 0.003	0.003	14	100%

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the monitoring requirements for total lead from the previous licensing action.

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

k. Monitoring Wells

Summaries of the monitoring well monitoring results for the period 8/01/06 – 6/01/11 are as follow:

Total Nickel

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	Report	<0.003 – <0.005	0.003	11	N/A
MW101	Report	<0.003 – 0.005	0.004	14	N/A
MW102	Report	<0.003 – 0.01	0.004	14	N/A

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the monitoring requirements for total nickel from the previous licensing action.

Total Zinc

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	5.0	<0.01 – 0.03	0.01	11	100%
MW101	5.0	<0.01 – 0.05	0.02	14	100%
MW102	5.0	<0.003 – <0.1	0.004	14	100%

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the monitoring requirements for total zinc from the previous licensing action.

Total Kjeldahl Nitrogen (TKN)

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	Report	<1 – 3	1	11	N/A
MW101	Report	<1 – 3	1	14	N/A
MW102	Report	<1 – 3	1	14	N/A

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the monitoring requirements for TKN from the previous licensing action.

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

k. Monitoring Wells

Summaries of the monitoring well monitoring results for the period 8/01/06 – 6/01/11 are as follow:

BOD5

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	Report	<2 – <2	2	11	N/A
MW101	Report	<2 – 3	2	14	N/A
MW102	Report	<2 – 5	5	14	N/A

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the monitoring requirements for BOD5 from the previous licensing action.

Total Calcium

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	Report	15 – 54	22	11	N/A
MW101	Report	67 – 100	85	14	N/A
MW102	Report	16 – 94	43	14	N/A

This licensing action is carrying forward the monitoring requirements for total calcium from the previous licensing action.

Chemical Oxygen Demand (COD)

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	Report	<10 – 16	11	11	N/A
MW101	Report	<10 – 25	12	14	N/A
MW102	Report	<10 – 30	13	14	N/A

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the monitoring requirements for COD from the previous licensing action.

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

k. Monitoring Wells

Summaries of the monitoring well monitoring results for the period 8/01/06 – 6/01/11 are as follow:

Total Iron

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	Report	0.04 – 0.39	0.18	11	N/A
MW101	Report	<0.01 – 0.07	0.02	14	N/A
MW102	Report	0.02 – 0.43	0.09	14	N/A

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the monitoring requirements for total iron from the previous licensing action.

Total Magnesium

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	Report	2 – 3	2	11	N/A
MW101	Report	5 – 6	6	14	N/A
MW102	Report	2 – 9	4	14	N/A

This licensing action is carrying forward the monitoring requirements for total magnesium from the previous licensing action.

Total Manganese

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	Report	<0.01 - <0.01	0.01	11	N/A
MW101	Report	0.03 – 0.26	0.11	14	N/A
MW102	Report	<0.01 – 2	0.2	14	N/A

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the monitoring requirements for total manganese from the previous licensing action.

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

k. Monitoring Wells

Summaries of the monitoring well monitoring results for the period 8/01/06 – 6/01/11 are as follow:

Nitrate nitrogen

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	10	<0.5 - <0.6	0.4	11	100%
MW101	10	<0.1 – 0.6	0.5	14	100%
MW102	10	<0.5 – 7.9	1.4	14	100%

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the monitoring requirements for nitrate nitrogen from the previous licensing action.

Total Sodium

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	20	2 – 2	2	11	100%
MW101	20	13 – 18	15	14	100%
MW102	20	5 – 60	14	14	86%

This licensing action is carrying forward the monitoring requirements for total sodium from the previous licensing action.

Sulfate

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	250	<1 – 3	2	11	100%
MW101	250	13 – 18	15	14	100%
MW102	250	<1 – 4	3	14	100%

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the monitoring requirements for sulfate from the previous licensing action.

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

k. Monitoring Wells

Summaries of the monitoring well monitoring results for the period 8/01/06 – 6/01/11 are as follow:

Total Coliform

Monitoring Well	Daily Max. (#/100mL)	Range (#/100mL)	Average (#/100mL)	Number of DMRs	Compliance Status
MW9	Report	<1 – 8800	1,381	10	N/A
MW101	Report	<1 – 42	5	14	N/A
MW102	Report	<1 – 4,100	684	14	N/A

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the monitoring requirements for total coliform from the previous licensing action.

Total Organic Carbon (TOC)

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	Report	<1 – 16	5	11	N/A
MW101	Report	<1 – 6	2	14	N/A
MW102	Report	1 – 8	4	14	N/A

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the monitoring requirements for TOC from the previous licensing action.

Total Phosphorus

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	Report	<0.02 – 0.12	0.04	11	N/A
MW101	Report	<0.02 - <0.02	0.02	14	N/A
MW102	Report	<0.02 – 0.06	0.02	14	N/A

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the monitoring requirements for total phosphorus from the previous licensing action.

