STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

October 4, 2011

VIA ELECTRONIC MAIL

Mr. Robert Leclerc, Compliance Manager
Contract Farming of Maine, LLC
272 Plains Road
Turner, ME 04253
bleclerc@megalink.net

RE: Maine Compliance Tracking Number #MEU508094
Maine Waste Discharge License (WDL) Application #W008094-5O-D-R
Final License – Contract Farming of Maine, LLC

Dear Mr. Leclerc:

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: Denise Fournier Behr, DEP/CMRO Lori Mitchell, DEP/DMU Sandy Mojica, EPA
James Hillier, Hillier Associates, jhillier@hillierinc.com

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

DEPARTMENT ORDER
IN THE MATTER OF

CONTRACT FARMING OF MAINE, LLC	)	PROTECTION AND IMPROVEMENT
TURNER, ANDROSCOGGIN COUNTY, MAINE	)	OF WATERS
SURFACE WASTE WATER DISPOSAL SYSTEM	)	
PCS TRACKING #MEU508094	)	WASTE DISCHARGE LICENSE
WDL #W008094-5O-D-R **APPROVAL**	)	**RENEWAL**

Pursuant to the provisions of 38 M.R.S.A., Section 414-A et seq., and applicable regulations, the Department of Environmental Protection (Department) has considered the application of CONTRACT FARMING OF MAINE, LLC, ("licensee," hereinafter) with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The licensee has applied for a renewal of Waste Discharge License (WDL) #W008094-5O-B-R, which was issued to Quality Egg of Maine, LLC, by the Department on March 8, 2005 and expired on March 8, 2010. On March 13, 2009, the WDL was transferred to Contract Farming of Maine, LLC, and assigned WDL #W009094-5O-C-T. The WDL authorized the use of a wastewater disposal system using spray irrigation on land adjacent to the existing 1,330-acre commercial egg production facility in Turner, Maine. The WDL authorized the seasonal discharge of up to a maximum flow rate of 27,150 gallons (1.0") per acre per week. The WDL authorized the discharge of egg wash wastewater, sanitary wastewater generated by employees, and wastewater associated with the periodic cleaning of barns and manure pits. The wastewater is disposed of via two separate treatment systems with a combined area of 68 acres. By using the entire 68-acre spray irrigation area, the facility may treat and discharge up to 1,846,200 gallons per week. Over the 31-week spray irrigation season (April 15-November 15), no more than 57,232,200 gallons may be discharged.

LICENSE MODIFICATIONS REQUESTED

1. The licensee is requesting the Department eliminate testing of all field parameters in months when spraying is not permitted.

2. The licensee is requesting the Department eliminate the lagoon influent flow monitoring requirements during the months of December, January, February and March due to problems associated with the freezing of the metering equipment.

LICENSE MODIFICATIONS REQUESTED (cont'd)

3. The licensee is requesting the Department eliminate or reduce the requirement to conduct terrain conductivity surveys as several years of repeated surveys have not shown any significant changes and other monitoring parameters are more effective.

LICENSE MODIFICATION REQUESTS GRANTED

1. The Department is revising the lagoon sampling requirements such that monitoring is not required during a month when no wastewater was disposed of via the spray irrigation system.

2. The Department is eliminating the Terrain Conductivity Survey reporting requirement.

LICENSE MODIFICATION REQUEST DENIED

1. The Department is denying the request to revise influent flow monitoring requirements as the licensee's contract operator has indicated the flow meter freezing problem has been resolved.

LICENSE SUMMARY

This licensing action is <u>similar to</u> the 3/08/05 licensing action in that it is:

1. Carrying forward the monitoring requirements for the spray irrigation fields;

2. Carrying forward the monitoring requirements for the groundwater monitoring wells.

This licensing action is <u>different from</u> the 3/08/05 licensing action in that it is:

3. Revising lagoon effluent sampling frequencies such that monitoring is not required during a month when no wastewater was disposed of via the spray irrigation system;

4. Establishing a requirement to submit a Vegetation Management Plan;

5. Revising measurement of groundwater depth to water level below the land surface from the nearest one-hundredth ($1/100^{th}$) of a foot to the nearest one-tenth ($1/10^{th}$) of a foot;

6. Clarifying the identification of lagoon compliance sampling points as LE1A and LE2A;

7. Establishing pH effluent limitations for sampling points LE1A and LE2A pursuant to *Effluent Guidelines and Standards*, 06-096 CMR 525(3)(III)(c) (effective January 12, 2001);
8. Eliminating the Spray Irrigation Performance Report reporting requirement;

9. Eliminating the Terrain Conductivity Survey reporting requirement;

10. Establishing a requirement to maintain 25-foot buffers from the perimeters of the spray fields for the onsite storage and/or use of manure waste or septage.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated October 3, 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.

ACTION

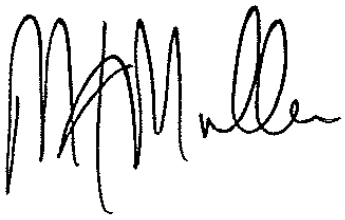
THEREFORE, the Department APPROVES the above noted application of CONTRACT FARMING OF MAINE, LLC, in Turner, Maine, to operate a surface wastewater disposal system for the disposal of up to 27,150 gallons per acre per week, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

1. Standard Conditions for Industrial Waste Discharge Licenses (Revised August 14, 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.
2011.10.04 15:23:34 -04'00'

Date of initial receipt of application: February 5, 2010
Date of application acceptance: February 8, 2010

This Order prepared by PHYLLIS ARNOLD RAND, BUREAU OF LAND & WATER QUALITY

MEU508094 2011

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. Beginning the effective date of this license, the licensee is authorized to operate a surface wastewater treatment and disposal system. Lagoon **LE1A and** Lagoon **LE2A** shall be limited and monitored as specified below **(1)**.

	Monthly Total	Daily Maximum	Measurement Frequency	Sample Type
Flow, Lagoon Influent *[78886]*	Report Gallons/Month *[8D]*	---	Continuous(2) *[99/99]*	Measure *[MS]*
Specific Conductance (Lagoon Effluent) *[00095]*	---	Report umhos/cm *[11]*	Weekly(2) *[01/07]*	Grab *[GR]*
Biochemical Oxygen Demand (Lagoon Effluent) *[00310]*	---	100 mg/L *[19]*	1/Month(2) *[01/30]*	Grab *[GR]*
Total Suspended Solids (Lagoon Effluent) *[00530]*	---	100 mg/L *[19]*	1/Month(2) *[01/30]*	Grab *[GR]*
Nitrate-Nitrogen (Lagoon Effluent) *[00620]*	---	Report mg/L *[19]*	1/Month(2) *[01/30]*	Grab *[GR]*
pH (Standard Units) (Lagoon Effluent) *[00400}*	---	Report S.U. *[12]*	1/Month(2) *[01/30]*	Grab *[GR]*
Lagoon Effluent Metals (Total) (Lagoon Effluent): Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel and Zinc *[01002, 01027, 01034, 01042, 01051, 71900, 01067, 01092]*	---	Report ug/L *[28]*	1/5 Years(3) *[01/5Y]*	Grab *[GR]*

The bracketed italicized numeric values in the table above are code numbers that the Department personnel utilize to code the monthly Discharge Monitoring Reports. Footnotes: See pages 7-8 of this license.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

2. During the period beginning the effective date of this license, application of wastewater to the land via a spray irrigation system shall be limited to the time period **April 15th to November 15th of each calendar year**. The **SPRAY-IRRIGATION FIELDS TF1A** (Spray Area "A" on Fact Sheet Attachment C), **TF1B** (Spray Area "B" on Fact Sheet Attachment C), **& TF2A** (Spray Area "2" on Fact Sheet Attachment C) shall be limited and monitored as specified below.

TF1A is 21.0 acres located northerly of lagoon LE1A.
TF1B is 21.0 acres located southerly of lagoon LE1A.
TF2A is 26.0 acres located southerly of lagoon LE2A.

	Monthly Total	**Weekly Maximum**	**Measurement Frequency**	**Sample Type**
Application Rate *[51125]*	---	27,150 gal/acre/week(4,5) (1.0 in/acre/week) [8B]	1/Week *[01/07]*	Calculate *[CA]*
Flow *[78886}*	Report (Gallons/Month) (4) *[8D]*	---	1/Month *[01/30]*	Calculate *[CA]*

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

Footnotes: See pages 7-8 of this license.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

3. During the period beginning the effective date of this license, **GROUNDWATER MONITORING WELLS MW-401, MW-402, MW-403, MW-404** (corresponding to the monitoring wells surrounding the lagoon LE1), **MW-405, and MW-407** (corresponding to the wells in spray area TF1A and TF1B respectively), **MW-501, MW-502, MW-503, MW-504** (corresponding to the wells surrounding lagoon LE2), and **MW-505** (corresponding to the well in spray area TF2A) shall be limited and monitored as specified below.

