STATE OF MAINE

Department of Environmental Protection

Paul R. LePage
GOVERNOR

Patricia Aho
ACTING COMMISSIONER

June 22, 2011

Auto Wash Inc.
Attn: Kenneth Couperthwait, President
7 MacLellan Drive
Eliot, Maine 03903

RE: Permit Compliance System (PCS) Tracking Number MEU508225
Maine Waste Discharge License (WDL) Application W008225-5S-C-R
Final License

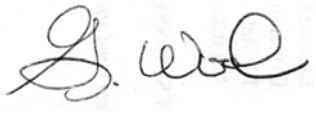
Dear Mr. Couperthwait:

Enclosed please find a copy of your **final** Maine 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 order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

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

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

Sincerely,



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

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

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

DEPARTMENT ORDER

IN THE MATTER OF

AUTO WASH, INC.		)	PROTECTION AND IMPROVEMENT
ELIOT, YORK COUNTY		)	OF WATERS
COMMERCIAL CAR WASH		)	WASTE DISCHARGE LICENSE
MEU508225		)	
W008225-5S-C-R	**APPROVAL**	)	**RENEWAL**

Pursuant to the provisions of Maine Law 38 M.R.S.A., Section 414-A et seq., and applicable regulations**,** the Department of Environmental Protection (Department hereinafter) has considered the application of AUTO WASH, INC., (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 submitted an application to the Department for renewal for Maine Waste Discharge License (WDL) #W008225-5S-A-N, that was issued by the Department on October 21, 2005, and expired on October 21, 2010. The licensee operates a subsurface wastewater disposal system that is designed to treat 1,950 gallons of wastewater per day generated from a commercial car wash facility on a 4.63 acre parcel located on the east side of Route 236 in the Town of Eliot.

LICENSE SUMMARY

This licensing action is carrying forward all the terms and conditions of the previous licensing action except that this license;

1. Eliminates limitations and monitoring requirements for Outfall #001, the discharge from the second recirculation tank. Monitoring of Outfall #002, the discharge from the final pump station that directs the treated effluent to the sub-surface waste water disposal system is sufficient to determine compliance with limitations in this licensing action.

2. Establishes limitations and monitoring requirements for extractable petroleum hydrocarbons (EPH) and volatile petroleum hydrocarbons (VPH) compounds based on a December 2009 guidance document prepared by the Department's Bureau of Remediation and Waste Management. The monitoring and reporting for EPH and VPH replaces the limitations and monitoring requirements for diesel range organics (DRO) and gasoline range organics (GRO).

LICENSE SUMMARY (cont'd)

3. Eliminates the limitations and or monitoring requirements for biochemical oxygen demand (BOD), methyl-tertiary-butyl-ether (MTBE), toluene, ethylbenzene, xylene zinc and chromium as test results for the previous four-year period indicates monitoring is no longer necessary.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated May 20, 2011, and subject to the Conditions listed below, the Department makes the following conclusions:

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

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

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

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

   (b) Where high quality waters of the State constitute an outstanding national 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 of 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 the AUTO WASH, INC. to discharge treated waste waters from a subsurface wastewater disposal system to the soil above groundwater, Class GW-A, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

1. "*Standard Conditions of Industrial Discharge Licenses*," revised August 14, 1996, copy attached.

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

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

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application February 7, 2011 .

Date of application acceptance: February 9, 2011 .

Teco Brown

This permit is digitally signed by Teco Brown on behalf of Acting Commmissioner 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.
2011.06.21 15:29:26 -04'00'

This Order prepared by GREGG WOOD, BUREAU OF LAND & WATER QUALITY

MEU5082252011 6/21/11

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Beginning the effective date of this license, the licensee is authorized to discharge treated process waste water from **Outfall #002** to groundwater, Class GW-A. **Outfall #002 is defined as the discharge from the pump station**. Such discharges to the leachfield shall be limited and monitored by the licensee as specified below:

Effluent Characteristic	**Discharge Limitations(as specified)**	**Minimum Monitoring Requirements(as specified)**	
	Monthly Average	Measurement Frequency	Sample Type
Flow[(1)] *[50050]*	1,950 GPD *[03]*	1/Month *[01/30]*	Measure *[MS]*
Specific Conductance *[00094]*	Report, uhmos/cm *[11]*	1/Quarter *[01/90]*	Grab *[GR]*
Temperature *[00011]*	Report, degree Fahrenheit *[15]*	1/Quarter *[01/90]*	Grab *[GR]*
Benzene *[34030]*	Report µg /L *[28]*	1/Quarter *[01/90]*	Grab *[GR]*
EPH[(2)]			
C9-C18 Aliphatics	700 µg /L *[28]*	1/Quarter *[01/90]*	Grab *[GR]*
C19-C36 Aliphatics	10,000 µg /L *[28]*	1/Quarter *[01/90]*	Grab *[GR]*
C11-C22 Aromatics	200 µg /L *[28]*	1/Quarter *[01/90]*	Grab *[GR]*
VPH[(3)]			
C5-C8 Aliphatics	300 µg /L *[28]*	1/Quarter *[01/90]*	Grab *[GR]*
C9-C12 Aliphatics	700 µg /L *[28]*	1/Quarter*[01/90]*	Grab *[GR]*
C9-C10 Aromatics	200 µg /L *[28]*	1/Quarter *[01/90]*	Grab *[GR]*
Chlorides[(4)] *[00940]*	Report mg/L *[19]*	2/Year *[02/YR]*	Grab *[GR]*
Lead (Total) *[01051]*	15 µg /L *[28]*	1/Quarter *[01/90]*	Grab *[GR]*
pH *[00400]* [(1)]	6.0-9.0, S.U. *[12]*	---	---

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Footnotes:

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

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

1. **Flow** - Shall be calculated as follows: The total discharge by liquid (gallons) measured during the calendar month divided by the number of days in the month that the facility was operating

2. **Extractible Petroleum Hydrocarbons (EPH)** – The permittee shall utilize test method entitled, Method For the Determination of Extractible Petroleum Hydrocarbons (EPH), Massachusetts Department of Environmental Protection, Division of Environmental Analysis, Office of Research and Standards, Bureau of Waste Site Cleanup, May 2004, Revision 1.1. The RL for EPH is 100 ug/L. See **Attachment A** of this license for a description of the Scope & Application and Summary of the Method.

3. **Volatile Petroleum Hydrocarbons (VPH)** - The permittee shall utilize test method entitled, Method For the Determination of Volatile Petroleum Hydrocarbons (VPH), Massachusetts Department of Environmental Protection, Division of Environmental Analysis, Office of Research and Standards, Bureau of Waste Site Cleanup, May 2004, Revision 1.1. The RL for VPH is 100 ug/L. See **Attachment B** of this license for a description of the Scope & Application and Summary of the Method.

