STATE OF MAINE

Department of Environmental Protection

Paul R. LePage
GOVERNOR

Patricia W. Aho
COMMISSIONER

June 5, 2012

Mr. Mark Draper
Solid Waste Director
Tri-Community Recycling & Sanitary Landfill
P.O. Box 605, Murphy Road
Caribou, ME. 04736

RE: Maine Waste Discharge License (WDL) Application #W008246-5J-C-R
Permit Compliance System Tracking #MEU508246
Final License

Dear Mr. Draper:

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 license to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

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

If you have any questions regarding 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: William Sheehan, DEP/NMRO
Sandy Mojica, USEPA

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

DEPARTMENT ORDER

IN THE MATTER OF

TRI-COMMUNITY RECYCLING &	)	PROTECTION AND IMPROVEMENT
SANITARY LANDFILL	)	OF WATERS
SURFACE WASTE WATER DISPOSAL SYSTEM)		
FORT FAIRFIELD, AROOSTOOK COUNTY, ME.)		
MEU508246	)	WASTE DISCHARGE LICENSE
W008246-5J-C-R **APPROVAL**	)	**NEW**

Pursuant to the provisions of 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 TRI-COMMUNITY RECYCLING & SANITARY LANDFILL (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 a timely and complete application to the Department for the renewal of Waste Discharge License (WDL) #W008246-5J-A-N issued by the Department on May 17, 2007, for a five-year term. It is noted the May 17, 2007, WDL was modified on October 3, 2008, by eliminating the technology based daily maximum effluent concentration limit for biochemical oxygen demand (BOD) and establishing a daily maximum mass soil loading rate for BOD.

The previous license authorized the licensee to operate a surface waste water disposal (spray irrigation) system at its facility in Fort Fairfield, Maine. The licensee receives and dewaters septage generated by residential entities in the area and utilizes a spray irrigation system to seasonally (May – November) dispose of up to 750,000 gallons of the liquid portion of the dewatering process onto a 7.5-acre parcel [five fields (SF#1, SF#2, SF#3, SF#4, SF#5) each 1.5 acres] to the north of the active landfill. It is noted the licensee has also reserved an additional 3.0-acre parcel [two fields (SF#6 and SF#7) each 1.5 acres] to the west of the aforementioned spray fields if needed for additional disposal area.

LICENSE SUMMARY

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

1. Eliminating the submission of a *Spray Irrigation Performance Report* as an exhibit to the application for the next license renewal.

2. Modifying the spray irrigation application rate reporting requirement from gallons/acre/week to gallons/week for each 1.5-acre spray field.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated May 4, 2012, 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 M.R.S.A. §464(4)(F), will be met, in that:

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

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

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

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

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

4. The 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 TRI-COMMUNITY RECYCLING & SANITARY LANDFILL to operate a surface waste water disposal system and seasonally dispose of up to 122,175 gallons per week (750,000 gallons per year) of treated waste water from a septage dewatering operation, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations, including:

1. Standard Conditions of Industrial Waste 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 after that date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of the this license, the terms and conditions of the 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)].

DONE AND DATED AT AUGUSTA, MAINE, THIS 5th DAY OF June, 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns
For Patricia W. Aho, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: February 12, 2012.

Date of application acceptance: February 17, 2012.

Filed
JUN - 6 2012
State of Maine
Board of Environmental Protection

Date filed with Board of Environmental Protection.

This Order prepared by Gregg Wood, BUREAU OF LAND & WATER QUALITY

MEU508246 2012 6/4/12

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

	Daily Minimum as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Biochemical Oxygen Demand *[00310]*		50 lbs/acre *[3P]*	1/Month[2] *[01/30]*	Grab *[GR]*
Total Suspended Solids *[00530]*		100 mg/L *[19]*	1/Month[2] *[01/30]*	Grab *[GR]*
Nitrate-Nitrogen *[00620]*		Report mg/L *[19]*	1/Month[2] *[01/30]*	Grab *[GR]*
pH (Standard Units) *[00400]*		Report S.U. *[12]*	1/Month[2] *[01/30]*	Grab *[GR]*
Metals (Total): Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel and Zinc *[01002, 01027, 01034, 01042, 01051, 71900, 01067, 01092]*		Report ug/L *[28]*	1/5 Years[3] *[01/5Y]*	Grab *[GR]*

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

See pages 7 & 8 for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

2. The **SPRAY IRRIGATION FIELD (SF#1, SF#2, SF#3, SF#4, SF#5, SF#6, SF#7)** shall be limited and monitored as specified below:

(May 15th – November 15th)

	Monthly Total as specified	**Weekly Average** as specified	**Daily Maximum** as specified	**Measurement Frequency** as specified	**Sample Type** as specified
Application Rate (Weekly) (4) *[51125]*	---	24,435 gal/week(5) *[8G]*	---	1/Week *[01/07]*	Calculate *[CA]*
Flow - Total Gallons *[82220]*	Report (Gallons) *[80]*	---	---	1/Month *[01/30]*	Calculate *[CA]*

See pages 7 & 8 for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

3. GROUND WATER MONITORING WELL (MW-2 & MW-7)

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

See pages 7 & 8 for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

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

Holding Tank Effluent

(1) Holding tank effluent shall be sampled at a point prior to being pumped to the spray field and shall be representative of what is actually being applied to the field. Any change in sampling location must be approved by the Department in writing. Samples shall be analyzed by a laboratory certified by the State of Maine's Department of Human Services and in accordance with methods approved by 40 Code of Federal Regulations (CFR) Part 136. Samples that are sent to a POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended February 13, 2000).