Monitoring Parameters	**Daily Maximum as specified**	**Minimum Measurement Frequency as specified**	**Sample Type as specified**
Depth to Water Level Below Landsurface *[72019]*	Report (feet)(6) *[27]*	3/Year(7) [03/YR]	Measure *[MS]*
Nitrate-Nitrogen *[00620]*	10 mg/L *[19]*	2/Year(8) [02/YR]	Grab *[GR]*
Chloride (Total) *[00940}*	Report (mg/L) *[19]*	2/Year(8) [02/YR]	Grab *[GR]*
Specific Conductance *[00095}*	Report (umhos/cm) *[11]*	2/Year(8) [02/YR]	Grab *[GR]*
Temperature (°F) *[00011}*	Report (°F) *[15]*	2/Year(8) [02/YR]	Grab *[GR]*
pH (Standard Units) *[00400}*	6.0 – 9.0 (S.U.) *[12]*	2/Year(8) [02/YR]	Grab *[GR]*
Total Suspended Solids *[00530}*	Report (mg/L) *[19]*	2/Year(8) *[02/YR]*	Grab *[GR]*
Metals (Total): Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel and Zinc *[01002, 01027, 01034, 01042, 01051, 71900, 01067, 01092]*	Report (ug/L) *[28]*	1/5 Years(3) *[01/5Y]*	Grab *[GR]*

The bracketed italicized numeric values in the table above are code numbers that the Department personnel utilize to code the monthly Discharge Monitoring Reports. Footnotes: See pages 7-8 of this license.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Footnotes

Sampling and analysis must be conducted in accordance with; a) methods approved in Title 40 *Code of Federal Regulations* (40 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 Human Services. Samples that are sent to another POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 are subject to the provisions and restrictions of the *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended February 13, 2000). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10-144 CMR 263.

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. See **Attachment D** of this license for a list of the Department's RLs. 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 license or in available Department guidance documents.

Lagoon Treatment Facilities

(1) Lagoon effluent shall be sampled at a point in the lagoon furthest from the lagoon's influent pipe or at a sampling port on the discharge pipe leading to the spray irrigation area and shall be representative of what is actually sprayed on the fields. Any change in sampling location must be approved by the Department in writing.

(2) **Lagoon effluent sampling** shall be conducted in the months of **April, May, August, and October** of each calendar year. Monitoring is not required during months when no wastewater was disposed of via the spray irrigation system. **Lagoon influent volume shall be monitored year-round** with readings recorded weekly to evaluate the amount of gallons directed to each separate lagoon system. The total monthly flow in gallons shall be reported each month where applicable. Influent and effluent flow meters shall be checked for calibration at least once per calendar year.

(3) Metals testing shall be performed in the twelve-month period prior to the expiration date of the license.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Spray-Irrigation Fields

(4) 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 spray-irrigation field in acres or the wetted areas in acres in acres of that portion of the field utilized. Note: 27,150 gallons is equivalent to one acre-inch**.** The licensee shall measure the flow of wastewater to the irrigation area by the use of a flow measuring device that is checked for calibration at least once per calendar year. Weekly is defined as Sunday through Saturday. See Fact Sheet **Attachment B** for the components of a Spray-Irrigation Field Calibration Report.

(5) 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.

Groundwater Monitoring

(6) 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.

(7) Depth to Water Level Below the Land Surface shall be conducted in the months **of May, August and October** of each calendar year.

(8) Groundwater sampling shall be conducted in the months of **May and October** of each year. Sampling, handling and preservation shall be conducted in accordance with approved methods in 40 CFR Part 136. Specific conductance (calibrated to 25.0° C), temperature, and pH are considered to be "field" parameters, and are to be measured in the field via instrumentation. The licensee is required to test for these parameters in the groundwater whether or not wastewater was disposed of via the spray-irrigation system.

B. TREATMENT PLANT OPERATOR

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

SPECIAL CONDITIONS

C. UNAUTHORIZED DISCHARGES

The licensee is authorized to discharge treated sanitary and egg processing wastewater only in accordance with: 1) the licensee's General Application for Waste Discharge Permit, accepted for processing on February 8, 2010; 2) the terms and conditions of this license; and 3) only to spray irrigation fields TF1A, TF1B and TF2A from those sources as indicated in the Waste Discharge License application. Discharges of wastewater from any other point sources are not authorized under this license, and shall be reported in accordance with Standard Condition 12, *Bypass of Waste Treatment Facilities,* of this license.

D. DISPOSAL OF TRANSPORTED WASTE INTO THE WASTEWATER TREATMENT FACILITY

The licensee is prohibited from accepting transported wastes 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.

E. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain a visible oil sheen, foam or floating solids at any time which would impair the usages designated by the classification of the receiving waters.

2. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated by the classification of the receiving waters.

3. The discharge shall not cause visible discoloration or turbidity in the receiving waters, which would impair the usages designated by the classification of the receiving waters.

4. Notwithstanding specific conditions of this permit the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

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

6. The effluent must not lower the quality of any classified body of water (ground water is a classified body of water under Title 38, Section 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

F. NOTIFICATION REQUIREMENT

In accordance with Standard Condition #7, *Change of Discharge*, 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.

G. GENERAL OPERATIONAL CONSTRAINTS

1. All wastewater shall receive treatment through properly designed, operated and maintained screen and settling tank system or lagoon prior to land 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 wastewater 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 *Water for Human Consumption*, 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 wastewater or any malfunction that threatens the proper operation of the system. Notification shall be made in accordance with the attached Standard Condition #6, *Non-compliance Notification*, of this license.

5. The licensee shall maintain a file on the location of all system components and relevant features. Each component shall be mapped and field located sufficiently to allow adequate inspections and monitoring by both the licensee and the Department.

6. System components including collection pipes, clean-outs, 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.

SPECIAL CONDITIONS

G. GENERAL OPERATIONAL CONSTRAINTS (cont'd)

7. Neither manure waste nor septage may be stored adjacent to [within 25 feet] the perimeter(s) or applied to the spray irrigation fields at any time due to the interference the activity may cause in monitoring well results.

H. SPRAY IRRIGATION OPERATIONAL CONSTRAINTS

1. Wastewater may not be applied to areas without sufficient vegetation or ground cover as to prevent erosion or surface water runoff outside the designated boundaries of the spray fields. There shall be no significant runoff or ponding within or out 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 wastewater 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 onsite or at a Department-approved location 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 wastewater shall be applied where there is snow present on the surface of the ground.

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

6. Care shall be taken when operating equipment in the spray irrigation area in order to minimize disturbance during periods when spray irrigation operations are being conducted.

I. SPRAY IRRIGATION OPERATIONAL PROCEDURES, LOGS AND REPORTS

1. **Prior to the commencement of spray irrigation for the season**, the licensee shall notify the Department's compliance inspector, in writing, that it has verified that site conditions are appropriate (frozen ground, soil moisture, etc.) for spray irrigation.

2. The licensee shall install the equivalent of one groundwater level inspection well 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.

SPECIAL CONDITIONS

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

3. The licensee shall at all times maintain in good working order and operate at maximum efficiency all wastewater collection, treatment and/or control facilities. 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.

4. **The licensee shall maintain a daily log** of all spray irrigation operations which records the date, weather, 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.

5. Weekly spray application rates shall be reported in accordance with the format of the *"Spray Application Report by Week"* provided as **Attachment B** of this license. The *Monthly Operations Log, Spray Application Report by Week, and Depth to Groundwater* for each month shall be submitted to the Department as an attachment to the monthly Discharge Monitoring Reports (DMRs). Copies will also be maintained on site for Department review and for license operation maintenance purposes.

J. 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 wastewater over the desired application area and to optimize nutrient uptake and removal.

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

3. **On or before October 1, 2011** ***[PCS Code 25599]***, the licensee shall submit a revised Vegetation Management Plan to its DEP Compliance Inspector that includes a schedule for harvesting vegetation from the spray-irrigation sites and the type(s) of vegetation utilized on the spray-irrigation sites.

K. LAGOON MAINTENANCE

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

SPECIAL CONDITIONS

K. LAGOON MAINTENANCE (cont'd)

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

L. 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, lagoon cells, spray apparatus, and pipes. At a minimum, the logs shall include the unique identifier [alphabetic, numeric or alpha-numeric -see Special Condition G(6)], the date of maintenance, type of maintenance performed, names or person performing the maintenance, and other relevant system observations.

M. GROUNDWATER MONITORING WELLS AND WATER QUALITY MONITORING PLAN DETAILS

The licensee shall maintain an up-to-date groundwater quality monitoring plan showing the locations and well construction details of the wells, groundwater flow direction, and well sampling results as well as a comprehensive evaluation of the efficiency of the treatment system and testing methodology. The licensee shall refer to guidance for said plan as outlined in Fact Sheet **Attachment A** entitled, *"Water Quality Monitoring Plan Details."*

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 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.