4. **Chlorides** – Sampling shall be conducted between December and March inclusively.

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usage designated by the classification of the groundwater.

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

C. NOTIFICATION REQUIREMENT

The licensee shall notify the Department of the following.

1. Any increase of volume above the 1,950 GPD flow to the system or any change in the character of pollutants being introduced into the wastewater collection and treatment system.

2. For the purposes of this section, adequate notice shall include information on:

   (a) the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and

   (b) any anticipated impact of the change in the quantity or quality of the wastewater to be discharged from the treatment system.

D. AUTHORIZED DISCHARGES

The licensee is authorized to discharge treated waste waters as indentified in the February 7, 2011, Waste Discharge License Application. Disposal of the waste waters shall be limited and monitored in accordance with the terms and conditions of this license and disposed of to a sub-surface waste water disposal system. Discharge of waste water from any other location or from sources other than those indicated on said application requires formal modification of this license.

SPECIAL CONDITIONS

E. MAINTENANCE AND OPERATIONS

The licensee shall ensure that system components are properly maintained and operated. The licensee shall ensure that the following maintenance and operations provisions are implemented:

Subsurface Tanks

1. Inspections of the system components and tanks that are connected to the subsurface wastewater disposal system to determine levels of accumulated grease or sludge on a calender quarterly basis. The licensee shall maintain a record of the inspections of all the system components (including settling tank inspections), the name of the inspector(s), date of inspections, and the results of the inspections, observations taken, and any maintenance recommended to be performed. A qualified inspector knowledgeable of septic system function and operations shall perform inspections.

2. Pumping of the tank at least once every year, or more often if indicated by the inspections. The licensee shall maintain a record of settling tank pumping including the location and date of pumping, quantity of material removed, other relevant observations.

Recycle Treatment System

1. The licensee shall maintain reports of system inspections, quantity of solids removed, and frequency of maintenance, including records of system performance observations, and the dates of maintenance. The licensee shall inspect the system prior to daily operation and clean solid materials removed by filtration screens in the system.

2. The licensee shall maintain reports of the quantity of flow discharged to the system on a monthly basis including inspections of the subsurface leach field performance at the distribution box (or observations ports) in the system (height of water level, and characteristics of grease/sludge components, or short circuiting in the wastewater disposal field).

Copies of the reports of inspections performed must be retained by the licensee and must be made available to the Department staff upon request.

SPECIAL CONDITIONS

F. MONITORING AND REPORTING

Monitoring results obtained during the previous month shall be summarized for each month and reported **quarterly (March, June, September and December)** on separate Discharge Monitoring Report (DMR) forms provided by the Department and shall be postmarked by the thirteenth (13^{th}) day of the month or hand-delivered to a Department Regional Office such that the DMRs are received by the Department by the fifteenth (15^{th}) day of the month following the completed reporting period. A signed copy of the DMR and all other reports required herein shall be submitted, unless otherwise specified, to the Department's facility inspector at:

Department of Environmental Protection
Southern Maine Regional Office
Bureau of Land & Water Quality
Division of Water Quality Management
312 Canco Road
Portland, Maine 04103

Alternatively, if you are submitting an electronic Discharge Monitoring Report (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 15^{th} 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 (13^{th}) 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 (15^{th}) 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 15^{th} day of the month following the completed reporting period.

G. RE-OPENER CLAUSE

Upon evaluation of test results required by Special Condition A of this licensing action, additional site-specific data or any other pertinent information or test results obtained during the term of this license, the Department may, at anytime and with notice to the licensee, modify this license to: (1) include effluent limits necessary to control specific pollutants 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 and or limitations based on new information.

H. 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.

ATTACHMENT A

METHOD FOR THE DETERMINATION OF EXTRACTABLE PETROLEUM HYDROCARBONS

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION

1.0 SCOPE & APPLICATION

1.1 This method is designed to measure the collective concentrations of extractable aliphatic and aromatic petroleum hydrocarbons in water and soil/sediment matrices. Extractable aliphatic hydrocarbons are collectively quantitated within two ranges: C_9 through C_{18} and C_{19} through C_{36}. Extractable aromatic hydrocarbons are collectively quantitated within the C_{11} through C_{22} range. These aliphatic and aromatic hydrocarbon ranges correspond to a boiling point range between approximately 150 °C and 265 °C.

1.2 This method is based on a solvent extraction, silica gel solid-phase extraction (SPE)/fractionation process, and gas chromatography (GC) analysis using a flame ionization detector (FID). This procedure should be used by, or under the supervision of, analysts experienced in extractable organics analysis. Analysts should be skilled in the interpretation of gas chromatograms and their use as a quantitative tool.

1.3 This method is designed to complement and support the toxicological approach developed by the Massachusetts Department of Environmental Protection to evaluate human health hazards that may result from exposure to petroleum hydrocarbons (MADEP, 1994 and MADEP, 2003). It is intended to produce data in a format suitable for evaluation by that approach and that may be compared to reporting and cleanup standards promulgated in the Massachusetts Contingency Plan (310 CMR 40.0000).

1.4 This method is also able to measure the individual concentrations of Target Polynuclear Aromatic Hydrocarbons (PAH) Analytes, including Diesel PAH Analytes, in water and soil/sediment matrices. The use of this method to quantify these analytes is optional, and the Reporting Limits for some of these PAH compounds in water are greater than the notification and/or cleanup standards specified in the Massachusetts Contingency Plan for sites located in groundwater resource area categorized as RCGW-1 in 310 CMR 40.0362(1)(a). In cases where it is necessary to demonstrate compliance with these standards, the use of a gas chromatography/mass spectrometry (GC/MS) method in the selective ion monitoring (SIM) mode and/or high performance liquid chromatography (HPLC) methodology may be necessary.

1.5 The fractionation step described in this method can be eliminated to allow for a determination of a Total Petroleum Hydrocarbon (TPH), and/or to obtain qualitative "fingerprinting" information. While TPH provides little information on the chemical constituents, toxicity, or environmental fate of petroleum mixtures, it may be a cost-effective screening tool in cases where relatively low concentrations of contamination are suspected.

1.6 Petroleum products suitable for evaluation by this method include kerosene, fuel oil #2, fuel oil #4, fuel oil #6, diesel fuel, jet fuel, and certain lubricating oils. This method, in and of itself, is not suitable for the evaluation of gasoline, mineral spirits, petroleum naphthas, or other petroleum products which contain a significant percentage of hydrocarbons lighter than C_9. This method, in and of itself, is also not suitable for the evaluation of petroleum products which contain a significant percentage of hydrocarbons heavier than C_{36}.