(2) Holding tank effluent sampling shall be conducted 1/Month between May – November (inclusive). The permittee is not required to test for these parameters during a month where no waste water was disposed of via the disposal system.

(3) Metals testing shall be performed upon commencement of operations, again during the twelve-month period prior to the expiration date of the license and at a minimum, every five years thereafter.

Spray-Irrigation Field

(4) Weekly is defined as Sunday through Saturday.

(5) The limitation of 24,435 gallons/week applies to each 1.5-acre spray field. For Discharge Monitoring Report (DMR) reporting purposes, the licensee shall report the highest weekly application rate for the month in the applicable box on the form. Compliance with weekly reporting requirements must be reported for the month in which the calendar week ends.

Groundwater Monitoring

(6) Depth to water level below the land surface shall be measured in the spring **(April or May)** and in the fall **(October or November)**of each calendar year and measured to the nearest one tenth ($1/10^{th}$) of a foot as referenced from the surface of the ground at the base of the monitoring well.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

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

(7) Ground water sampling (MW-2 and MW-7) shall be conducted the months in the spring (**April or May**) and in the fall (**October or November**) of each year. Sampling, handling and preservation shall be conducted in accordance with federally approved methods (See footnote #1). Specific conductance (calibrated to 25.0° C), temperature, and pH are considered to be "field" parameters, and are to be measured in the field via instrumentation. The licensee is required to test for these parameters regardless of whether waste water was disposed of via the spray-irrigation system or not.

B. NARRATIVE EFFLUENT LIMITATIONS

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

2. The effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. TREATMENT PLANT OPERATOR

The treatment facility must be operated by a person holding a minimum of a **Grade SITS-I** certificate [or Registered Maine Professional Engineer] pursuant to Title 32 M.R.S.A., Section 4171 et seq. All proposed contracts for facility operation by any person must be approved by the Department before the permittee may engage the services of the contract operator.

D. AUTHORIZED DISCHARGES

The licensee is authorized to dispose of waste water only in accordance with the terms and conditions of this WDL and only to the 10.5-acre spray irrigation disposal field identified in the February 2012 Waste Discharge License application submitted to the Department. Discharge of waste water to or from any other location or from sources other than those indicated on said application requires written authorization from the Department.

SPECIAL CONDITIONS

E. NOTIFICATION REQUIREMENT

In accordance with Standard Condition #6, the licensee shall notify the Department of the any substantial change in the volume or character of pollutants being introduced into the waste water collection and treatment system. For the purposes of this section, notice regarding substantial change shall include information on:

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

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

F. GENERAL OPERATIONAL CONSTRAINTS

1. All waste waters shall receive primary treatment through a properly designed, operated and maintained treatment system prior to disposal.

2. The surface waste water disposal facilities shall be effectively maintained and operated at all times so that there is no discharge to surface waters, nor cause or contribute to contamination of ground water which will render it unsatisfactory for usage as a public drinking water supply.

3. The operation of the surface waste water disposal system shall not cause the lowering of the quality of the ground water, as measured in the ground water monitoring wells specified by this license, below the State Primary and Secondary Drinking Water Standards specified in the Maine State Drinking Water Regulations pursuant to Maine Law 22 M.R.S.A. § 2601.

   In the event the ground water monitoring results indicate adverse effects attributable to the surface waste water disposal system, the licensee may be required to take immediate remedial action(s), which may include but are not limited to, adjustment of the irrigation schedule or application rates, a reduction of the pollutant loading, or ceasing operation of the system until the ground water attains applicable standards.

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

5. System components including collection pipes, tanks, manholes, pumps, pumping stations, spray disposal fields, and monitoring wells shall be identified and referenced by a unique system identifier in all logs and reports.

SPECIAL CONDITIONS

G. SPRAY IRRIGATION OPERATIONAL CONSTRAINTS

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

2. At least 10 inches of separation from the ground surface to the ground water table shall be present prior to spray irrigating.

3. No waste water shall be applied to the site following a rainfall accumulation exceeding 1.0 inch within the previous 8-hour period. A rain gauge shall be located on site to monitor daily precipitation. The licensee shall also manage application rates by taking into consideration the forecast for rain events in the 48-hour period in the future.

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

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

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

H. SPRAY IRRIGATION OPERATIONAL PROCEDURES, LOGS AND REPORTS

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

2. The licensee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities. Should significant malfunctions or leaks be detected, the licensee must shut down the malfunctioning/leaking sections of the spray system and make necessary repairs before resuming operation. The licensee shall cease irrigation if runoff is observed outside the designated boundaries of the spray field(s).