SPECIAL CONDITIONS

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

This facility 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.

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 on-site 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.

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 treated wastewater. The signs must be constructed of materials that are weather resistant. The licensee must annually inspect and make any necessary repairs to the signage to comply with this condition.

P. MONITORING AND REPORTING

Monitoring results obtained during the previous month 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:

Maine Department of Environmental Protection
Central Maine Regional Office
Bureau of Land and Water Quality
Division of Water Quality Management
17 State House Station
Augusta, Maine 04333

P. MONITORING AND REPORTING (cont'd)

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.

Q. REOPENING OF LICENSE FOR MODIFICATIONS

Upon evaluation of test results required by this license, new site-specific information or any other pertinent information gathered during the term of this license, the Department may, at any time and with notice to the licensee, modify this license to: (1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

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) _____)**

Facility Name:_____WDL #_____; Fields #_____Weekly Application Rate: 27,150 gallons/acre (1.0 inch)

	A	B	C	D	E	F	G	H	I	J	K
Day	DATE	PRECIP Inches	TEMP	WEATHER	WIND-Direction Speed	Soil Moisture	Quantity-Total Gallons Pumped	Name of Field(s) Used	Acres Sprayed (Sum of Col H x Acres of Each Field)	Gallons/Acre (Col G divided by I)	Total Inches
	1										
	2										
	3										
	4										
	5										
	6										
	7										
	8										
	9										
	10										
	11										
	12										
	13										
	14										
	15										
	16										
	17										
	18										
	19										
	20										
	21										
	22										
	23										
	24										
	25										
	26										
	27										
	28										
	29										
	30										
	31										
Monthly Total =											

Spray Application Report by Week **Attachment B** **Facility Name_____;**

WDL _____;(Month _____, Year _____) Weekly Application Rate 27,150 gallons/acre 1.0 inches)

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: _____ WDL:_____

Field Name/#	Monitoring Location	3. 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 H of the License 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 _____

ATTACHMENT D

Printed 7/14/2009

Maine Department of Environmental Protection
WET and Chemical Specific Data Report Form
This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

Facility Name _____ **MEPDES #** _____ Facility Representative Signature _____
Pipe # _____ To the best of my knowledge this information is true, accurate and complete.

Licensed Flow (MGD) | **Flow for Day (MGD)[1]** | **Flow Avg. for Month (MGD)[2]**
Acute dilution factor
Chronic dilution factor | **Date Sample Collected** | Date Sample Analyzed
Human health dilution factor
Criteria type: M(arine) or F(resh)

Laboratory _____ Telephone _____
Address _____
Lab Contact _____ Lab ID # _____

ERROR WARNING ! Essential facility information is missing. Please check required entries in bold above.

FRESH WATER VERSION

Please see the footnotes on the last page.

			Effluent Limits, %			Receiving Water or Ambient	**Effluent Concentration (ug/L or as noted)**		**Possible Exceedence [7]**		
	WHOLE EFFLUENT TOXICITY		Acute	Chronic			WET Result, % Do not enter % sign	Reporting Limit Check	Acute	Chronic	
	Trout - Acute										
	Trout - Chronic										
	Water Flea - Acute										
	Water Flea - Chronic										
	WET CHEMISTRY										
	pH (S.U.) (9)					(8)					
	Total Organic Carbon (mg/L)					(8)					
	Total Solids (mg/L)										
	Total Suspended Solids (mg/L)										
	Alkalinity (mg/L)					(8)					
	Specific Conductance (umhos)										
	Total Hardness (mg/L)					(8)					
	Total Magnesium (mg/L)					(8)					
	Total Calcium (mg/L)					(8)					
	ANALYTICAL CHEMISTRY [3]										
	Also do these tests on the effluent with WET. Testing on the receiving water is optional	Reporting Limit	Effluent Limits, ug/L Acute[6]	Chronic[6]	Health[6]			Reporting Limit Check	**Possible Exceedence [7]** Acute	Chronic	Health
	TOTAL RESIDUAL CHLORINE (mg/L) (9)	0.05				NA					
	AMMONIA	NA				(8)					
M	ALUMINUM	NA				(8)					
M	ARSENIC	5				(8)					
M	CADMIUM	1				(8)					
M	CHROMIUM	10				(8)					
M	COPPER	3				(8)					
M	CYANIDE	5				(8)					
M	LEAD	3				(8)					
M	NICKEL	5				(8)					
M	SILVER	1				(8)					
M	ZINC	5				(8)					

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	PRIORITY POLLUTANTS [4]										
			Effluent Limits					Reporting Limit Check	**Possible Exceedence** [7]		
		Reporting Limit	Acute[6]	Chronic[6]	Health[6]				Acute	Chronic	Health
M	ANTIMONY	5									
M	BERYLLIUM	2									
M	MERCURY (5)	0.2									
M	SELENIUM	5									
M	THALLIUM	4									
A	2,4,6-TRICHLOROPHENOL	3									
A	2,4-DICHLOROPHENOL	5									
A	2,4-DIMETHYLPHENOL	5									
A	2,4-DINITROPHENOL	45									
A	2-CHLOROPHENOL	5									
A	2-NITROPHENOL	5									
A	4,6 DINITRO-O-CRESOL (2-Methyl-4,6-dinitrophenol)	25									
A	4-NITROPHENOL	20									
A	P-CHLORO-M-CRESOL (3-methyl-4-chlorophenol)+B80	5									
A	PENTACHLOROPHENOL	20									
A	PHENOL	5									
BN	1,2,4-TRICHLOROBENZENE	5									
BN	1,2-(O)DICHLOROBENZENE	5									
BN	1,2-DIPHENYLHYDRAZINE	10									
BN	1,3-(M)DICHLOROBENZENE	5									
BN	1,4-(P)DICHLOROBENZENE	5									
BN	2,4-DINITROTOLUENE	6									
BN	2,6-DINITROTOLUENE	5									
BN	2-CHLORONAPHTHALENE	5									
BN	3,3'-DICHLOROBENZIDINE	16.5									
BN	3,4-BENZO(B)FLUORANTHENE	5									
BN	4-BROMOPHENYLPHENYL ETHER	2									
BN	4-CHLOROPHENYL PHENYL ETHER	5									
BN	ACENAPHTHENE	5									
BN	ACENAPHTHYLENE	5									
BN	ANTHRACENE	5									
BN	BENZIDINE	45									
BN	BENZO(A)ANTHRACENE	8									
BN	BENZO(A)PYRENE	3									
BN	BENZO(G,H,I)PERYLENE	5									
BN	BENZO(K)FLUORANTHENE	3									
BN	BIS(2-CHLOROETHOXY)METHANE	5									
BN	BIS(2-CHLOROETHYL)ETHER	6									
BN	BIS(2-CHLOROISOPROPYL)ETHER	6									
BN	BIS(2-ETHYLHEXYL)PHTHALATE	3									
BN	BUTYLBENZYL PHTHALATE	5									
BN	CHRYSENE	3									
BN	DI-N-BUTYL PHTHALATE	5									
BN	DI-N-OCTYL PHTHALATE	5									
BN	DIBENZO(A,H)ANTHRACENE	5									
BN	DIETHYL PHTHALATE	5									
BN	DIMETHYL PHTHALATE	5									

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BN	FLUORANTHENE	5									
BN	FLUORENE	5									
BN	HEXACHLOROBENZENE	2									
BN	HEXACHLOROBUTADIENE	1									
BN	HEXACHLOROCYCLOPENTADIENE	10									
BN	HEXACHLOROETHANE	2									
BN	INDENO(1,2,3-CD)PYRENE	5									
BN	ISOPHORONE	5									
BN	N-NITROSODI-N-PROPYLAMINE	10									
BN	N-NITROSODIMETHYLAMINE	1									
BN	N-NITROSODIPHENYLAMINE	5									
BN	NAPHTHALENE	5									
BN	NITROBENZENE	5									
BN	PHENANTHRENE	5									
BN	PYRENE	5									
P	4,4'-DDD	0.05									
P	4,4'-DDE	0.05									
P	4,4'-DDT	0.05									
P	A-BHC	0.2									
P	A-ENDOSULFAN	0.05									
P	ALDRIN	0.15									
P	B-BHC	0.05									
P	B-ENDOSULFAN	0.05									
P	CHLORDANE	0.1									
P	D-BHC	0.05									
P	DIELDRIN	0.05									
P	ENDOSULFAN SULFATE	0.1									
P	ENDRIN	0.05									
P	ENDRIN ALDEHYDE	0.05									
P	G-BHC	0.15									
P	HEPTACHLOR	0.15									
P	HEPTACHLOR EPOXIDE	0.1									
P	PCB-1016	0.3									
P	PCB-1221	0.3									
P	PCB-1232	0.3									
P	PCB-1242	0.3									
P	PCB-1248	0.3									
P	PCB-1254	0.3									
P	PCB-1260	0.2									
P	TOXAPHENE	1									
V	1,1,1-TRICHLOROETHANE	5									
V	1,1,2,2-TETRACHLOROETHANE	7									
V	1,1,2-TRICHLOROETHANE	5									
V	1,1-DICHLOROETHANE	5									
V	1,1-DICHLOROETHYLENE (1,1-dichloroethene)	3									
V	1,2-DICHLOROETHANE	3									
V	1,2-DICHLOROPROPANE	6									
V	1,2-TRANS-DICHLOROETHYLENE (1,2-trans-dichloroethene)	5									
V	1,3-DICHLOROPROPYLENE (1,3-dichloropropene)	5									
V	2-CHLOROETHYLVINYL ETHER	20									