1.7 The Reporting Limit (RL) of this method for each of the collective aliphatic and aromatic fractional ranges is approximately 20 mg/kg in soil/sediment, and approximately 100 µg/L in water. The RL of this method for TPH is approximately 10 mg/kg in soil and approximately 100 µg/L in water. The RL of this method for the Target PAH Analytes is compound-specific, and ranges from approximately 0.2 to 1.0 mg/kg in soil/sediment, and 2 to 5 µg/L in water.

1.8 This method includes a data adjustment step to subtract the concentration of Target PAH Analytes from the concentration of C_{11} through C_{22} Aromatic Hydrocarbons. This data adjustment may be made by the laboratory or the data user .

1.9 Data reports produced using this method must contain all of the required EPH/TPH data information provided in Appendix 3. The format of these data reports is left to the discretion of individual laboratories.

1.10 Like all GC procedures, this method is subject to a "false positive" bias in the reporting of Target PAH Analytes, in that non-targeted hydrocarbon compounds eluting or co-eluting within a specified retention time window may be falsely identified and/or quantified as a Target or Diesel PAH Analyte. In addition, this

method is subject to a "false negative" bias in the reporting of Target PAH Analytes, in that the ability to identify Target PAH Analytes at low concentrations may be inhibited if a large unresolved complex mixture is present. While cleanup procedures specified in this method to segregate aliphatic and aromatic fractions will serve to mitigate these concerns, confirmatory analysis by dissimilar columns, GC/MS analysis, or other suitable technique is recommended in cases where a Target PAH Analyte reported by this method approaches or exceeds an applicable reporting or cleanup standard, and/or where coelution of a non-targeted hydrocarbon compound is suspected.

1.11 The first draft of this method was evaluated by two interlaboratory "Round Robin" testing programs. In the final evaluation effort, participating laboratories were provided (single-blind) sand samples spiked with a #2 fuel oil, and a "real world" groundwater sample contaminated by a highly weathered fuel oil. Laboratory proficiency was evaluated using a Z-score approach. Data received from 23 laboratories performing the method without significant modifications are summarized below:

Matrix	# Labs Proficient	% Labs Proficient	Data from Proficient Laboratories		
			Fraction	%RSD	% Labs within +/- 40% mean value
soil	19	83	C_9-C_{18} Aliphatics	23	95
			C_{19}-C_{36} Aliphatics	30	89
			C_{11}-C_{22} Aromatics	19	100
			Total All Fractions (TPH)	17	100
water	20	87	C_9-C_{18} Aliphatics	84	22
			C_{19}-C_{36} Aliphatics	192	94
			C_{11}-C_{22} Aromatics	47	72
			Total All Fractions (TPH)	35	83

Laboratory and method performance on the water sample were adversely impacted by the relatively low concentrations of the aliphatic fractions (due to the low solubilities of these hydrocarbons in "real world" samples), and by breakthrough of naphthalenes into the aliphatic extract during fractionation. Improvements incorporated into this final method are expected to mitigate problems of this nature and significantly improve overall method performance.

1.12 This method is one way to quantify collective concentrations of extractable aliphatic and aromatic petroleum hydrocarbons within specified carbon-number-ranges. It has been designed in a manner that attempts to strike a reasonable balance between analytical method performance and utility. In this manner, assumptions and biases have been incorporated into the method to help ensure protective, though not overly conservative data.

As an example, the Department recognizes that branched alkanes have lower boiling points than their n-alkane counterpart, while many of the cycloalkane constituents of diesel range volatile organics have higher boiling points than their n-alkane counterpart. As a consequence:

(1) Depending upon the specific chromatographic column used, most branched C_9 alkanes are expected to elute before n-nonane, the beginning marker compound for the C_9 through C_{18} aliphatic hydrocarbon range, and will not be counted in this range;

(2) Depending upon the specific chromatographic column used, most branched C_{19} alkanes are expected to elute before n-nonadecane, the beginning marker compound for the C_{19} through C_{36} aliphatic hydrocarbon range, and will be conservatively counted in the more toxic C_9 through C_{18} aliphatic hydrocarbon range; and

(3) Depending upon the specific chromatographic column used, most cycloalkanes within the C_9 through C_{18} and C_{19} through C_{36} aliphatic hydrocarbon ranges will be counted within their proper range.

Based on the nature of petroleum releases encountered in the environment, the collective concentrations of the extractable aliphatic ranges as measured by the EPH Method are considered to be suitable for the evaluation of the risks posed by these releases, consistent with the toxicological approach developed by the Department to evaluate human health hazards that may result from exposure to petroleum hydrocarbons (MADEP, 1994 and MADEP, 2003).

1.13 There may be better, more accurate, and/or less conservative ways to produce this data. MADEP encourages methodological innovations that (a) better achieve method and/or data quality objectives, (b) increase analytical precision and accuracy, (c) reduce analytical uncertainties and expenses, and/or (d) reduce the use of toxic solvents and generation of hazardous wastes.

All significant modifications to this method, however, must be disclosed and described on the data report form, as detailed in Section 11.3 and on the MADEP MCP Analytical Method Report Certification Form (See Appendix 3, Question D). Laboratories who make such modifications, and or develop and utilize alternative approaches and methods, are further required to demonstrate:

- That such modifications or methodologies adequately quantify the petroleum hydrocarbon target ranges, as defined in Sections 3.4 through 3.6 of this document, ensuring that any methodological uncertainties or biases are addressed in a manner that ensures protective (i.e., conservative) results and data (e.g., over, not under-quantification of the more toxic ranges);

- That such modifications and/or methodologies employ and document initial and continuing Quality Assurance/Quality Control procedures consistent with similar approaches detailed in the MADEP Compendium of Analytical Methods; and

- That such methods and procedures are fully documented in a detailed Standard Operating Procedure.

1.14 Additional information and details on the MADEP VPH/EPH approach, and the results of interlaboratory "Round Robin" evaluations of this method, are available on the World Wide Web at http://www.magnet.state.ma.us/dep/bwsc/pubs.htm.

1.15 This method is intended to be used in conjunction with the current version of WSC-CAM-IV B, "Quality Assurance and Quality Control Requirements for the Method For The Determination of Extractable Petroleum Hydrocarbons (EPH)". WSC-CAM-IV B was developed by the Department to complement the MADEP EPH Method and to provide more detailed guidance regarding compliance with the quality control requirements and performance standards of the EPH Method.

2.0 SUMMARY OF METHOD

2.1 A sample submitted for EPH analysis is extracted with methylene chloride, dried over sodium sulfate, solvent exchanged into hexane, and concentrated in a Kuderna-Danish apparatus. Sample cleanup and separation into aliphatic and aromatic fractions is accomplished using commercially available silica gel cartridges or prepared silica gel columns. The two individual fraction extracts produced are re-concentrated to a final volume of 1 mL (i.e., an aliphatic extract and an aromatic extract). The concentrated extracts are then separately analyzed by a capillary column gas chromatograph equipped with a flame ionization detector. The resultant chromatogram of aliphatic compounds is collectively integrated within the C_9 through C_{18} and C_{19} through C_{36} ranges. The resultant chromatogram of aromatic compounds is collectively integrated within the C_{11} through C_{22} range, and is (optionally) used to identify and quantitate individual concentrations of Target PAH Analytes.