3. **The licensee shall maintain a daily log of all spray irrigation operations** which records, date, weather, temperature, rainfall, depth to ground water in observation wells and volume sprayed (gallons) and other relevant observations/comments from daily inspections. The log shall be in accordance with the format of the "Monthly Operations Log" provided as **Attachment "A"** of this license.

SPECIAL CONDITIONS

H. SPRAY IRRIGATION OPERATIONAL PROCEDURES, LOGS AND REPORTS

Weekly spray application rates shall be reported in accordance with the format of the "Spray Application Report by Week" provided as **Attachment "B"** of this license. The daily and monthly operational logs for each month shall be submitted to the Department as an attachment to the monthly Discharge Monitoring Reports (DMR's). Copies will also be maintained on site for Department review and for license operation maintenance purposes.

I. INSPECTIONS AND MAINTENANCE

The licensee shall periodically inspect all system components to ensure the facility is being operated and maintained in accordance with the design of the system. Maintenance logs shall be maintained for each major system component including but not limited to pumps, spray apparatus, and piping. At a minimum, the logs shall include the unique identifier [see Special Condition F(5)], the date of maintenance, type of maintenance performed, names or person performing the maintenance, and other relevant system observations.

J. GROUND WATER MONITORING WELLS

1. All monitoring wells shall be equipped with a cap and lock to limit access and shall be maintained in a secured state at all times. The integrity of the monitoring wells shall also be verified annually.

2. The Department reserves the right to require increasing the depth and/or relocating any of the ground water monitoring wells if the well is perennially dry, frequently provides insufficient water for sampling or is determined not to be representative of ground water conditions.

K. PUBLIC ACCESS TO LAND APPLICATION SITES AND SIGNAGE

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

SPECIAL CONDITIONS

L. OPERATIONS AND MAINTENANCE (O & M) PLAN

The licensee shall have a current written comprehensive Operation & Maintenance (O & M) Plan. The plan shall provide a systematic approach by which the licensee shall at all times, properly operate and maintain all facilities and the systems of treatment and control (and related appurtenances) which are installed or used by the licensee to achieve compliance with the conditions of this license.

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

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

M. MONITORING AND REPORTING

The results of the monitoring requirements shall be reported on forms approved by the Department (Discharge Monitoring Reports-DMR's) in the units specified and in accordance with the attached Standard Conditions. The forms shall be submitted monthly and **shall be** postmarked by the thirteenth (13th) day of the month or hand-delivered to a Department Regional Office such that the DMR's are received by the Department by the fifteenth (15th) day of the month. The results should be directed to the attention of the Department's facility inspector at:

Department of Environmental Protection
Bureau of Land and Water Quality
Division of Water Quality Management
1235 Central Drive

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

SPECIAL CONDITIONS

N. REOPENING OF THE LICENSE FOR MODIFICATIONS

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

O. 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 aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

Attachment A

Monthly Operations Log

Tri-Community Landfill (WDL #W008246) **(Month/Year)** _____

Spray Field #_____ **Weekly Application Rate:** _____gallons/week

A	B	C	D	E	F	G
Date	Precipitation Previous 24 hours (inches)	Air Temp (°F)	Weather	Wind-Direction Speed (mph)	Depth To GW in Observation well (inches)	Total Gallons Pumped (gallons)
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
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31						

Signature of Responsible Official: _____ Date _____

Attachment B

Spray Application Report by Week

Tri-Community Landfill (WDL #W008246) **(Month/Year)** _____

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

Signature of Responsible Official: _____ Date _____

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: May 4, 2012

PERMIT NUMBER: **MEU508246**
LICENSE NUMBER: **W008246-5J-C-R**

NAME AND ADDRESS OF APPLICANT:

TRI-COMMUNITYY RECYCLING & SANITARY LANDFILL
Tri-Community Recycling & Sanitary Landfill
P.O. Box 605, Murphy Road
Caribou, ME. 04736

COUNTY: **Aroostook County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

Tri-Community Recycling & Sanitary Landfill
Murphy Road
Fort Fairfield, ME.

RECEIVING WATER / CLASSIFICATION: **Ground water /Class GW-A**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Mark Draper**
Solid Waste Director
(207) 374-9987
e-mail: mark@tricommunityrecycling.com

1. APPLICATION SUMMARY

a. Application – The licensee has submitted a timely and complete application to the Department for the renewal of Waste Discharge License (WDL) #W008246-5J-A-N issued by the Department on May 17, 2007, for a five-year term. It is noted the May 17, 2007, WDL was modified on October 3, 2008, by eliminating the technology based daily maximum effluent concentration limit for biochemical oxygen demand (BOD) and establishing a daily maximum mass soil loading rate for BOD.