Maine Department of Environmental Protection
WET and Chemical Specific Data Report Form
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V	ACROLEIN	NA									
V	ACRYLONITRILE	NA									
V	BENZENE	5									
V	BROMOFORM	5									
V	CARBON TETRACHLORIDE	5									
V	CHLOROBENZENE	6									
V	CHLORODIBROMOMETHANE	3									
V	CHLOROETHANE	5									
V	CHLOROFORM	5									
V	DICHLOROBROMOMETHANE	3									
V	ETHYLBENZENE	10									
V	METHYL BROMIDE (Bromomethane)	5									
V	METHYL CHLORIDE (Chloromethane)	5									
V	METHYLENE CHLORIDE	5									
V	TETRACHLOROETHYLENE (Perchloroethylene or Tetrachloroethene)	5									
V	TOLUENE	5									
V	TRICHLOROETHYLENE (Trichloroethene)	3									
V	VINYL CHLORIDE	5									

Notes:

(1) Flow average for day pertains to WET/PP composite sample day.

(2) Flow average for month is for month in which WET/PP sample was taken.

(3) Analytical chemistry parameters must be done as part of the WET test chemistry.

(4) Priority Pollutants should be reported in micrograms per liter (ug/L).

(5) Mercury is often reported in nanograms per liter (ng/L) by the contract laboratory, so be sure to convert to micrograms per liter on this spreadsheet.

(6) Effluent Limits are calculated based on dilution factor, background allocation (10%) and water quality reserves (15% - to allow for new or changed discharges or non-point sources).

(7) Possible Exceedence determinations are done for a single sample only on a mass basis using the actual pounds discharged. This analysis does not consider watershed wide allocations for fresh water discharges.

(8) These tests are optional for the receiving water. However, where possible samples of the receiving water should be preserved and saved for the duration of the WET test. In the event of questions about the receiving water's possible effect on the WET results, chemistry tests should then be conducted.

(9) pH and Total Residual Chlorine must be conducted at the time of sample collection. Tests for Total Residual Chlorine need be conducted only when an effluent has been chlorinated or residual chlorine is believed to be present for any other reason.

Comments:

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

October 3, 2011

COMPLIANCE TRACKING NUMBER: **MEU508094**

LICENSE NUMBER: **#W008094-5O-D-R**

NAME AND MAILING ADDRESS OF APPLICANT:

Contract Farming of Maine, LLC
272 Plains Road
Turner, ME 04253

COUNTY: **Androscoggin**

NAME AND ADDRESS OF FACILITY:

Contract Farming of Maine, LLC
272 Plains Road
Turner, ME 04253

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

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Robert Leclerc, Compliance Mgr.**
(207) 224-8222
bleclerc@megalink.net

CONTRACT OPERATOR: **James E. Hillier, Hillier & Associates**
(207) 626-0613
jhillier@hillierinc.com

1. APPLICATION SUMMARY

a. Application: The licensee has applied for a renewal of Waste Discharge License (WDL) #W008094-5O-B-R, which was issued to Quality Egg of Maine, LLC, by the Department on March 8, 2005 and expired on March 8, 2010. On March 13, 2009, the WDL was transferred to Contract Farming of Maine, LLC, and assigned WDL #W009094-5O-C-T. The WDL authorized the use of a wastewater disposal system using spray irrigation on land adjacent to the existing 1,330-acre commercial egg production facility in Turner, Maine. The WDL authorized the seasonal discharge of up to a maximum flow rate of 27,150 gallons (1.0") per acre per week. The WDL authorized the discharge of egg wash wastewater, sanitary wastewater generated by employees, and wastewater associated with the periodic cleaning of barns and manure pits.

1. APPLICATION SUMMARY (cont'd)

The wastewater is disposed of via two separate treatment systems with a combined area of 68 acres. By using the entire 68-acre spray irrigation area, the facility may treat and discharge up to 1,846,200 gallons per week. Over the 31-week spray irrigation season (April 15-November 15), no more than 57,232,200 gallons may be discharged.

2. LICENSE MODIFICATIONS REQUESTED

a. The licensee is requesting the Department eliminate testing of all field parameters in months when spraying is not permitted.

b. The licensee is requesting the Department eliminate the lagoon influent flow monitoring requirements during the months of December, January, February and March due to problems associated with the freezing of the metering equipment.

c. The licensee is requesting the Department eliminate or reduce the requirement to conduct terrain conductivity surveys as several years of repeated surveys have not shown any significant changes and other monitoring parameters are more effective.

3. LICENSE MODIFICATION REQUESTS GRANTED

a. The Department is revising the lagoon sampling requirements such that monitoring is not required during a month when no wastewater was disposed of via the spray irrigation system.

b. The Department is eliminating the Terrain Conductivity Survey reporting requirement.

4. LICENSE MODIFICATION REQUEST DENIED

a. The Department is denying the request to revise influent flow monitoring requirements as the licensee's contract operator has indicated the flow meter freezing problem has been resolved.

5. LICENSE SUMMARY

a. **Terms and Conditions: This licensing action is similar to the 3/08/05 licensing action in that it is:**

1. Carrying forward the monitoring requirements for the spray irrigation fields;

2. Carrying forward the monitoring requirements for the groundwater monitoring wells.

5. LICENSE summary (cont'd)

a. This licensing action is <u>different from</u> the 3/08/05 licensing action in that it is:

3. Revising lagoon effluent sampling frequencies such that monitoring is not required during a month when no wastewater was disposed of via the spray irrigation system;

4. Establishing a requirement to submit a Vegetation Management Plan;

5. Revising measurement of groundwater depth to water level below the land surface from the nearest one-hundredth ($1/100^{th}$) of a foot to the nearest one-tenth ($1/10^{th}$) of a foot;

6. Clarifying the identification of lagoon compliance sampling points as LE1A and LE2A;

7. Establishing pH effluent limitations for sampling points LE1A and LE2A pursuant to *Effluent Guidelines and Standards,* 06-096 CMR 525(3)(III)(c) (effective January 12, 2001);

8. Eliminating the Spray Irrigation Performance Report reporting requirement;

9. Eliminating the Terrain Conductivity Survey reporting requirement;

10. Establishing a requirement to maintain 25-foot buffers from the perimeters of the spray fields for the onsite storage and/or use of manure waste or septage.

b. <u>History</u>: Recent licensing actions include the following:

September 3, 1999 – The Department received an application to install, operate and maintain a surface wastewater disposal system to treat egg washing and sanitary waste water generated by Quality Egg.

March 14, 2000 – The Department issued Waste Discharge License #W008094-5O-A-N authorizing the treatment and discharge of wastewater generated by the facility.

March 8, 2005 – The Department issued WDL #W008094-5O-B-R for a five-year term.

March 13, 2009 – The Department transferred WDL #W008094-5O-B-R from Quality Egg of Maine, LLC, to Contract Farming of Maine, LLC, and assigned WDL #W008094-5O-C-T.

5. LICENSE SUMMARY (cont'd)

February 5, 2010 – The Department received an application for renewal of WDL #W008094-5O-C-T. The application was accepted as complete on 2/08/10 and was assigned WDL #W008094-5O-D-R.

c. Source Description

Each day approximately 15,000 gallons of water are used to wash eggs at seven (7) egg processing plants located on the property. In the wash plants, bits of manure and shells are washed from the eggs before they are examined, culled, graded and packaged for shipment. A small volume of sanitary wastewater from employees is included in this volume. Additionally, trucks and equipment are routinely washed in an enclosed facility called the "sanitation garage," generating several thousand more gallons of wastewater.

Together, these eight sources generate almost all of the wastewater produced on the farm property. In 2009, two minor sources—backwash water from the drinking water treatment system at the Turner Properties Mobile Home Park and floor drain water from the maintenance garage—were added to the wastewater treated at lagoon LE1A.

There are no combined sewer overflows associated with the facility. The licensee is not authorized to receive septage from any sources, including the onsite septic tanks used for each egg washing plant.

d. Wastewater Treatment

Wastewater treatment and disposal consists of two facilities, each having facultative lagoons and spray irrigation areas. Lagoon LE1A collects flows from sources located west of Plains Road and has a total capacity of 16 million gallons. Lagoon LE2A collects flows from sources located east of Plains Road and has a total capacity of 10 million gallons.