2.2 Average calibration factors or response factors determined using an aliphatic hydrocarbon standard mixture are used to calculate the collective concentrations of C_9 through C_{18} and C_{19} through C_{36} aliphatic hydrocarbons. An average calibration factor or response factor determined using a PAH standard mixture is used to calculate a collective C_{11} through C_{22} aromatic hydrocarbon concentration. Calibration factors or response factors determined for individual components of the PAH standard mixture are also used to calculate individual concentrations of Target PAH Analytes.

2.3 This method is suitable for the analysis of waters, soils, sediments, wastes, sludges, and non-aqueous phase liquids (NAPL). However, it should be noted that the method was validated only for soil and water matrices.

2.4 This method is based on (1) USEPA Methods 8000B, 8100, 3510C, 3520C, 3540C, 3541, 3545A, 3546, 3580 A and 3630C, SW-846, "Test Methods for Evaluating Solid Waste"; (2) Draft "Method for Determination of Diesel Range Organics", EPA UST Workgroup, November, 1990; and (3) "Method for Determining Diesel Range Organics", Wisconsin Department of Natural Resources, PUBL-SW-141, 1992.

ATTACHMENT B

METHOD FOR THE DETERMINATION OF VOLATILE PETROLEUM HYDROCARBONS

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION

1.0 SCOPE & APPLICATION

1.1 This method is designed to measure the collective concentrations of volatile aliphatic and aromatic petroleum hydrocarbons in water and soil/sediment matrices. Volatile aliphatic hydrocarbons are collectively quantitated within two ranges: C_5 through C_8 and C_9 through C_{12}. Volatile aromatic hydrocarbons are collectively quantitated within the C_9 to C_{10} range. These aliphatic and aromatic hydrocarbon ranges correspond to a boiling point range between approximately 36°C and 220°C.

1.2 This method is based on a purge-and-trap, gas chromatography (GC) procedure using a Photoionization and Flame Ionization Detector (PID/FID) in-series. This method should be used by, or under the supervision of, analysts experienced in the use of purge-and-trap systems and gas chromatographs. The analysts should be skilled in the interpretation of gas chromatograms and their use as a quantitative tool.

1.3 This method is designed to complement and support the toxicological approach developed by the Massachusetts Department of Environmental Protection to evaluate human health hazards that may result from exposure to petroleum hydrocarbons (MADEP, 1994 and MADEP, 2003). It is intended to generate data in a format suitable for evaluation by that approach, and generate data that may be compared to reporting and cleanup standards promulgated in the Massachusetts Contingency Plan (310 CMR 40.0000).

1.4 This method is also able to measure the individual concentrations of the Target VPH Analytes benzene, toluene, ethylbenzene, xylenes (BTEX), naphthalene, and methyl-tert-butylether (MTBE) in water and soil/sediment matrices. Use of this method to identify and quantify these Target Analytes is optional.

1.5 Petroleum products suitable for evaluation by this method include gasoline, mineral spirits, and certain petroleum naphthas. This method, in and of itself, is not suitable for the evaluation of kerosene, jet fuel, heating oils, lubricating oils, and/or other petroleum products which contain a significant percentage of hydrocarbons heavier than C_{12}.

1.6 The Reporting Limit (RL) of this method for each of the collective aliphatic and aromatic fractional ranges is approximately 5-10 mg/kg in soil/sediment and approximately 100-150 µg/L in water. The RL of this method for Target Analytes is compound-specific, and ranges from approximately 0.050 to 0.25 mg/kg in soil/sediment, and 1 to 5 µg/L in water.

1.7 This method includes a series of data adjustment steps to determine the concentrations of the aliphatic and aromatic ranges of interest. These steps may be taken by the laboratory or by the data user.

1.8 Data reports generated using this method must contain all of the information in the form provided in Appendix 3. The format of these reports is left up to the individual laboratories. However, the format of the Laboratory Certification must follow the format presented in Appendix 3.

1.9 Like all GC procedures, this method is subject to a "false positive" bias in the reporting of Target VPH Analytes, in that non-targeted hydrocarbon compounds eluting or co-eluting within a specified retention time window may be falsely identified and/or quantified as a Target VPH Analyte. Confirmatory analysis by a GC/mass spectrometry (MS) procedure or other suitable method is recommended in cases where a Target VPH Analyte reported by this method exceeds an applicable reporting or cleanup standard, and/or where co-elution of a non-targeted hydrocarbon compound is suspected.

1.10 The first draft of this method was evaluated by two inter-laboratory "Round Robin" testing programs. In the final evaluation effort, participating laboratories were provided (single-blind) sand samples spiked with gasoline, and a "real world" groundwater sample contaminated by gasoline. Laboratory proficiency was evaluated using a Z-score approach. Data received from 21 laboratories performing this method without significant modifications are summarized below:

Matrix	# Labs Proficient	% Labs Proficient	Data from Proficient Laboratories		
			Fraction	%RSD	% labs within +/- 30% mean value
soil	20	95	C_5-C_8 Aliphatics	28	80
			C_9-C_{12} Aliphatics	52	50
			Total GC/FID	31	70
			C_9-C_{10} Aromatics	24	80
water	17	81	C_5-C_8 Aliphatics	31	71
			C_9-C_{12} Aliphatics	44	47
			Total GC/FID	24	76
			C_9-C_{10} Aromatics	20	82

Laboratory and method performance were believed to have been adversely impacted by the use of multiple chromatographic columns, which may have significantly altered the placement of aliphatic hydrocarbons into either the C_5 - C_8 or C_9 - C_{12} Aliphatic Hydrocarbon fractions. Better performance was noted for the aromatic fraction and Total GC/FID data. Improvements incorporated into this final method are expected to significantly improve overall method performance.

1.11 This method is one way to quantify collective concentrations of volatile aliphatic and aromatic petroleum hydrocarbons within specified carbon-number-ranges. It has been designed in a manner that attempts to strike a reasonable balance between analytical method performance and utility. In this manner, assumptions and biases have been structured into the method to help ensure protective, though not overly conservative data.