The previous license authorized the licensee to operate a surface waste water disposal (spray irrigation) system at its facility in Fort Fairfield, Maine. The licensee receives and dewaters septage generated by light and residential entities in the area and utilize a spray irrigation system to seasonally (May – November) dispose of up to 750,000 gallons of

1. APPLICATION SUMMARY (cont'd)

the liquid portion of the dewatering process onto a 7.5-acre parcel [five fields (SF#1, SF#2, SF#3, SF#4, SF#5) each 1.5 acres] to the north of the active landfill. It is noted the licensee has also reserved an additional 3.0-acre parcel [two fields (SF#6 and SF#7) each 1.5 acres] to the west of the aforementioned spray fields if needed for additional disposal area.

b. Source Description – Tri-Community Landfill currently holds a Septage Storage License # S-004838-S4-F-A in accordance with the State of Maine, Environmental Protection, Chapter 420, Septage Management Rules, to receive, store, and dewater residential and light commercial septage sludge from septic holding tanks and similar systems. This material is brought to the facility by local septage haulers and deposited within the existing storage tanks. Currently the facility receives approximately 550,000 gallons of waste per year. The facility is set up to process a maximum of 750,000 gallons per year. The facility currently has the capability to temporarily store approximately 202,000 gallons of waste septage. Septage haulers discharge their load through a bar screen and into large on-site tanks. Two of the existing storage tanks are capable of holding 45,000 gallons (each) and are constructed with double walled construction. Local haulers from surrounding communities are provided access to the site six days a week throughout the year. The material received is typical septage from residential and light commercial septic holding tanks.

c. Site information - The spray irrigation site is situated along the boundaries of the City of Caribou and Town of Fort Fairfield. The spray site consists of a 10.5-acre area situated within a 40-acre grassed field along the north side of the TCL property as shown in **Attachment A**. In February of 1995 a Medium Intensity Soil survey was conducted in the area recommended for spray irrigation of septage waste. The site consists of Perham soils with varying slope as indicated by the soil survey as performed by William Hersey, Certified Soil Scientist. Site topography indicates the site slopes in a southwesterly direction. The selected spray irrigation area is currently open field (grass meadow) with thick grass growth. Perham soils are described by the State of Maine and United States Department of Agriculture Soil Conservation Service, as published by the Maine Association of Professional Soil Scientists, January 1988, as a series consisting of very deep, moderately well drained soils formed in glacial till derived mainly from slate and shale. The permeability of the soil is shown to be 0.6 - 2.0 inches per hour.

The spray irrigation site is bordered by an agricultural field to the north, a wooded buffer to the east and west side, and the landfill to the south. There are currently no residential dwellings located within 1 mile of the spray irrigation site. There is a small drainage ditch which exists between the site and the existing landfill. This ditch remains dry most of the year. Snow melt and Spring runoff within this ditch tend to flow in a westerly direction toward Nichols Brook, a tributary of the Madawaska River. The site currently has two existing ground water monitoring wells (MW-2 and MW-7) located south of the spray irrigation site as shown in **Attachment A** of this Fact Sheet.

1. APPLICATION SUMMARY (cont'd)

d. Pretreatment - The treatment process at TCL is a simplified process which uses above ground storage tanks, in-tank mixers, a fixed transfer pump, a polymer injection system, and a portable containerized dewatering unit for the dewatering of residential septage sludge. Local haulers access the facility and transfer residential septage into one of two on-site above-ground steel storage tanks. Septage is conveyed through a bar screen prior to entering the storage tanks in order to filter out large debris.

The facility currently uses a septage dewatering system to separate the liquid fraction and solids fraction of the waste. The "DeTainer" trailer system is a roll off style container with removable interior filter panels. The pretreatment process also uses a polymer additive injected into the process wastewater to flock suspend particles which coagulate inside the container. The container filter panels are equipped with 700-micron filter screens which allow clear liquids to separate from the solids and be pumped into adjacent storage tanks or transport trailers. Current process operations have the capability of treating approximately 24,000 gallons per day. Once the dewatering container has reached its capacity the unit is allowed to dewater overnight and then the solids are disposed inside the active landfill. The manufacturer of the "DeTainer" states that the liquid waste characteristics, once filtered, reduces COD, BOD, and suspended solids by approximately 50%.

e. Storage - The Tri-Community Landfill facility currently has the capacity to temporarily store approximately 202,000 gallons of septage on site. Two relatively new storage tanks can hold approximately 90,000 gallons and have double-wall containment. These tanks are the two primary septage storage tanks on site and are equipped with twenty-five horse power in-tank mixers used to resuspend settled solids prior to processing. The remaining 112,000 gallons is contained within single-walled storage tanks.

The spray irrigation process is to treat the liquid fraction of the waste through soil infiltration. During the winter months septage brought to the site is stored within the existing tanks or conveyed to the Caribou Utility District via a recently constructed piping network. Once the ground has thawed in the spring, the facility will begin processing the stored material and spray irrigate the liquid portion. Daily discharge of separated septage will be approximately 24,000 gallons per day. Past volumes of received septage shows that between mid-November and mid-May the facility receives between 110,000 gallons and 120,000 gallons of septage, or about 20% of the annual volume. It is unlikely that this volume will vary much in the future since most septic tanks are pumped and cleaned during the spring, summer and fall months when the ground is not frozen. Currently there is enough capacity within the existing storage tanks to hold waste until acceptable spray irrigation conditions arrive each Spring.