Each portion of the wastewater pretreatment system consists of two tanks; the first tank is a 3,000 gallon settling tank where solids are allowed to settle out of suspension and accumulate in the lower tank. Flows are then conveyed to the second tank for continued settling of solids. The second tank contains a grinder pump suspended on a cable from the tank cover. When water levels rise in the second tank, a float switch on the grinder pump is activated and water is discharged into the 2-inch force main effluent system. A check valve located immediately down-flow of the pump prevents backflow from the main. All wastewater is then metered at a flow meter vault before being discharged into a wastewater treatment and storage lagoon system.

Each lagoon system has three cells for treatment and storage. Cells #1 and #2 provide an approximate detention time of 230 days. Cell #3 is designed to provide approximately 250 days of storage which accommodates wastewater flows during the time of year when spray irrigation is not permitted. The lagoons are also designed to accommodate

5. LICENSE SUMMARY (cont'd)

precipitation falling into and evaporating from the cells during the 250-day storage period.

The slow-rate spray irrigation system consists of three spray sites totaling 68 acres with two, 21-acre spray areas (TF1A and TF1B identified as "Spray Area A" and "Spray Area B", respectively, in Fact Sheet **Attachment C**) associated with LE1A, and one, 26-acre spray area (TF2A identified as "Spray Area 2" in Fact Sheet **Attachment C**) associated with LE2A. Each spray site has a center pivot mechanical distribution system with a radius of 536 feet.

The following changes were made to the wastewater system since the previous licensing action: Approximately 4,300 feet of 6-inch HDPE pipe were installed to replace the 6-inch diameter PVC pipe that previously conducted effluent from the lagoon systems to the spray pivots. The pipe was replaced due to a PVC pipe pressure test failure in 2008. Other changes were: A sampling port was installed at the entry point in each of the three effluent lines; a new grinder pump was recently installed at the small pump station that pumps waste water from the sanitation garage; in 2009, approximately 1,200 feet of 2-inch diameter influent line was installed between the maintenance garage washbay and LE1A to conduct washwater to the treatment system; in 2009, the liner of the LE2A storage cell was opened and a repair was made to the foundation soils in several small areas.

Onsite soils are classified predominately as Adams and Croghan series. Adams series soils have sandy to sandy loamy texture with rapid to very rapid permeability and 40-60 inch depth to seasonal high water table. Croghan soils have sandy textures with slow to medium permeability and 15-60 inches to seasonal high water table. The licensee maintains a vegetative management plan to address removal of biomass from the irrigation site to remove excessive nitrogen within the plant/soil system. The plan recommends a grass crop and two harvesting operations per year.

6. CONDITIONS OF THE LICENSE

Conditions of licenses, 38 M.R.S.A. § 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S.A., § 420 and 06-096 CMR 530 require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

7. RECEIVING WATER QUALITY STANDARDS

Classification of ground water, 38 M.R.S.A. § 470 classifies the groundwater at the point of discharge as Class GW-A waters. *Standards for the classification of ground water*, 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.

8. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Lagoon Influent:

This licensing action is carrying forward the year-round lagoon influent flow measurement frequency from the previous licensing action.

A review of the DMR data for the period September 2005 to September 2010 indicates the monthly total lagoon influent flows have been reported as follows:

Flow, Lagoon Influent*

Value	Outfall #	Limit (gal/month)	Range (gal/month)	Average (gal/month)	Number of DMRs	Compliance
Monthly Total	LE1A	Report	163,000 – 350,000	263,000	23	N/A
Monthly Total	LE2A	Report	21,000 – 559,000	271,000	23	N/A

*Note: Lagoon influent data is estimated due to past, chronic meter malfunctions.

Lagoon Effluent:

Biochemical Oxygen Demand (BOD_5) & Total Suspended Solids (TSS): Monitoring for BOD_5 and TSS yield an indication of the condition of the wastewater being applied, alerts the operator to possible excessive loadings of organic material and demonstrates the effectiveness of the wastewater treatment process. This licensing action is revising the once per month (1/Month) monitoring frequency during April, May, August and October by adding that BOD_5 and TSS monitoring are not required during the months when wastewater is not disposed of via the spray irrigation system. This licensing action is carrying forward the daily maximum BOD_5 and TSS concentration limits of 100 mg/L each based on a Department best professional judgment (BPJ) of BPT.

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

A review of the DMR data for the period September 2005 to September 2010 indicates the daily maximum BOD_5 and TSS concentration values have been reported as follows:

BOD_5 concentration

Value	Outfall #	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance
Daily Maximum	LE1A	100	14 – 37	23	13	100%
Daily Maximum	LE2A	100	15 – 110	38	13	92%

TSS concentration

Value	Outfall #	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance
Daily Maximum	LE1A	100	<0.5 – 46	25	13	100%
Daily Maximum	LE2A	100	14 – 160	44	13	92%

For calculation purposes, results reported as "less than" were considered present at the detection limit.

Specific Conductance: Specific conductance is considered a "field" parameter, meaning that it is typically measured directly in the field via instrumentation and may 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. This licensing action is revising the specific conductance monitoring frequency from once per week (1/Week), year-round, to 1/Week during April, May, August and October, consistent with the months when spraying is allowed. Specific conductance monitoring is not required during the months when wastewater is not disposed of via the spray irrigation system.

A review of the DMR data for the period September 2005 to September 2010 indicates the daily maximum specific conductance values have been reported as follows:

Specific Conductance

Value	Outfall #	Limit (umhos/cm)	Range (umhos/cm)	Average (umhos/cm)	Number of DMRs	Compliance
Daily Maximum	LE1A	Report	428 – 2300	805	35	N/A
Daily Maximum	LE2A	Report	293 – 1235	705	35	N/A

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

pH: This licensing action is establishing a pH range limitation of 6.0 – 9.0 standard units (s.u.) which is considered BPT for secondary treated wastewater and pursuant to *Effluent Guidelines and Standards*, 06-096 CMR 525(3)(III)(c) (effective January 12, 2001). pH is considered a surveillance level monitoring parameter that is used as an early-warning indicator of potential groundwater contamination.

A review of the DMR data for the period September 2005 to September 2010 indicates the daily maximum pH values have been reported as follows:

pH*

Value	Outfall #	Limit (s.u.)	Range (s.u.)	Number of DMRs	Compliance
Daily Maximum	LE1A	Report	6.9 – 11.6	12	N/A
Daily Maximum	LE2A	Report	6.9 – 10.7	13	N/A

*Note: pH data for September 2005 – August 2010 derived using unapproved test methods.

Nitrate-nitrogen: Nitrogen compounds are by-products of the biological breakdown of ammonia and are inherent in domestic sanitary wastewater. Because nitrate-nitrogen is weakly absorbed by soil, it functions as a reliable indicator of contamination from waste disposal sites. Elevated levels of nitrate-nitrogen in the drinking water supply are of human health concern. The licensing action is carrying forward the monthly monitoring requirements for nitrate-nitrogen.

A review of the DMR data for the period September 2005 to September 2010 indicates the daily maximum nitrate-nitrogen values have been reported as follows:

Nitrate-nitrogen

Value	Outfall #	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance
Daily Maximum	LE1A	Report	0.06 – < 0.5	0.5	11	N/A
Daily Maximum	LE2A	Report	<0.1 – < 0.5	0.5	12	N/A

For calculation purposes, results reported as "less than" were considered present at the detection limit.

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

Total Metals: This licensing action is carrying forward the metals monitoring frequency of once every 5 years (1/5 Years). Monitoring shall be conducted in the 12-month period prior to the expiration date of the license.

A review of the DMR data for the period September 2005 to September 2010 indicates the daily maximum total metals values were reported as follows:

Total Metals, Outfall #LE1A

Parameter	Limit (ug/L)	Daily Maximum Result (ug/L)	Number of DMRs	Compliance
Arsenic	Report	<5	1	N/A
Cadmium	Report	<0.2	1	N/A
Chromium	Report	<5	1	N/A
Copper	Report	4.9	1	N/A
Lead	Report	<3	1	N/A
Mercury	Report	0.2	1	N/A
Nickel	Report	<3	1	N/A
Zinc	Report	25	1	N/A

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

A review of the DMR data for the period September 2005 to September 2010 indicates the daily maximum total metals values were reported as follows:

Total Metals, Outfall #LE2A

Parameter	Limit (ug/L)	Daily Maximum Result (ug/L)	Number of DMRs	Compliance
Arsenic	Report	<5	1	N/A
Cadmium	Report	<0.2	1	N/A
Chromium	Report	<5	1	N/A
Copper	Report	<3	1	N/A
Lead	Report	<3	1	N/A
Mercury	Report	<0.2	1	N/A
Nickel	Report	<3	1	N/A
Zinc	Report	20	1	N/A

Spray Irrigation Application Fields:

Summary of Spray Irrigation System	
Spray Fields	3
Effective Area	68 acres total
Flow Measurement	Flowmeter
Weekly Application Rate	1.0 inch/acre/week

Spray Irrigation Application Rate: This license is carrying forward the weekly maximum application rate of 27,150 gallons per acre per week (1.0 inch/acre/week) for each spray field. The weekly limit is based on the characteristics of in-situ soils and is considered a margin of safety against hydraulically overloading a spray area on any one given day.