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

k. Monitoring Wells

Summaries of the monitoring well monitoring results for the period 8/01/06 – 6/01/11 are as follow:

Total Suspended Solids (TSS)

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	Report	<0.3 - <1	1	11	N/A
MW101	Report	<1 - <3	1	14	N/A
MW102	Report	<1 – 2	1	14	N/A

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the monitoring requirements for TSS from the previous licensing action.

Total Hardness (CaCO3)

Monitoring Well	Daily Max. (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
MW9	Report	45 – 140	65	11	N/A
MW101	Report	190 – 270	236	14	N/A
MW102	Report	46 – 270	122	14	N/A

Results reported as "less than" (<) were considered present for calculation purposes. This licensing action is carrying forward the monitoring requirements for total hardness from the previous licensing action.

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 shall field calibrate their equipment on a regular basis to ensure proper application and uniformity, and when operating conditions are changed from the assumed design.

7. SYSTEM CALIBRATION (cont'd)

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. It is recommended that a field calibration report be submitted to the Department Compliance Inspector shortly after relicensing and annually thereafter, or whenever operating conditions are changed from assumed design parameters.

8. PUBLIC COMMENTS

Public notice of this application was made in the *Star Herald* on or about June 22, 2011. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft licenses shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses,* 06-096 CMR 522 (effective January 12, 2011).

9. DEPARTMENT CONTACTS

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

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

10. RESPONSE TO COMMENTS

During the period of August 4, 2011, through the issuance date of the license, the Department solicited comments on the proposed draft license to be issued for the discharge(s) from the licensee. Comments and a response to comments received from the licensee ("Licensee") and Department staff ("Staff") follow:

Comment #1

Staff: *MEPDES licenses have generally required a minimum freeboard of at least two (2) feet, consistent with EPA guidance. TR-16, "Guides for the Design of Wastewater Treatment Works" (NEIWPCC), recommends a minimum freeboard of 2 -3 feet. Therefore, the proposed revision from 3 feet to 1 foot freeboard does not appear to be technically sound or appropriate. If there is a need and engineering justification to decrease the current minimum freeboard, I recommend that it be maintained at least at a two (2) foot minimum. This recommendation is also consistent*

10. RESPONSE TO COMMENTS (cont'd)

Comment #1 (cont'd)

with the lagoon system's engineering design calculations presented, as follows, in Section 2.d of the Fact Sheet.

Comment #2

Licensee: *We are also aware of the comment by Mr. Rossol (sp.) (in an email dated 8/15 to you) regarding maintaining the lagoon freeboard. We agree that the lagoon freeboard should be maintained at design levels or at least two (2) feet, whichever is greater. We assume this will be modified in the final license.*

Department Response to Comments #1 & #2:

The Department concurs with the above comments and minimum freeboard level requirements were revised accordingly in the final license.

Comment #3

Licensee: *Page 1, LICENSE SUMMARY, Item 4. It is not clear what is different in this Renewal from the previous License Modification, regarding flow monitoring requirements.*

Department Response to Comment #3

The Department moved the flow monitoring requirement from the Lagoon Effluent location (Outfall #001) in Special Condition A.1 to the Spray Irrigation Areas (SA) in Special Condition A.3. This change was made in order to maintain consistency with similar licenses.

Comment #4

Licensee: *Page 16, Special Condition L. Item 2 is redundant as the same language is included at the end of Item 1, or remove the language at the end of Item 1.*

Department Response to Comment #4

This typographical error was corrected in the final license.

CONTENTS

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).

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 if 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 MAINTENACE 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

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.

(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.

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.

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

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).

(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.

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 contaminates 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.

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.

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.

DEP INFORMATION SHEET

Appealing a Commissioner's Licensing Decision

Dated: May 2004 **Contact: (207) 287-2811**

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) in an administrative process before the Board of Environmental Protection (Board); or (2) in a judicial process before Maine's Superior Court. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

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

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

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

HOW TO SUBMIT AN APPEAL TO THE BOARD

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

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

1. *Aggrieved Status*. Standing to maintain an appeal requires the appellant to show they are particularly injured by the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.

5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.

6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.

7. *New or additional evidence to be offered.* The Board may allow new or additional evidence as part of an appeal only when the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or show that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2, Section 24(B)(5).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.

2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.

3. *The filing of an appeal does not operate as a stay to any decision.* An applicant proceeding with a project pending the outcome of an appeal runs the risk of the decision being reversed or modified as a result of the appeal.

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

The Board will formally acknowledge initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision. The Board will notify parties to an appeal and interested persons of its decision.

II. APPEALS TO MAINE SUPERIOR COURT

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

ADDITIONAL INFORMATION

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

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