1. APPLICATION SUMMARY (cont'd)

f. Land treatment - TCL has a spray irrigation system that includes a portable agricultural spray irrigation pump, above-ground aluminum spray irrigation transmission piping, and a Reel Rain Traveler manufactured by Hobb-Adams Engineering. **Attachment A** of this Fact Sheet depicts the location of the proposed transmission line and spray irrigation area. The Reel Rain has sufficient hose capacity to travel 1,210 lineal feet per pull with a typical spray width of 270 feet for a spray area of approximately 7.5 acres with an additional 3.0 acres of reserved land for a total of 10 acres. Irrigation rates for the Rain Reel are controlled based on pressure, hose size, and travel speeds. The spray irrigation site consists of a 7.5 acre area consisting of very deep, moderately well drained Perham soils situated within a 40 acre grassed field along the north side of the TCL property. The grass which is currently growing on the property is likely a mixture of different grass species but is primarily a tall fescue type grass. The nutrient loadings to the spray irrigation site are 1,000 lbs/year of nitrogen and 250 lb/year of phosphorus.

Based on published nutrient uptake rates for fescue type grass , the licensee has calculated the following area requirement to assimilate the loadings:

Nitrogen up-take: (1,000 lb/year) / (assumed 150 lb/ac per year) = 6.8 acres.
Phosphorus up-take: (250 lb/year) / (26.7 lb/ac per year) = 9.4 acres

The hydraulic loading rate is based on the permeability of the soil. The EPA design manual for Land Treatment of Municipal Wastewater states that the maximum daily design percolation rate should not exceed 4% to 10% of the minimum soil permeability. In this case the Perham soil is shown to have a permeability of approximately be 0.6 - 2.0 inches per hour. The calculation below is using the more conservative percolation rate for this scenario.

Percolation rate = (permeability, inches/hour)(24 hours/day)(4%) =
=(0.6 inches/hour)(24 hours/day)(0.04) = 0.60 inches/day

Based on an application rate of 0.6 inches per day, each acre can receive 2,178 cubic feet of water, or approximately 16,300 gallons. Utilizing this application rate each process day will require approximately 1.5 acres [(24,000 gallons per day) / (16,300 gallons/day per acre)].

At this time licensee estimates that at peak operation, the facility will require approximately 32 days of processing each year (750,000 gallons per year / 24,000 gallons per day). Processing for the purpose of spray irrigation will be between May 15 and November 15 of each year. Each of the five daily spray irrigation sites will be 1.5 acres in size for a total of 7.5 acres. This will provide enough acreage to allow the facility to spray irrigate each day per work week, and provide for a sufficient resting

1. APPLICATION SUMMARY (cont'd)

period between application days. The estimated total of 10.5 acres is also sufficient to handle all nutrient loadings associated with nitrogen and phosphorus. TCL mows the spray irrigation site twice annually to maintain a balanced soil nutrient condition.

g. Operational and environmental monitoring – The licensee proposes to maintain spray irrigating the liquid fraction at a rate of 16,290 gal/acre/week or 24,435 gal/week for each sprayfield. Each of the five daily spray irrigation sites is 1.5 acres in size for a total of 7.5 acres. The five areas are staked/marked in the field to indicate to personnel the starting and ending position of the spray irrigation equipment. TLC maintains two ground water quality monitoring wells on site that are sampled 2/Year with metals testing 1/5 Years.

2. LICENSE SUMMARY

a. Terms and conditions – This license is carrying forward all the terms and conditions of the previous licensing actions except that this license is:

1. Eliminating the submission of a *Spray Irrigation Performance Report* as an exhibit to the application for the next license renewal.

2. Modifying the spray irrigation application rate reporting requirement from gallons/acre/week to gallons/week for each 1.5-acre spray field.

b. History: The most current relevant regulatory actions and or significant events include the following;

May 17, 2007 – The Department issued W008246-5J-A-N for a new WDL for the operation of a surface waste water disposal system. The WDL is due to expire on May 17, 2012.

October 3, 2008 – The Department issued WDL modification W008246-5J-B-M that eliminated the technology based daily maximum effluent concentration limit for biochemical oxygen demand (BOD) and establishing a daily maximum mass soil loading rate for BOD.

February 15, 2012 – TLC submitted a timely and complete application to the Department to renew the 5/17/07 WDL.

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 the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Water Classification System.

4. EFFLUENT LIMITATIONAS AND MONITORING REQUIREMENTS

a. Application rate – The license carries forward an application rate of 0.6 inches/acre/week or 16,290 gallons/acre/week or 24,435 gallons/week per spray field. With five spray fields at 1.5 acres each (3.0 acres held in reserve) for a total of 7.5 acres utilized per week, this license authorizes the facility to dispose of 122,175 gallons/week. The application rate is being expressed as a gallons/week for each 1.5-acre field as opposed to gallons/acre/week to be consistent with other like licensing actions. The weekly rate is calculated as follows:

(16,290 gal/acre/week)(1.5 acres) = 24,435 gallons/week

b. Biochemical Oxygen Demand (BOD_5) & Total Suspended Solids (TSS) - Monitoring for BOD and TSS in the effluent from the holding tank yields an indication the condition of the waste water being applied, of excessive loading of organic material and the effectiveness of the spray-irrigation treatment process. The 5/17/07 license established a daily maximum BOD concentration limit of 200 mg/L based on a best professional judgment of a limitation that is attainable given the high strength nature of the raw septage. This limitation also represented a 99% removal rate.