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

A review of the DMR data for the period September 2005 to September 2010 indicates the weekly maximum application rates have been reported as follows:

Spray Irrigation Application Rate

Value	Field #	Limit (gal/acre/week)	Range (gal/acre/week)	Average (gal/acre/week)	Number of DMRs	Compliance
Weekly Maximum	TF1A	27,150	4,815 – 36,400	20,421	19	95%
Weekly Maximum	TF1B	27,150	10,557 – 31,461	24,300	19	90%
Weekly Maximum	TF2A	27,150	8,358 – 29,469	22,055	19	84%

Flow: This licensing action is carrying forward the monthly flow monitoring requirement from the previous licensing action. A review of the DMR data for the period September 2005 to September 2010 indicates the total monthly flows have been reported as follows:

Flow

Value	Field #	Limit (Gallons)	Range (Gallons)	Average (Gallons)	Number of DMRs	Compliance
Monthly Total	TF1A	Report	105,102 – 2,151,400	843,798	18	N/A
Monthly Total	TF1B	Report	371,000 – 2,577,400	108,389	19	N/A
Monthly Total	TF2A	Report	217,300 – 3,427,000	1,147,595	19	N/A

Groundwater Monitoring Wells

During the term of this license, the licensee is required to monitor eleven existing groundwater monitoring wells. The approximate monitoring well locations within the spray-irrigation fields are shown as Fact Sheet **Attachment B**. The existing wells are:

Monitoring Wells	Location
MW-401, -402, -403, -404	Surrounding Lagoon LE1A
MW-405	Within Spray Area TF1A
MW-407	Within Spray Area TF1B
MW-501, -502, -503, -504	Surrounding Lagoon LE2A
MW-505	Within Spray Area TF2A

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

Depth to water level below landsurface: Measuring the distance from the ground level to the groundwater surface in monitoring wells is used to monitor representative groundwater conditions. This licensing action carries forward the existing three per year reporting requirement (3/Year) for the months of May, August and October. This licensing action is revising measurement of groundwater depth to water level below the land surface from the nearest one-hundredth ($1/100^{th}$) of a foot to the nearest one-tenth ($1/10^{th}$) of a foot to maintain consistency with similar licenses.

A review of the DMR data for the period September 2005 to September 2010 indicates the depths to water level below landsurface have been reported as follows:

Depth to Water Level Below Landsurface

Value	Outfall #	Limit (Feet)	Range (Feet)	Average (Feet)	Number of DMRs	Compliance
Daily Maximum	MW401	Report	1 – 4	3	13	N/A
Daily Maximum	MW402	Report	0.4 – 5	3	13	N/A
Daily Maximum	MW403	Report	0 – 4	2	12	N/A
Daily Maximum	MW404	Report	2 – 5	4	13	N/A
Daily Maximum	MW405	Report	0 – 4	2	12	N/A
Daily Maximum	MW407	Report	1 – 5	3	13	N/A
Daily Maximum	MW501	Report	3 – 6	4	13	N/A
Daily Maximum	MW502	Report	2 – 6	4	13	N/A
Daily Maximum	MW503	Report	2 – 5	3	12	N/A
Daily Maximum	MW504	Report	1 – 4	3	13	N/A
Daily Maximum	MW505	Report	0.3 – 6	3	12	N/A

Nitrate-nitrogen: Nitrogen compounds are by-products of the biological breakdown of ammonia and are inherent in domestic sanitary wastewater. Because nitrate-nitrogen is weakly absorbed by soil, it functions as a reliable indicator of contamination from waste disposal sites. Elevated levels of nitrate-nitrogen in the drinking water supply are of human health concern. The 10 mg/L limit for nitrate nitrogen in monitoring wells is based on state and federal drinking water standards. This licensing action is carrying forward the 10 mg/L limit for nitrate-nitrogen during the months of May and October of each year.

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

A review of the DMR data for the period September 2005 to September 2010 indicates the daily maximum nitrate-nitrogen values have been reported as follows:

Nitrate-nitrogen

Value	Outfall #	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance
Daily Maximum	MW401	10	1 – 5	3	9	100%
Daily Maximum	MW402	10	<1 – 6	3	9	100%
Daily Maximum	MW403	10	<1 – 5	2	8	100%
Daily Maximum	MW404	10	<1 – 5	3	9	100%
Daily Maximum	MW405	10	2 – 6	3	8	100%
Daily Maximum	MW407	10	<1 – 7	4	8	100%
Daily Maximum	MW501	10	1 – 12	4	9	89%
Daily Maximum	MW502	10	2 – 7	3	9	100%
Daily Maximum	MW503	10	<1 – <10	4	8	100%
Daily Maximum	MW504	10	<1 – 7	5	9	100%
Daily Maximum	MW505	10	1 – 7	3	8	100%

For calculation purposes, results reported as "less than" were considered present at the detection limit.

Chloride: Chloride is another early-warning indicator of potential groundwater contamination by wastewater. The National Secondary Drinking Water standard for total chloride is 250 mg/L. This licensing action is carrying forward the total chloride monitoring requirement during the months of May and October of each year. A review of the DMR data for the period September 2005 to September 2010 indicates the daily maximum Total Chloride values have been reported as follows:

Total Chloride

Value	Outfall #	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance
Daily Maximum	MW401	Report	14 – 38	27	9	N/A

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

Total Chloride

Value	Outfall #	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance
Daily Maximum	MW402	Report	8 – 83	32	9	N/A
Daily Maximum	MW403	Report	18 – 74	38	8	N/A
Daily Maximum	MW404	Report	19 – 74	36	9	N/A
Daily Maximum	MW405	Report	9 – 44	23	8	N/A
Daily Maximum	MW407	Report	9 – 32	25	9	N/A
Daily Maximum	MW501	Report	13 – 67	46	9	N/A
Daily Maximum	MW502	Report	18 – 71	37	9	N/A
Daily Maximum	MW503	Report	15 – 90	46	8	N/A
Daily Maximum	MW504	Report	9 – 42	23	9	N/A
Daily Maximum	MW505	Report	2 – 31	21	8	N/A

Specific Conductance: Specific conductance is considered a "field" parameter, meaning that it is typically measured directly in the field via instrumentation and may 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. This licensing action is carrying forward the specific conductance monitoring requirement during the months of May and October of each year. A review of the DMR data for the period September 2005 to September 2010 indicates the daily maximum specific conductance values have been reported as follows:

Specific Conductance

Value	Outfall #	Limit (umhos/cm)	Range (umhos/cm)	Average (umhos/cm)	Number of DMRs	Compliance
Daily Maximum	MW401	Report	105 – 191	143	9	N/A
Daily Maximum	MW402	Report	178 – 510	294	9	N/A

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

Specific Conductance

Value	Outfall #	Limit (umhos/cm)	Range (umhos/cm)	Average (umhos/cm)	Number of DMRs	Compliance
Daily Maximum	MW403	Report	402 – 698	539	8	N/A
Daily Maximum	MW404	Report	77 – 122	95	9	N/A
Daily Maximum	MW405	Report	145 – 554	319	8	N/A
Daily Maximum	MW407	Report	106 – 294	170	9	N/A
Daily Maximum	MW501	Report	212 – 1177	541	9	N/A
Daily Maximum	MW502	Report	238 – 921	586	9	N/A
Daily Maximum	MW503	Report	565 – 1236	1048	7	N/A
Daily Maximum	MW504	Report	306 – 782	444	9	N/A
Daily Maximum	MW505	Report	54 – 268	134	8	N/A

Temperature: Temperature is considered a "field" parameter meaning it is measured directly in the field via instrumentation and does not require laboratory analysis. It is considered a surveillance parameter that is used as an early-warning indicator of potential groundwater contamination. This licensing action is carrying forward the temperature monitoring requirement during the months of May and October of each year.

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

A review of the DMR data for the period September 2005 to September 2010 indicates the daily maximum temperature values have been reported as follows*:

Temperature

Value	Outfall #	Limit (Deg F)	Range (Deg F)	Average (Deg F)	Number of DMRs	Compliance
Daily Maximum	MW401	Report	49 – 59	49	9	N/A
Daily Maximum	MW402	Report	46 – 58	48	9	N/A
Daily Maximum	MW403	Report	47 – 58	47	8	N/A
Daily Maximum	MW404	Report	47 – 56	47	9	N/A
Daily Maximum	MW405	Report	44 – 56	45	8	N/A
Daily Maximum	MW407	Report	46 – 56	46	9	N/A
Daily Maximum	MW501	Report	46 – 56	47	9	N/A
Daily Maximum	MW502	Report	47 – 56	47	9	N/A
Daily Maximum	MW503	Report	45 – 56	47	7	N/A
Daily Maximum	MW504	Report	46 – 57	48	9	N/A
Daily Maximum	MW505	Report	46 – 55	45	8	N/A

* The first data point at each monitoring well was reported in Degrees Celsius on the monthly Discharge Monitoring Report. Results were converted to Degrees Fahrenheit on this table.