As an example, the Department recognizes that branched alkanes have lower boiling points than their n-alkane counterpart, while many of the cycloalkane constituents of gasoline range volatile organics have higher boiling points than their n-alkane counterpart. As a consequence:

(1) Depending upon the specific chromatographic column used, most branched C_9 alkanes are expected to elute before n-nonane, the beginning marker compound for the C_9 through C_{12} aliphatic hydrocarbon range, and will be conservatively counted in the more toxic C_5 through C_8 aliphatic hydrocarbon range;

(2) Depending upon the specific chromatographic column used, most branched C_5 alkanes will elute before n-pentane, the beginning marker compound for the C_5 through C_8 aliphatic hydrocarbon range, and will not be counted at all in the C_5 through C_8 aliphatic hydrocarbon range; and

(3) Depending upon the specific chromatographic column used, most cycloalkanes within the C_5 through C_8 and C_9 through C_{12} aliphatic hydrocarbon ranges will be counted within their proper range with the exception of some C_{12} cycloalkanes which will elute after naphthalene, the end marker compound for the C_9 through C_{12} aliphatic hydrocarbon range.

Based on the nature of petroleum releases encountered in the environment, the collective concentrations of the volatile aliphatic ranges as measured by the VPH Method are considered to be suitable for the evaluation of the risks posed by these releases, consistent with the toxicological approach developed by the Department to evaluate human health hazards that may result from exposure to petroleum hydrocarbons (MADEP, 1994 and MADEP, 2003).

1.12 There may be better, more accurate, and/or less conservative ways to produce VPH target and range data. MADEP encourages methodological innovations that (a) better achieve method and/or data quality objectives, (b) increase analytical precision and accuracy, (c) reduce analytical uncertainties and expenses, and/or (d) reduce the use of toxic solvents and generation of hazardous wastes. For

example, GC/MS has shown promise as an alternative analytical system to produce both acceptable range and target VPH data.

All significant modifications to this method, however, must be disclosed and described on the data report form, as detailed in Section 11.3 and the MADEP MCP Analytical Method Report Certification Form (See Appendix 3, Exhibit 2, Question D). Laboratories who make such modifications, and or develop and utilize alternative approaches and methods, are further required to demonstrate:

- That such modifications or methodologies adequately quantify the petroleum hydrocarbon target ranges, as defined in Sections 3.4 through 3.6 of this document, ensuring that any methodological uncertainties or biases are addressed in a manner that ensures protective (i.e., conservative) results and data (e.g., over, not under-quantification of the more toxic ranges);

- That such modifications and/or methodologies employ and document initial and continuing Quality Assurance/ Quality Control procedures consistent with similar approaches detailed in the MADEP Compendium of Analytical Methods; and

- That such methods and procedures are fully documented in a detailed Standard Operating Procedure.

1.13 Additional information and details on the MADEP VPH/EPH approach, and on the results of inter-laboratory "Round Robin" evaluations of this method, are available on the World Wide Web at http://www.magnet.state.ma.us/dep/bwsc/pubs.htm.

1.14 This method is intended to be used in conjunction with the current version of CAM IV A, "Quality Assurance and Quality Control Requirements for the Method For The Determination of Volatile Petroleum Hydrocarbons (VPH)". CAM IV A was developed by the Department to complement the MADEP VPH Method and to provide more detailed guidance regarding compliance with the quality control requirements and performance standards of the VPH Method.

2.0 SUMMARY OF METHOD

2.1 Samples are analyzed using purge-and-trap sample concentration. The gas chromatograph is temperature programmed to facilitate separation of organic compounds. Detection is achieved by a photoionization detector (PID) and flame ionization detector (FID) in series. Quantitation is based on comparing the PID and FID response of a sample to a standard comprised of aromatic and aliphatic hydrocarbons. The PID chromatogram is used to determine the individual concentrations of Target Analytes (BTEX/MTBE/naphthalene) and collective concentration of aromatic hydrocarbons within the C_9 through C_{10} range. The FID chromatogram is used to determine the collective concentration of aliphatic hydrocarbons within the C_5 through C_8 and C_9 through C_{12} ranges.

2.2 This method is suitable for the analysis of waters, soils, sediments, wastes, sludges, and non-aqueous phase liquid (NAPL) samples. However, it should be noted that the method was validated only for soil and water matrices. Water samples may be analyzed directly for volatile petroleum hydrocarbons by purge-and-trap concentration and gas chromatography. Soil/sediment samples are dispersed in methanol to dissolve the volatile organic constituents. An aliquot of the methanol extract is then analyzed by purge-and-trap GC.

2.3 This method is based on (1) USEPA Methods 5030B, 5035A, 8000B, 8021B, and 8015B, SW-846, "Test Methods for Evaluating Solid Wastes", (2) Draft "Method for Determination of Gasoline Range Organics", EPA UST Workgroup, November, 1990; and (3) "Modified GRO Method for Determining Gasoline Range Organics ", Wisconsin Department of Natural Resources, PUBL-SW-140, 1992.

MAINE WASTE DISCHARGE LICENSE
FACT SHEET

Date: May 20, 2011

PERMIT COMPLIANCE SYSTEM TRACKING NUMBER: **MEU508225**
LICENSE NUMBER: **W-008225-5S-C-R**

NAME AND MAILING ADDRESS OF APPLICANT:

AUTO WASH, INC.
7 MacLellan Drive
Elliot, Maine 03903

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

AUTO WASH, INC.
State Route 236/MacLellan Drive
Eliot, Maine

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

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

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Kenneth Couperthwait**
(207) 252-4647
e-mail: mainelyren0@comcast.net

1. APPLICATION SUMMARY

a. Application: Auto Wash Inc. (licensee hereinafter) has submitted an application to the Department for renewal for Maine Waste Discharge License (WDL) #W008225-5S-A-N, that was issued by the Department on October 21, 2005, and expired on October 21, 2010. The licensee operates a subsurface wastewater disposal system that is designed to treat 1,950 gallons of wastewater per day generated from a commercial car wash facility on a 4.63 acre parcel located on the east side of Route 236 in the Town of Eliot. See **Attachment A** of this Fact Sheet for a location map.

b. Source Description: The subsurface wastewater disposal system will receive wastewater generated from two automatic car wash bays with average of 56 gallons of water per car of which 33 gallons is reclaim water. The system will also receive wastewater from one lavatory (for employees only, no public restroom facilities are provided) located in the adjacent structure (no floor drains or any other connections will be made from the adjacent structure to the system). Maintenance will include periodic inspections of the system components, evaluation of the collection system for leaks or malfunctions, pump-out of the septic tank to prevent the migration of solids to the leachfield area, and daily evaluation of the flow rate to the system.

1. APPLICATION SUMMARY

c. Wastewater Treatment: The car wash facility uses approximately 16 gallons per car wash in the automatic bays. Based on an estimated 100 cars per day and three employees, the total flow estimated to be generated by the facility is 1,950 gallons per day Wastewater generated by the car wash facility is directed to a 3,500-gallon pump tank. The waste water is then pumped into one 1,500 gallon tank with two chambers with a WK 40 Inoculator, a Flex Disk fine bubble diffuser and Orenco Bio-filter. Waste water is then conveyed into a second 1,500 2 chamber tank with a WK 40 Inoculator, a Flex Disk fine bubble diffuser and Orenco Bio-filter. The second tank is also where the reclaim water is circulated for undercarriage and wash cycles. From the second tank, waste water is conveyed to a 1,000 gallon tank with a WK Inoculator and then to another 1,000 gallon pump chamber with a Flex Disk bubble diffuser and is pumped to a distribution box in the center of a 10,400 square foot stone bed leachfield located easterly of the car wash.