On October 3, 2008, the Department issued WDL modification W008246-5J-B-M that eliminated the technology based daily maximum effluent concentration limit for BOD and establishing a daily maximum mass soil loading rate for BOD. The Department relied on research conducted by Michigan State University between 2005 and 2007 in a paper entitled, *"Capacity of Soils to Assimilate Wastewaters from Food Processing Facilities"* to support the modification. The research paper indicates that soils must be given adequate drying time to assimilate the BOD loading thus, hydraulic loading rates are important also. The licensee currently provides for five days of drying for each of the five spray fields. The paper indicates that with well drained soils, BOD loading rates varying from 30 -150 lbs/day with adequate drying times assimilated 99 percent of the BOD applied.

For TSS, the Department established a technology based best practicable treatment (BPT) limitation of 100 mg/L that is being carried forward in this licensing action and is common to most spray irrigation systems licensed by the Department. TSS in the groundwater monitoring yields an indication of the integrity of the monitoring wells.

4. EFFLUENT LIMITATIONAS AND MONITORING REQUIREMENTS

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

d. Specific Conductance, Temperature, Dissolved Oxygen, and pH – These parameters are considered to be "field" parameters meaning that they are measured directly in the field via instrumentation and does not require laboratory analysis. They are considered a surveillance level monitoring parameters that are used as an early-warning indicator of potential groundwater contamination. Dissolved oxygen is an important parameter because the spray irrigation system has the potential to introduce significant organic carbon to groundwater and it is important to determine if the increased organic loading reduces the amount of the dissolved oxygen present in groundwater.

e. Metals – Monitoring for metals is important as low pH waste waters applied to the soils may enhance the leaching of metals from the soils which in turn will be released to ground water. There are both primary and/or secondary drinking water standards associated with metals.

5. SYSTEM CALIBRATION

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

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

6. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has determined the existing and designated uses of the receiving water uses will be maintained and protected and the discharge will not cause or contribute to failure of the receiving water to meets assigned classification.

7. PUBLIC COMMENTS

Public notice of this application was made in the Aroostook Republican newspaper on or about February 9, 2012. 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

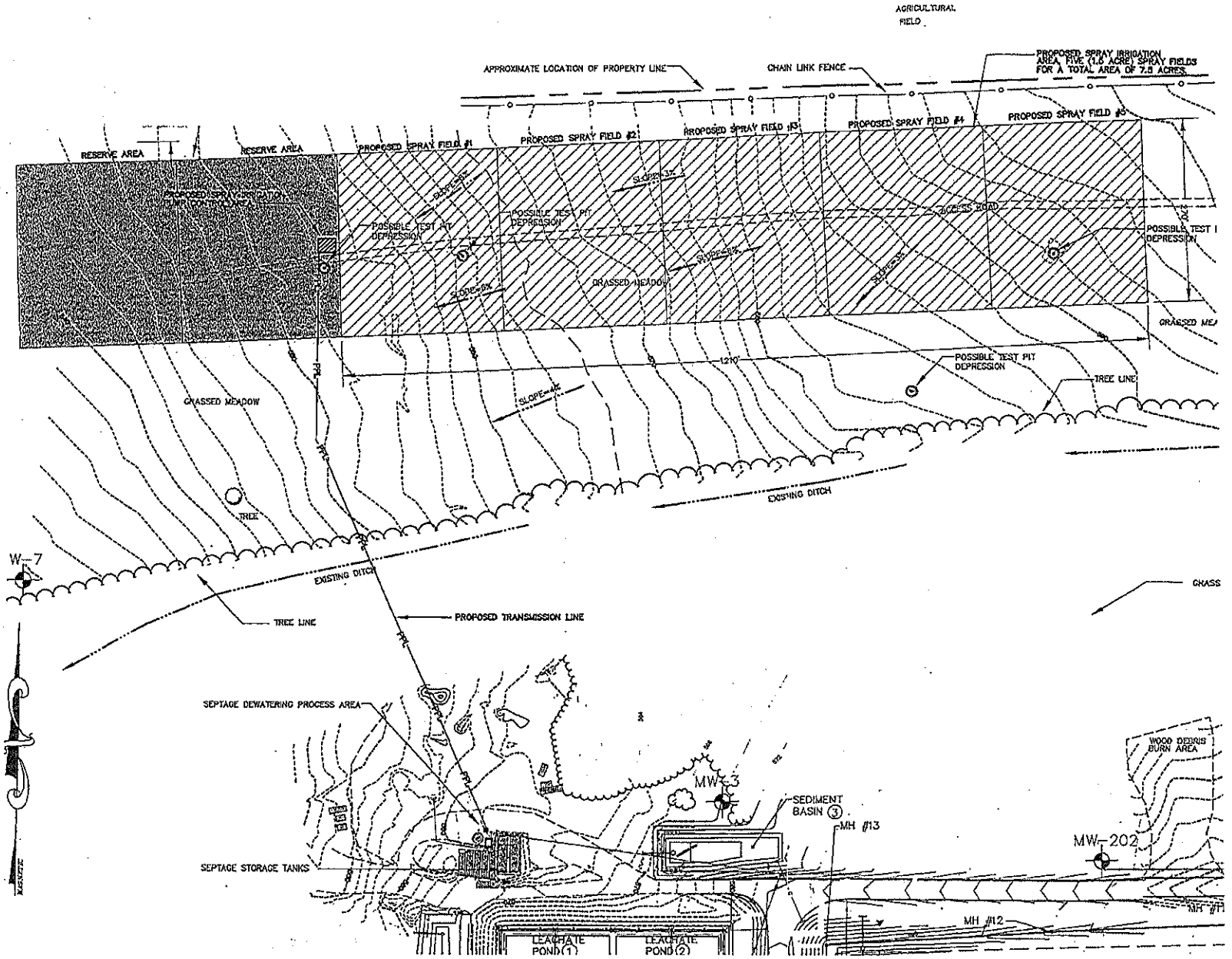
Additional information concerning this permitting action may be obtained from and written comments should be sent to:

