STATE OF MAINE

Department of Environmental Protection

Paul R. Lepage
GOVERNOR

Patricia W. Aho
COMMISSIONER

March 18, 2013

Mr. John Fancy
Waldoboro Utility District
P.O. Box 848
Waldoboro, Maine 04572

RE: Permit Compliance System #MEU508114
Maine Waste Discharge License (WDL) Application # W-008114-6C-C-R
Final License

Dear Mr. Fancy:

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 207-287-7693 or contact me via email at gregg.wood@maine.gov.

Sincerely,

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

Enc.
cc: Denise Behr, DEP/CMRO
Lori Mitchell, DEP/CMRO

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

DEPARTMENT ORDER

IN THE MATTER OF

WALDOBORO UTILITY DISTRICT	)	PROTECTION AND IMPROVEMENT
WALDOBORO, KNOX COUNTY, MAINE	)	OF WATERS
SURFACE WASTEWATER DISPOSAL SYSTEM	)	
MEU508114	)	WASTE DISCHARGE LICENSE
W-008114-6C-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 the WALDOBORO UTILITY DISTRICT (WUD/licensee hereinafter) with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The WUD has submitted a timely and complete application to the Department for renewal of Maine Waste Discharge License (WDL) #W-008114-5L-B-R, which was issued by the Department on March 11, 2008, for a five-year term. The WDL authorized the operation of a surface wastewater disposal (spray-irrigation) system for the treatment and seasonal disposal of treated sanitary wastewater and commercial processing wastewater onto land in Waldoboro, Maine. The treatment system has a design capacity of 0.15 million gallons per day (MGD). The facility has been assigned Permit Compliance System (PCS) Tracking #MEU508114 to facilitate compliance tracking and record keeping.

LICENSE SUMMARY

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

1. Expressing the application rates as a total number of gallons permitted to be applied to each sprayfield as a whole (gal/week) rather than expressed as gal/acre/day. This gives the licensee the flexibility to more efficiently manage sub-areas within each sprayfield by applying more waste water to areas with better quality soils and restrict the applications to areas with lesser quality soils.

2. Eliminating the technology based concentration limit of 100 mg/L for total suspended solids for the storage lagoon effluent based on new Department policy for lagoon systems.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated February 15, 2013, 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., Section 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 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 WALDOBORO UTILITY DISTRICT, to operate a surface wastewater disposal (spray irrigation) system for the treatment and seasonal disposal (April 1 – November 30) of up to 705,900 gallons per week for each field (Spray Fields # 1, 4, and 5) and 1,058,900 gallons per week for each field (Spray Fields # 2 and 3) of treated sanitary wastewater and commercial processing wastewater onto land in Waldoboro, Maine, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

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

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

3. This license becomes effective upon the date of signature below and expires at midnight five (5) years 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)].

DONE AND DATED AT AUGUSTA, MAINE, THIS 2nd DAY OF April 2013.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Patricia W. Aho
Patricia W. Aho, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: November 9, 2012

Date of application acceptance: November 14, 2012

Filed
APR 3 2013
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

MEU508114 2013 3/18/13

SPECIAL CONDITIONS
A. LIMITATIONS AND MONITORING REQUIREMENTS

1. The licensee is authorized to operate a surface wastewater treatment and disposal system. The **STORAGE LAGOON EFFLUENT (OUTFALL #001A)** shall be limited and monitored as specified below. (1)

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS		MINIMUM MONITORING REQUIREMENTS	
	Daily Minimum as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Biochemical Oxygen Demand *[00310]*	---	100 mg/L *[19]*	1/Month (2) *[01/30]*	Grab *[GR]*
Total Suspended Solids *[00530]*	---	Report 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]*
Lagoon Freeboard (3) *[82564]*	Report feet *[27]*	---	1/Week *[01/07]*	Measure *[MS]*
Metals (Total): Arsenic, Cadmium, Chromium, Copper, Lead, Nickel and Zinc *[01002, 01027, 01034, 01042, 01051, 01067, 01092]*		Report ug/L *[28]*	1/5 Years (4) *[01/5Y]*	Grab *[GR]*

The italicized numeric values bracketed in the table above and on the following pages are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports (DMRs). Footnotes are included on Pages 9-10.