2. LICENSE SUMMARY

a. Terms and conditions - This licensing action is carrying forward all the terms and conditions of the previous licensing action except that this license;

1. Eliminates limitations and monitoring requirements for Outfall #001, the discharge from the second recirculation tank. Monitoring of Outfall #002, the discharge from the final pump station that directs the treated effluent to the sub-surface waste water disposal system is sufficient to determine compliance with limitations in this licensing action.

2. Establishes limitations and monitoring requirements for extractable petroleum hydrocarbons (EPH) and volatile petroleum hydrocarbons (VPH) compounds based on a December 2009 guidance document prepared by the Department's Bureau of Remediation and Waste Management. The monitoring and reporting for EPH and VPH replaces the limitations and monitoring requirements for diesel range organics (DRO) and gasoline range organics (GRO).

3. Eliminates the limitations and or monitoring requirements for biochemical oxygen demand (BOD), methyl-tertiary-butyl-ether (MTBE), toluene, ethylbenzene, xylene zinc and chromium as test results for the previous four-year period indicates monitoring is no longer necessary.

2. LICENSE SUMMARY (cont'd)

b. History: The most recent licensing actions include the following:

October 21, 2005 – The Department issued Waste Discharge License (WDL) #W008225-5S-A-N, for a five-year term. The WDL authorized the disposal of waste water generated by a car wash facility to a sub-surface waste water disposal system.

October 28, 2009 – The Department issued a modification (W008225-5S-B-M) of the 10/21/06 WDL. The modification eliminated the limitations and monitoring requirements for diesel range organics (DRO) and gasoline range organics (GRO).

February 7, 2011- The licensee filed an application with the Department to renew the 10/21/05 license.

3. CONDITIONS OF LICENSE

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

4. RECEIVING WATER QUALITY STANDARD:

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

5. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001 – Discharge from the second re-circulation tank

a. Flow: The previous licensing action established a monthly average flow limitation of 1,950 gallons per day along with a monitoring requirement of 1/Quarter. The limitation was established based on an expected 50 cars washed and the average use of 15 gallons per car washed or 750 gallons per day. The system is sized sufficiently large enough to accommodate peak loads and expansion of the use of the system in the future. The manufacturer's maintenance recommendations include provisions for: 1) pumping the settling tanks on an annual basis, 2) daily cleaning the filtration screens, and 3) daily inspections of the proprietary recycling system components.

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

Outfall #001 – Discharge from the second re-circulation tank

A review of the DMR data for the period March 2007 – June 2010 indicates values have been reported values follows:

Flow (DMRs=7)

Value	Limit (gpd)	Range (gpd)	Mean (gpd)	#Excursions
Monthly average	1,950	637 – 1,630	1,114	0

b. Specific Conductance and Temperature- The previous licensing action established monthly average "report" only requirements along with a monitoring requirement of 1/Quarter. These parameters are considered to be "field" parameters meaning that they are measured directly in the field via instrumentation and do not require laboratory analysis. Specific conductance is considered as surveillance level monitoring parameter and is used as an early-warning indicator of potential contamination when there exists a trend in the data or sudden spikes from previous levels). Temperature data is important in calibrating the conductance measurements.

A review of the DMR data for the period March 2007 – June 2010 indicates values have been reported s follows:

Specific conductance (DMRs=7)

Value	Limit (uhmos/cm)	Range (uhmos/cm)	Mean (uhmos/cm)	#Excursions
Monthly average	Report	520 -2,760	1,445	n/a

Temperature (DMRs=7)

Value	Limit (ºF)	Range (ºF)	Mean (ºF)	#Excursions
Monthly average	Report	49 - 72	60	n/a

c. Methyl-tertiary-butyl-ether (MTBE), Benzene, Toluene, Ethylbenzene, Xylene, Diesel range Organics (DRO), and Gasoline Range Organics (GRO): These volatile/semi-volatile organic compounds are typically found in vehicle fuels. These materials may leak from vehicles or be produced by the fuel combustion process and can be found in car wash waste water after washing vehicles at the car wash. Some of these compounds are health hazards and have maximum concentration levels (MCL) as promulgated by the U.S. Environmental Protection Agency (EPA). The previous licensing action established monthly average concentration limits of 35 micrograms (ug)/L for MTBE, 5 ug/L for Benzene, 1,000 ug/L for Toluene, 700 ug/L for Ethylbenzene, 10,000 ug/L for Xylene, 50 ug/L for DRO and 50 ug/L for GRO which are consistent with the maximum contamination levels (MCLs) established by EPA. A monitoring requirement of 1/Quarter was also established in the previous licensing action.

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

Outfall #001 – Discharge from the second re-circulation tank

A review of the DMR data for the period March 2007 – June 2010 indicates values have been reported s follows:

MTBE (DMRs=7)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)	#Excursions
Monthly average	35	<5 - <20	5.4	0

Benzene (DMRs=7)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)	#Excursions
Monthly average	5	<5 – <20	4.6	0

Toluene (DMRs=7)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)	#Excursions
Monthly average	1,000	<5 - <20	5.4	0

Ethylbenzene (DMRs=7)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)	#Excursions
Monthly average	700	<5 - <20	5.4	0

Xylene (DMRs=7)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)	#Excursions
Monthly average	10,000	<5 - <20	5.4	0

d. Lead, Chlorides, Zinc, Chromium–The previous licensing action established monthly average concentration limits of 15 ug/L for lead, 250 mg/L for chlorides, 5 mg/L for zinc and 100 ug/L for chromium along with a monitoring frequency of 1/Quarter. The numeric limits are based on Drinking Water Standards. These parameters were assumed to be found in car wash waste water after vehicles are washed.