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 4, 2012, through the issuance date of the license, the Department solicited comments on the proposed draft license to be issued for the discharge(s) from the licensee's facility. The Department did not receive comments from the licensee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the license. Therefore, the Department has not prepared a Response to Comments.

ATTACHMENT A


AGRICULTURAL FIELD
APPROXIMATE LOCATION OF PROPERTY LINE
CHAIN LINK FENCE
PROPOSED SPRAY IRRIGATION AREA, FIVE (1.6 ACRE) SPRAY FIELDS FOR A TOTAL AREA OF 7.8 ACRES.
RESERVE AREA
RESERVE AREA
PROPOSED SPRAY FIELD #1
PROPOSED SPRAY FIELD #2
PROPOSED SPRAY FIELD #3
PROPOSED SPRAY FIELD #4
PROPOSED SPRAY FIELD #5
PROPOSED SPRAY IRRIGATION AREA FOR 1.6 ACRES
POSSIBLE TEST PIT DEPRESSION
POSSIBLE TEST PIT DEPRESSION
POSSIBLE TEST PIT DEPRESSION
POSSIBLE TEST PIT DEPRESSION
SLOPE=3%
SLOPE=5%
SLOPE=6%
SLOPE=5%
SLOPE=3%
ACCESS ROAD
GRASSED MEADOW
GRASSED MEADOW
GRASSED MEADOW
TREE LINE
TREE
EXISTING DITCH
EXISTING DITCH
EXISTING DITCH
W-7
PROPOSED TRANSMISSION LINE
GRASS
SEPTAGE DEWATERING PROCESS AREA
SEPTAGE STORAGE TANKS
MW-3
SEDIMENT BASIN (3)
MH #13
MW-202
WOOD DEBRIS BURN AREA
MH #12
LEACHATE POND (1)
LEACHATE POND (2)

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
STANDARD CONDITIONS OF INDUSTRIAL WASTE DISCHARGE LICENSES

1. General Conditions

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

B. The licensee shall permit the Department of Environmental Protection Staff upon the presentation of proper credentials:

1) To enter upon licensee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this license;

2) To have access to and copy any records required to be kept under the terms and conditions of this license;

3) To inspect any monitoring equipment or monitoring method required in this license; or,

4) To measure and/or sample at any intake, process or cooling effluent stream, wastewater treatment facility, and/or outfall.

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

D. This license does not preclude obtaining other required Federal, State, or Municipal permits and does not authorize or approve the construction of any onshore physical structures or facilities or the undertaking of any work in any navigable waters.

E. The issuance of this license does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights nor any infringement of Federal, State or local laws or regulations.

F. Nothing in this license shall be construed to relieve the licensee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond his control, such as accident, equipment breakdown, labor dispute, or natural disaster.

2. Treatment Plant Operator

The Treatment Facility must be operated by a person holding a Grade ~~I, II, III, IV, V~~ certificate pursuant to 32 M.R.S.A., Section 4171 et seq. All proposed contracts for facility operation by any person must be approved by the department before the licensee may engage the services of the contract operator.

~~3. Disinfection~~

~~Disinfection shall be used to reduce the concentration of bacteria to or below the level~~ specified in the "Effluent Limitations and Monitoring Requirement" section ~~of~~ this license. If chlorination is used as a means of disinfection, an approved ~~contact~~ chamber shall be provided. The chlorine residual in the effluent shall at ~~no time~~ cause any demonstrable harm to aquatic life in the receiving waters. A ~~positive~~ chlorine residual shall be maintained at all times as required by this license, ~~however, at no time shall the total chlorine residual of the effluent exceed 1.0 mg/l.~~

4. Wastewater Treatment and Sampling Facilities

a. The licensee shall collect all waste flows designated by the Department of Environmental Protection as requiring treatment and discharge them into an approved waste treatment facility in such a manner as to maximize removal of pollutants unless authorization to the contrary is obtained from the Department.