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

Total Suspended Solids (TSS): TSS in the groundwater yields an indication of the integrity of the monitoring wells. This licensing action is carrying forward the TSS monitoring requirement during the months of May and October of each year.

A review of the DMR data for the period September 2005 to September 2010 indicates the daily maximum TSS values have been reported as follows:

Total Suspended Solids

Value	Outfall #	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance
Daily Maximum	MW401	Report	<2 – 8	3	9	N/A
Daily Maximum	MW402	Report	<2 – 62	16	9	N/A
Daily Maximum	MW403	Report	<2 – 17	4	8	N/A
Daily Maximum	MW404	Report	<2 – 8	3	9	N/A
Daily Maximum	MW405	Report	<2 – 28	12	8	N/A
Daily Maximum	MW407	Report	<2 – 22	8	9	N/A
Daily Maximum	MW501	Report	<2 – 38	13	9	N/A
Daily Maximum	MW502	Report	<2 – 43	16	9	N/A
Daily Maximum	MW503	Report	<2 – 13	4	8	N/A
Daily Maximum	MW504	Report	<2 – 5	3	9	N/A
Daily Maximum	MW505	Report	<2 – 8	5	7	N/A

For calculation purposes, results reported as "less than" were considered present at the detection limit.

8. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (CONT'D)

pH: pH is considered a surveillance parameter that is used as an early-warning indicator of potential groundwater contamination. This licensing action is carrying forward the pH monitoring requirement during the months of May and October of each year.

A review of the DMR data for the period September 2005 to September 2010 indicates the daily maximum pH values were reported as follows:

pH

Value	Outfall #	Limit (SU)	Range (SU)	Number of DMRs	Compliance
Daily Maximum	MW401	Report	5.6 – 7.0	9	N/A
Daily Maximum	MW402	Report	6.6 – 7.1	9	N/A
Daily Maximum	MW403	Report	6.1 – 6.9	8	N/A
Daily Maximum	MW404	Report	4.9 – 6.4	9	N/A
Daily Maximum	MW405	Report	6.4 – 7.1	8	N/A
Daily Maximum	MW407	Report	6.1 – 7.8	9	N/A
Daily Maximum	MW501	Report	6.6 – 7.1	9	N/A
Daily Maximum	MW502	Report	6.6 – 7.0	9	N/A
Daily Maximum	MW503	Report	6.5 – 6.8	8	N/A
Daily Maximum	MW504	Report	6.4 – 6.8	9	N/A
Daily Maximum	MW505	Report	5.9 – 6.7	8	N/A

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

Total Metals: This licensing action is carrying forward the metals monitoring frequency of once every 5 years (1/5 Years). Monitoring shall be conducted in the 12-month period prior to the expiration date of the license.

A review of the DMR data for the period September 2005 to September 2010 indicates the daily maximum total metals values (#DMRs = 1) were reported as follows:

Total Metals Daily Maximum Result, ug/L

Parameter	Limit (ug/L)	MW 401	MW 402	MW 403	MW 404	MW 405	MW 407	MW 501	MW 502	MW 503	MW 504	MW 505
Arsenic	Report	<5	<5	<5	<5	<5	<5	<5	<5	<5	<5	<5
Cadmium	Report	<5	<5	<5	<5	<5	<5	<5	<5	<5	<5	<5
Chromium	Report	<100	<100	<100	<100	<100	<100	<100	<100	<100	<100	<100
Copper	Report	<50	<50	<50	<50	<50	<50	<50	<50	<50	<50	<50
Lead	Report	<5	<5	<5	<5	<5	<5	<5	<5	<5	<5	<5
Mercury	Report	<2	<2	<2	<2	<2	<2	<2	<2	<2	<2	<2
Nickel	Report	<50	<50	<50	<50	<50	<50	<50	<50	<50	<50	<50
Zinc	Report	130	<100	<100	<100	150	<100	<100	110	<100	<100	<100

Terrain Conductivity: In the previous licensing action, the licensee was required to conduct quarterly electrical geophysical surveys (terrain conductivity) and submit the results by February 15th of each year. Given the fact that terrain conductivity was an experimental method when first proposed, and other methods such as specific conductance are more effective as measured at the 400 and 500 series monitoring wells, the Department is eliminating the requirement to conduct terrain conductivity testing.

9. MAINTAIN ADEQUATE BUFFERS AND LAND FOR REPLACEMENT

The licensee is expected to provide adequate buffers from other land uses, and retain where possible land for system expansion or replacement.

10. 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.

11. PUBLIC COMMENTS

Public notice of this application was made in the *Lewiston Sun-Journal* on or about February 5, 2010. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft licenses shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

12. DEPARTMENT CONTACTS:

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

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

13. RESPONSE TO COMMENTS

During the period of August 17, 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. The Department did not receive comments from the licensee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the license. Therefore, the Department has not prepared a Response to Comments.

Water Quality Monitoring Plan Details Attachment A
Bureau of Land & Water Quality, Div. of Environmental Assessment

For projects required to monitor the quality and/or levels of surface water or groundwater, a water quality monitoring plan/protocol document must be provided as a separate manual for ease of reference by the applicant, consultants, and the Department. This manual must be prepared, signed, and dated by a professional qualified in water chemistry interpretation (and when groundwater flow interpretations and monitoring well selection are conducted to prepare the plan, endorsed by a Certified Geologist), and must include the following, at a minimum:

1. Identification/summary of all monitoring points (e.g. monitoring wells, lysimeters, springs, etc.) to be used for measurement of water levels or for water quality analysis. Monitoring points must have an assigned identification symbol (alpha/numeric), and, where appropriate, elevation referenced to an established, permanent benchmark. Include a map showing all monitoring points.

2. Outline of the monitoring frequency at each monitoring point, by the number of sampling/analysis events per year (e.g. quarterly, etc.) and by month (e.g. April, September, etc.).

3. Provision for obtaining adequate data on background water quality and/or levels, and for using a statistically valid method for determining a significant increase in parameter concentrations (e.g. contamination levels, but not necessarily MCLs/MEGs). At a minimum, determination of background water quality or levels must consist of quarterly sampling/analysis for 1 year.

4. List of parameters to be analyzed, including references to the laboratory analysis methods to be utilized for each parameter, detection limits for each analysis method, and the MCLs/MEGs for all applicable parameters. All monitoring must include field parameters (specific conductance, temperature, pH, and TDS), in addition to parameters specific to the monitoring program objectives.

5. Identification of the qualified personnel to take water level measurements and water quality analysis samples. These tasks should not be done by the applicant or employee of the applicant, but if proposed, then item 6 below must be addressed.

6. Written certification from a qualified expert that personnel to conduct monitoring are or will be adequately trained to properly collect measurements and/or samples by approved methods and protocols.

7. Description of the equipment and methods to be employed for water level measurement and/or water quality analysis sample-taking.

8. Description of the quality assurance/quality control and chain-of-custody protocols to be followed for water quality sampling, preservation, storage, transport, and laboratory analysis.

9. Provision for a professional qualified in water chemistry or groundwater flow interpretation to summarize, evaluate, and provide recommendations on the monitoring results that is submitted annually to the Department, unless a problem is evident, in which case the Department is to be notified immediately. Annual reports must include historical, as well as the most recent year's monitoring data for each monitoring point, which is presented in a tabular format. Reports must be signed/dated by the professional responsible for their preparation.

10. A provision that, if water levels or water quality monitoring results indicate adverse effects are occurring as a result of the project activity, then an evaluation will be made by a qualified professional and an appropriate remedial action/mitigation plan will be developed and submitted to the Department for re-view and approval.

Example Spray Irrigation Field Calibration Report Form
Attachment B

Background Data

Describe the reasons for system recalibration (example annual calibration or change in operating conditions). When there has been a change in operating conditions list the specific changes such as new components (pumps, spray heads, size or type of pipes, etc.) or previously approved design changes.

Describe the current method for estimating the flow of wastewater to the irrigation area, i.e., meter or pump calibration data. When using pump calibration data list the estimated flow rate of the pump for the existing site conditions (example gallons per minute). Also note the assumed diameter of coverage for the individual spray heads and the resulting area of application (acreage). Based on this information what is the assumed application rate in inches per hour and gallons per acre. Note: 1 acre-inch equals 27,150 gallons.

System Calibration

Describe or attach illustrations of the system calibration procedure, i.e., grid layout or rain gauge or other uniform containers.