A review of the DMR data for the period March 2007 – June 2010 indicates values have been reported s follows:

Lead (DMRs=7)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)	#Excursions
Monthly average	15	2 - 15	7	0

Chlorides (DMRs=7)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)	#Excursions
Monthly average	250	67 - 949	318	2

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

Outfall #001 – Discharge from the second re-circulation tank

Zinc (DMRs=7)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)	#Excursions
Monthly average	5	0.137 – 0.94	0.41	0

Chromium (DMRs=7)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)	#Excursions
Monthly average	100	8 - 84	35	0

e. Biochemical oxygen demand (BOD) – The previous licensing action established a "report" only requirement along with a monitoring frequency of 1/Quarter. BOD was being monitored to track organic loading to the sub-surface waste water disposal system. A review of the DMR data for the period March 2007 – June 2010 indicates values were reported as follows:

BOD (DMRs=6)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)	#Excursions
Monthly average	report	22 - 123	55	n/a

f. Oil & Grease - The previous permitting action established a "report" only requirement along with a monitoring frequency of 1/Quarter. A review of the DMR data for the period March 2007 – June 2010 indicates values were reported as follows:

Oil & grease (DMRs=6)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)	#Excursions
Monthly average	report	0 – 18.1	8	n/a

g. Gasoline range organics (GRO) – The previous licensing action established a "report" only requirement along with a monitoring frequency of 1/Quarter. A review of the DMR data for the period March 2007 – June 2010 indicates values were reported as follows:

GRO (DMRs=5)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)	#Excursions
Monthly average	report	<100 - 272	165	n/a

h. Diesel range organics (GRO) – The previous licensing action established a "report" only requirement along with a monitoring frequency of 1/Quarter. A review of the DMR data for the period March 2007 – June 2010 indicates values were reported as follows:

DRO (DMRs=5)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)	#Excursions
Monthly average	report	2,425 – 28,000	9,122	n/a

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

Outfall #001 – Discharge from the second re-circulation tank

Based on the historical data cited above, the Department is making a best professional judgment that continuing to monitor Outfall #001 has limited value and is therefore being eliminated in this licensing action. Monitoring of Outfall #002, the discharge from the final pump station that directs the treated effluent to the sub-surface waste water disposal system is sufficient to determine compliance with limitations in this licensing action.

Outfall #002 – Discharge from the final pump station

i. Flow: The previous licensing action established a monthly average flow limitation of 1,950 gallons per day along with a monitoring frequency of 1/Month. Both are being carried forward in this licensing action. The limitation was established based on an expected 50 cars washed and the average use of 15 gallons per car washed or 750 gallons per day. The system is sized sufficiently large enough to accommodate peak loads and expansion of the use of the system in the future. The manufacturer's maintenance recommendations include provisions for: 1) pumping the settling tanks on an annual basis, 2) daily cleaning the filtration screens, and 3) daily inspections of the proprietary recycling system components. The licensee has installed a flow meter to measure the quantity of waste water discharged. A review of the DMR data for the period February 2007 – August 2010 indicates values have been reported values follows:

Flow (DMRs=31)

Value	Limit (gpd)	Range (gpd)	Mean (gpd)	#Excursions
Monthly average	1,950	531 – 1,854	1,061	0

j. Specific Conductance and Temperature- The previous licensing action established monthly average "report" only requirements along with a monitoring requirement of 1/Month. The reporting requirements are being carried forward in this licensing action but the monitoring frequency is being reduced to 1/Quarter based on the consistency in the historic data. These parameters are considered to be "field" parameters meaning that they are measured directly in the field via instrumentation and do not require laboratory analysis. Specific conductance is considered as surveillance level monitoring parameter and is used as an early-warning indicator of potential contamination when there exists a trend in the data or sudden spikes from previous levels). Temperature data is important in calibrating the conductance measurements.

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

Outfall #002 – Discharge from the final pump station

A review of the DMR data for the period March 2007 – August 2010 indicates values have been reported s follows:

Specific conductance (DMRs=32)

Value	Limit (uhmos/cm)	Range (uhmos/cm)	Mean (uhmos/cm)	#Excursions
Monthly average	Report	520 -3,560	1,417	n/a

Temperature (DMRs=33)

Value	Limit (ºF)	Range (ºF)	Mean (ºF)	#Excursions
Monthly average	Report	47 – 79	60	n/a

k. Methyl-tertiary-butyl-ether (MTBE), Benzene, Toluene, Ethylbenzene, Xylene, Diesel range Organics (DRO), and Gasoline Range Organics (GRO): These volatile/semi-volatile organic compounds are typically found in vehicle fuels. These materials may leak from vehicles or be produced by the fuel combustion process and be found in car wash waste water after washing vehicles at the car wash. Some of these compounds are health hazards and have maximum concentration levels (MCL) as promulgated by the U.S. Environmental Protection Agency (EPA). The previous licensing action established monthly average concentration limits of 35 micrograms (ug)/L for MTBE, 5 ug/L for Benzene, 1,000 ug/L for Toluene, 700 ug/L for Ethylbenzene, 10,000 ug/L for Xylene, 50 ug/L for DRO and 50 ug/L for GRO which are consistent with the maximum contamination levels (MCLs) established by EPA. A monitoring requirement of 1/Month was also established in the previous licensing action.

A review of the DMR data for the period March 2007 – June 2010 indicates values have been reported s follows:

MTBE (DMRs=33)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)	#Excursions
Monthly average	35	<5 - <20	5.3	0

Benzene (DMRs=33)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)	#Excursions
Monthly average	5	<5 – <20	6.3	0

Toluene (DMRs=33)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)	#Excursions
Monthly average	1,000	1.4 - <20	6.0	0

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

Outfall #002 – Discharge from the final pump station

Ethylbenzene (DMRs=7)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)	#Excursions
Monthly average	700	<5 - <20	5.3	0

Xylene (DMRs=7)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)	#Excursions
Monthly average	10,000	1.5 - <20	5.2	0

l. Lead, Chlorides, Zinc, Chromium–The previous licensing action established monthly average concentration limits of 15 ug/L for lead, 250 mg/L for chlorides, 5 mg/L for zinc and 100 ug/L for chromium along with a monitoring frequency of 1/Month. The numeric limits are based on Drinking Water Standards. These parameters were assumed to be found in car wash waste water after vehicles are washed.

A review of the DMR data for the period March 2007 – June 2010 indicates values have been reported s follows:

Lead (DMRs=33)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)	#Excursions
Monthly average	15	0 – 29	7.8	2

Chlorides (DMRs=33)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)	#Excursions
Monthly average	250	66 – 1,110	318	16

Zinc (DMRs=33)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)	#Excursions
Monthly average	5	0.137 – 0.94	0.43	0

Chromium (DMRs)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)	#Excursions
Monthly average	100	2 - 96	50	0

m. Biochemical oxygen demand (BOD) – The previous permitting action established a "report" only requirement along with a monitoring frequency of 1/Month. BOD was being monitored to track organic loading to the sub-surface waste water disposal system. A review of the DMR data for the period March 2007 – June 2010 indicates values were reported as follows:

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

Outfall #002 – Discharge from the final pump station

BOD (DMRs=32)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)	#Excursions
Monthly average	Report	9 - 180	66	n/a

n. Oil & Grease - The previous permitting action established a "report" only requirement along with a monitoring frequency of 1/Quarter. A review of the DMR data for the period March 2007 – June 2010 indicates values were reported as follows:

Oil & grease (DMRs=6)