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

c. All necessary waste treatment facilities will be installed and operational prior to the discharge of any wastewaters.

d. Final plans an specifications must be submitted to the staff of the Department of Environmental Protection and approved prior to the construction or modification of any treatment facilities.

e. The licensee shall install flow measuring facilities of a design approved by the Department of Environmental Protection.

f. The licensee must provide an outfall of a design approved by the Department of Environmental Protection which is placed in the receiving waters in such a manner that maximum mixing and dispersion of the wastewaters will be achieved as rapidly as possible.

5. Monitoring and Reporting

a. Representative Sampling

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

b. The sampling, preservation, handling, and analytical methods used must conform with Standard Methods for the Examination of Water and Wastewaters, American Public Health Association, 1015 18th Street, N.W., Washington, D.C. 20036, latest approved edition, or methods referenced in 40 CFR Part 136, Guidelines Establishing Test Procedures for Analysis of Pollutants. However, different but equivalent methods are allowable if they receive the prior written approval from the Department of Environmental Protection.

c. Reporting

(1) The results of the above monitoring requirements shall be reported on reporting forms supplied by the department in the units specified at a frequency of once:

~~yearly~~ ~~semi-annually~~ ~~quarterly~~ monthly

(2) All reports shall be submitted to the Department by not later than the tenth of the month following the end of the monitoring period.

(3) Any reports or records of monitoring activities and results shall include for all samples: (a) the date, exact place, and time of sampling; (b) the dates and times analyses; (d) the analytical techniques/methods used, including sampling, handling, and preservation techniques; and (e) the results of all required analyses.

d. All reports shall be signed by:

(1) In the case of corporations, by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the reporting form originates.

(2) In the case of a partnership, by a general partner or duly authorized representative.

(3) In the case of a sole proprietorship, by the proprietor or duly authorized representative.

(4) In the case of a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or duly authorized employee.

(e) All monitoring reports and future correspondence regarding monitoring facilities should be directed to:

Bureau of Water Quality Control
Department of Environmental Protection
State House Station #17
Augusta, Maine 04333

6. Non-Compliance Notification

a. In the event the licensee bypasses collection or treatment facilities or is unable to comply with any of the conditions of this license due, among other reasons, to:

1. breakdown of waste treatment equipment;

2. accidents caused by error or negligence;

3. high strength, high volume or incompatible wastes, or

4. other causes such as acts of nature,

the licensee shall notify the Department of Environmental Protection verbally as soon as its agents have knowledge of the incident.

b. Within five (5) days of becoming aware of such condition the licensee shall provide the Department of Environmental Protection in writing, the following information:

1. A description of the discharge and cause of noncompliance; and

2. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

c. If the licensee knows in advance of changes in licensed facilities or activities which may result in non-compliance or of the need to bypass, it shall submit prior notice at least ten days in advance of such occurance.

d. In the event a bypass is due to inflow or infiltration of uncontaminated water into a sewer system, reporting requirements may be adjusted by the Department to a monthly basis.

7. Change of Discharge

The licensee shall notify the department in writing as soon as it has knowledge of any significant changes or proposed changes in its discharge, including but not limited to:

a) the temporary or permanent termination of the discharge;

b) changes in the waste collection, treatment or disposal facilities;

c) changes in the volume or character of wastewater flows;

d) permanent changes in industrial production rates;

e) the proposed addition, directly or indirectly, of toxic pollutants not authorized by the license or reflected in the application filed with the department;

f) the addition to a municipal or quasi-municipal treatment system of industrial wastes which are categorically regulated by the U.S. EPA pursuant to the agency's pretreatment program.

8. Transfer of Ownership

In the event that any person possessing a license issued by the Department shall transfer the ownership of the property, facility or structure which is the source of a licensed discharge, without transfer of the license being approved by the Department, the license granted by the Department shall continue to authorize a discharge within the limits and subject to the terms and conditions stated in the license, provided that the parties to the transfer shall be jointly an severally liable for any violation thereof until such time as the Department approves transfer or issuance of a waste discharge license to the new owner. The Department may in its discretion require the new owner to apply for a new license, or may approve transfer of the existing license upon a satisfactory showing that the new owner can abide by its terms and conditions.

9. Records Retention

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

10. Other Materials

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

a. They are not

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

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

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

11. Removed Substances

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

12. Bypass of Waste Treatment Facilities

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

13. Emergency Action--Electric Power Failure

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

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

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

14. Spill Prevention and Containment

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

15. Connection to Municipal Treatment System

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

16. Pretreatment

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

DEFINITIONS

FOR THE PURPOSE OF THIS LICENSE THE FOLLOWING SHALL APPLY

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

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

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

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

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

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

DEP INFORMATION SHEET

Appealing a Department Licensing Decision

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

SUMMARY

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

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

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

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

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

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

HOW TO SUBMIT AN APPEAL TO THE BOARD

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

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

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

Other Considerations in Appealing a Decision to the Board

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

What to Expect Once You File a Timely Appeal with the Board

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

II. JUDICIAL APPEALS

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

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

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

ADDITIONAL INFORMATION

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

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