List the actual radius of spray coverage of the individual spray heads as measured during the field calibration and note any application uniformity problems such as noticeable ponding or uneven applications.

Calculate the acreage of the application based on the actual radius of coverage measured in the field. Show calculations.

Example: (27,150 gallons/acre/week)(1.5 inch/week)(1.3 acres) = 52,942 gallons/week

Calculate the estimated hourly application rate in inches per hour and gallons per acre obtained during the above calibration. Show calculations.

New Calibration Data

What changes to the estimates of wastewater flow are proposed, if any and why? And are the licensed application rates satisfied?

Any adjustments to improve uniformity of spray applications?

Submitted by: Signature of Operator in Responsible Charge	On Date:
Reviewed by: Signature of Operator in Responsible Charge	On Date:

ATTACHMENT C

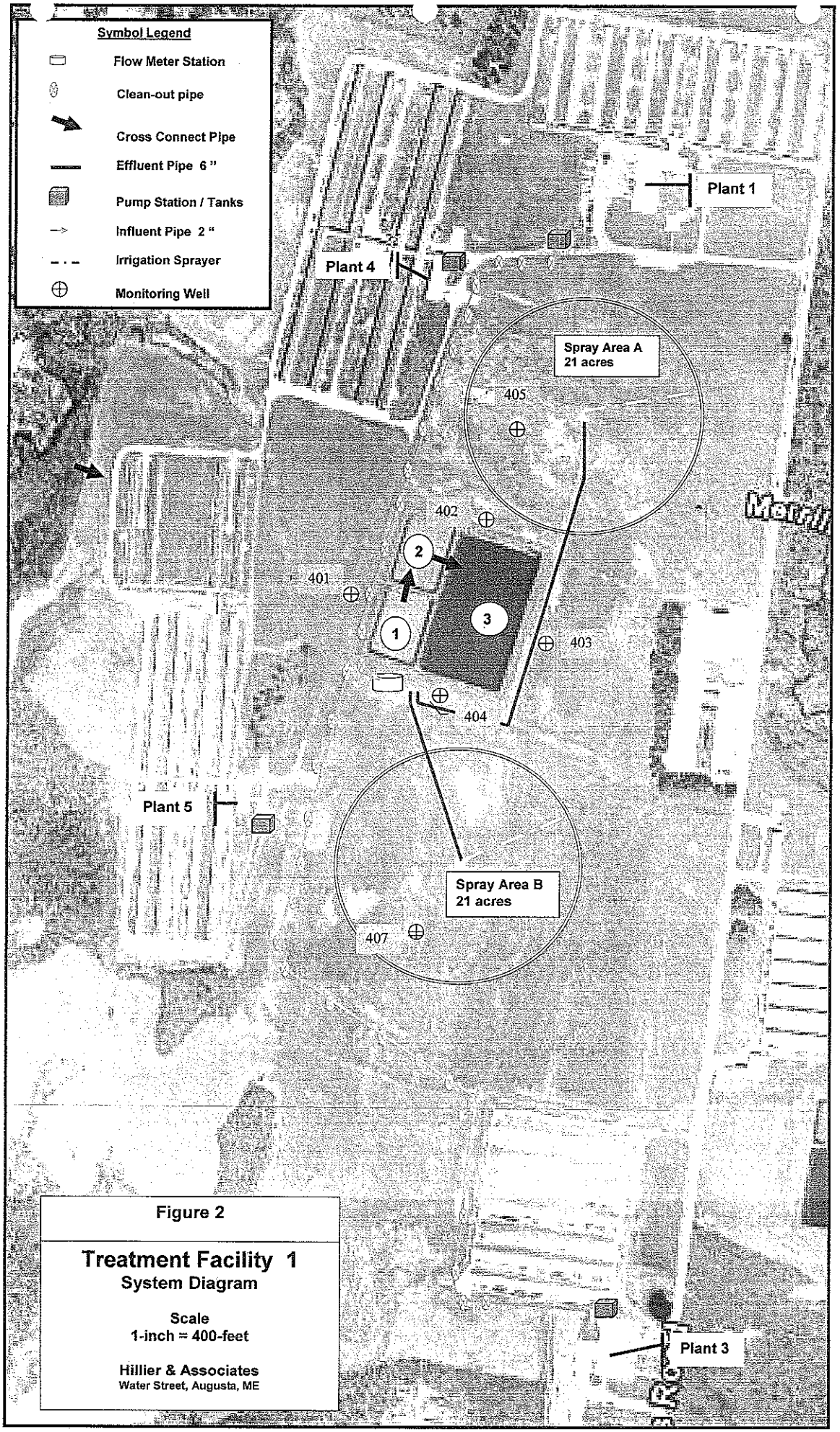

Figure 2

Treatment Facility 1
System Diagram

Scale
1-inch = 400-feet

Hillier & Associates
Water Street, Augusta, ME

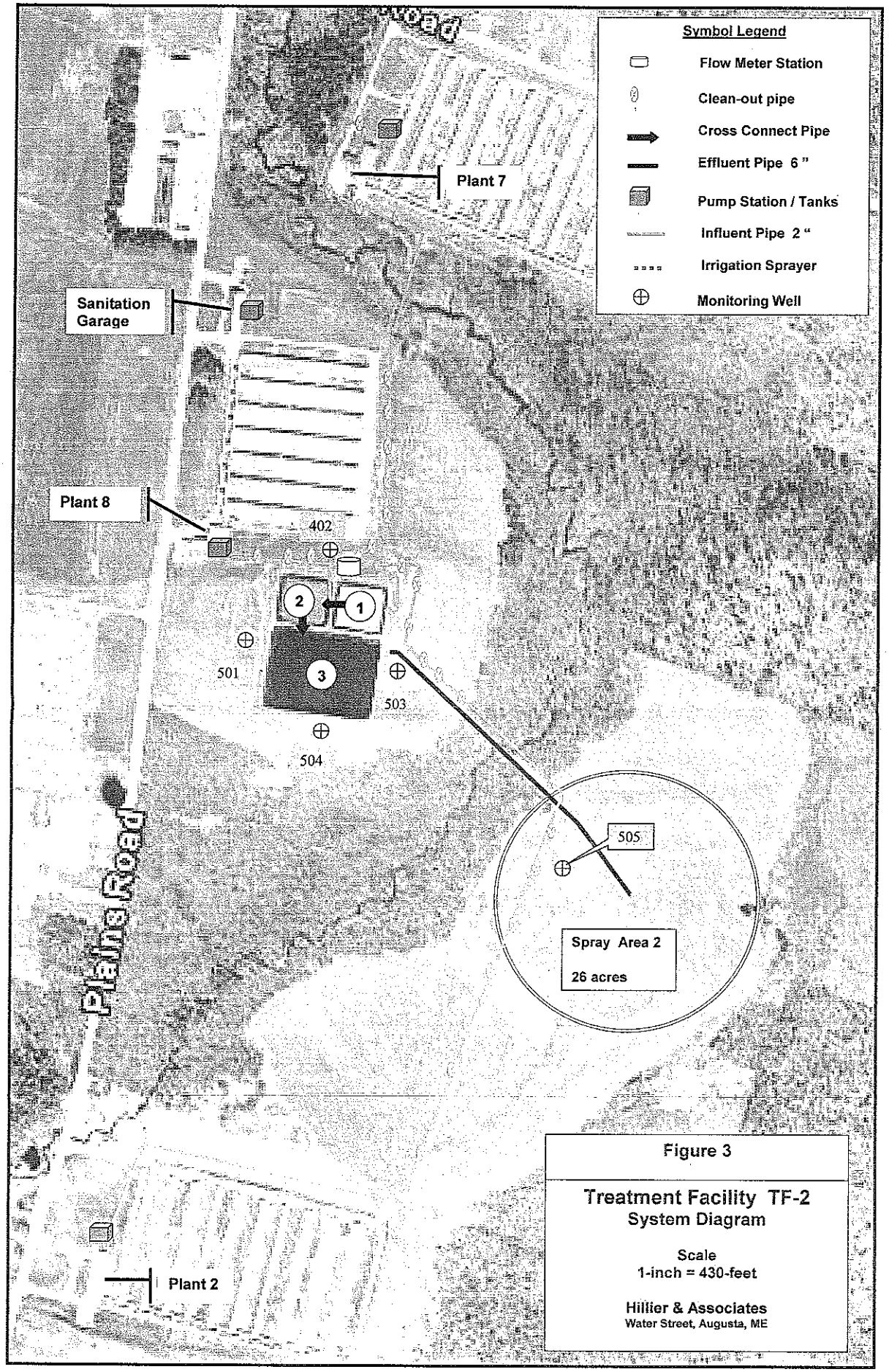

Figure 3

Treatment Facility TF-2
System Diagram

Scale
1-inch = 430-feet

Hillier & Associates
Water Street, Augusta, ME

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.