Value	Limit (mg/L)	Range (ug/L)	Mean (mg/L)	#Excursions
Monthly average	Report	0 – 31	8	n/a

o. Gasoline range organics (GRO) – The previous licensing action established a "report" only requirement along with a monitoring frequency of 1/Quarter. A review of the DMR data for the period March 2007 – June 2010 indicates values were reported as follows:

GRO (DMRs=23)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)	#Excursions
Monthly average	Report	82 - 325	142	n/a

p. Diesel range organics (GRO) – The previous licensing action established a "report" only requirement along with a monitoring frequency of 1/Quarter. A review of the DMR data for the period March 2007 – June 2010 indicates values were reported as follows:

DRO (DMRs=23)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)	#Excursions
Monthly average	Report	980 – 25,000	6,533	n/a

With the exception of flow, temperature, conductivity, benzene, chlorides, lead and pH, the parameters listed above are being eliminated from the previous licensing action. To be consistent with the Department's Bureau of Remediation and Waste Management's (BRWM) document entitled, *Remediation Guidelines for Petroleum Contaminated Sites in Maine, December 1, 2009*, this licensing action is establishing limitations and monitoring requirements for extractable petroleum hydrocarbons (EPH) and volatile petroleum hydrocarbons (VPH). The BRWM has made a best professional determination that the monitoring of EPH and VPH compounds are more representative parameters for assessing the health risks associated with the discharge of petroleum products to the environment.

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

q. Groundwater Monitoring Wells

The Department generally requires the installation of ground water monitoring wells for monitoring the impact (or lack thereof) of non-domestic like waste water disposal via sub-surface waste water disposal systems. One well is typically installed upgradient from the source to monitor ambient groundwater conditions, and two wells installed downgradient from the source to monitor ground-water conditions or system malfunctions. The previous licensing action did not require the licensee to install monitoring wells as part of the monitoring program associated with the system. The Department made the determination that the treatment system was designed to attenuate pollutant load to the ground water, that consistent discharge effluent was anticipated and the sizing of the proprietary filter systems and leachfield area were satisfactory in minimizing impacts to the environment. In the event that effluent monitoring detects potential contamination, or is significantly variable, the licensee may be required to conduct additional testing, evaluate other parameters, develop and sample monitoring wells associated with the system, or other measures that the Department determines to be appropriate.

6. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

7. PUBLIC COMMENTS

Public notice of this application was made in the Portsmouth Herald newspaper on or about February 1, 2011. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

8. DEPARTMENT CONTACTS

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

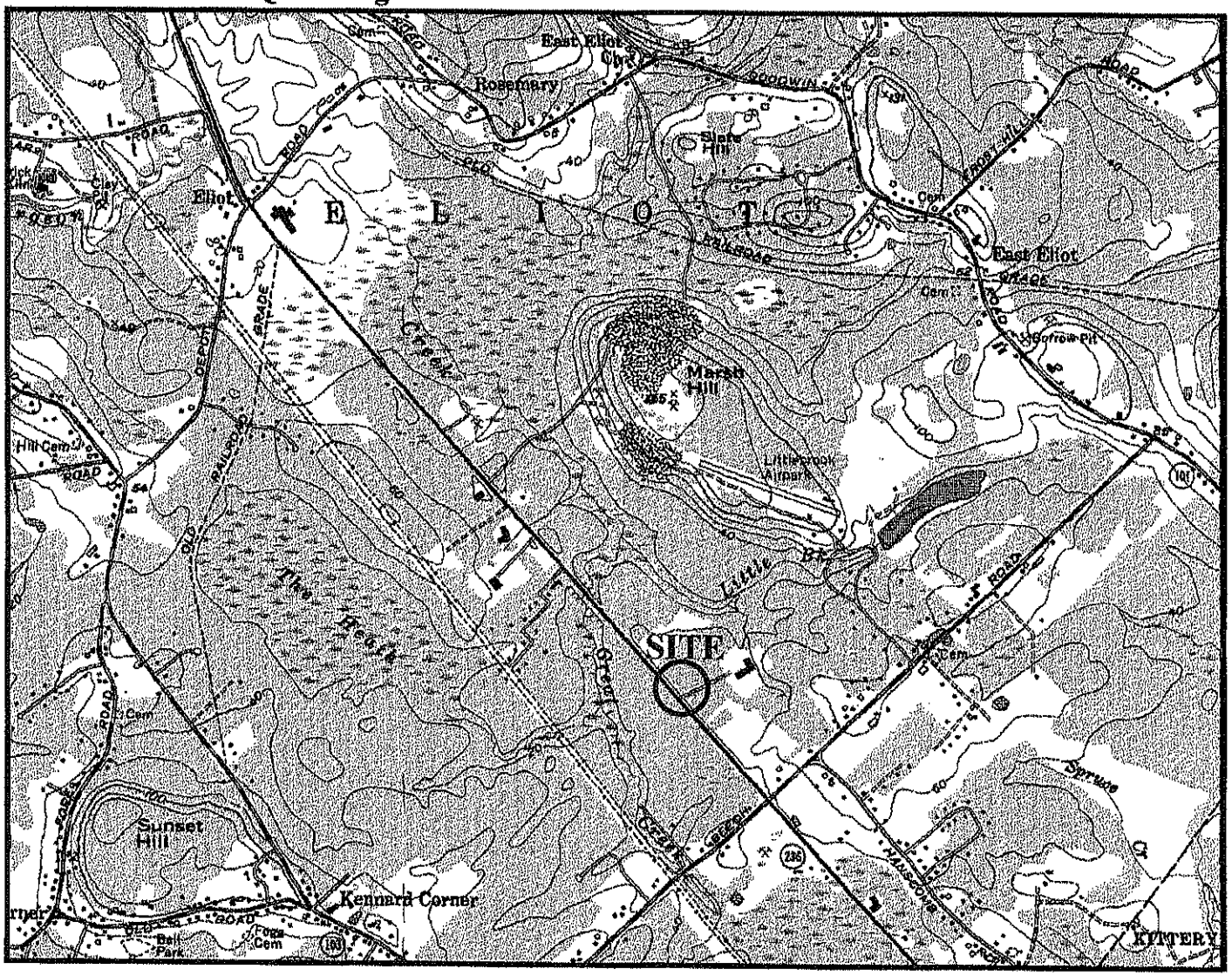
Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone (207) 287-7693
E-mail: gregg.wood@maine.gov

9. RESPONSE TO COMMENTS

During the period of May 20, 2011, through the issuance date of thislicense, the Department solicited comments on the proposed draft license to be issued for the discharge(s) from the licensee's facility. The Department did not receive comments from state or federal agencies the licensee or interested parties. Therefore, the Department has not prepared a Response to Comments.

ATTACHMENT A

Dover East USGS Quadrangle



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.