SPECIAL CONDITIONS
A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

2. The application of wastewater to the land via a spray irrigation system shall be limited to the time period **April 1 to November 30 of each calendar year.** The **SPRAY IRRIGATION FIELDS (SF#1, SF#2, SF#3, SF#4 and SF#5) (OUTFALLS #SF1A, #SF2A, #SF3A, #SF4A, #SF5A)** shall be limited and monitored as specified below.

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS			MINIMUM MONITORING REQUIREMENTS	
	Monthly Total as specified	Weekly Maximum[5] as specified	Daily Maximum As specified	Measurement Frequency as specified	Sample Type as specified
Application Rate					
SF#1	---	705,900 gallons	---	1/Week	Calculate
SF#4	---	705,900 gallons	---	1/Week	Calculate
SF#5	---	705,900 gallons	---	1/Week	Calculate
Application Rate					
SF#2, SF#3 [51125]	--- ---	1,058,850 gallons 1,058,850 gallons [8B]	--- ---	1/Week 1/Week [01/07]	Calculate Calculate [CA]
Flow - Total Gallons	**Report**				
SF#1	Millions of gallons	---	---	1/Month	Calculate
SF#2	Millions of gallons	---	---	1/Month	Calculate
SF#3	Millions of gallons	---	---	1/Month	Calculate
SF#4	Millions of gallons	---	---	1/Month	Calculate
SF#5 [82220]	Millions of gallons [80]	---	---	1/Month [01/30]	Calculate [CA]

The italicized numeric values bracketed in the table above and on the following pages are code numbers that Department personnel utilize to code the monthly DMRs. Footnotes are included on Pages 9-10.

SPECIAL CONDITIONS
A. LIMITATIONS AND MONITORING REQUIREMENTS

3. **GROUNDWATER MONITORING WELLS MW-1, MW-2, MW-7, MW-8, MW-9 AND MW-11 (OUTFALLS #MW1A, #MW2A, #MW7A, #MW8A, #MW9A, M11A)** shall be limited and monitored as specified below.

MONITORING CHARACTERISTIC	LIMITATIONS	MINIMUM MONITORING REQUIREMENTS	
	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Depth to Water Level Below Land Surface	Report (feet)[6]	2/Year[7]	Measure
[72019]	*[27]*	*[02/YR]*	*[MS]*
Nitrate-Nitrogen	10 mg/L	2/Year[7]	Grab
[00620]	*[19]*	*[02/YR]*	*[GR]*
Specific Conductance[8,9]	Report (umhos/cm)	2/Year[7]	Grab
[00095]	*[11]*	*[02/YR]*	*[GR]*
Temperature[8]	Report (°C)	2/Year[7]	Grab
[00011]	*[04]*	*[02/YR]*	*[GR]*
pH (Standard Units)[8]	Report (S.U.)	2/Year[7]	Grab
[00400]	*[12]*	*[02/YR]*	*[GR]*
Total Suspended Solids	Report (mg/L)	2/Year[7]	Grab
[00530]	*[19]*	*[02/YR]*	*[GR]*
Metals (Total): Arsenic, Cadmium, Chromium, Copper, Lead, Nickel and Zinc	Report ug/L	1/5 Years[4]	Grab
[01002, 01027, 01034, 01042, 01051, 01067, 01092]	*[28]*	*[01/5Y]*	*[GR]*

The italicized numeric values bracketed in the table above and on the following pages are code numbers that Department personnel utilize to code the monthly DMRs. Footnotes are included on Pages 9-10.

SPECIAL CONDITIONS
A. LIMITATIONS AND MONITORING REQUIREMENTS

4. Sampling of the **LAGOON UNDERDRAINS (UD1 – Lagoon #1, UD2 – Lagoon #2 and UD3 – Storage Lagoon) (OUTFALLS #UD1A, #UD2A, #UD3A)** shall be conducted as specified below.

MONITORING CHARACTERISTIC	LIMITATIONS		MINIMUM MONITORING REQUIREMENTS	
	Weekly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Flow Rate *[00058]*	---	Report GPM *[78]*	3/Year(10) *[03/YR]*	Estimate *[ES]*
Specific Conductance *[00095]*	---	Report (umhos/cm) *[11]*	3/Year(10) *[03/YR]*	Grab *[GR]*
Temperature *[00011]*	---	Report (°C) *[04]*	3/Year(10) *[03/YR]*	Grab *[GR]*

The italicized numeric values bracketed in the table above and on the following pages are code numbers that Department personnel utilize to code the monthly DMRs. Footnotes are included on Pages 9-10.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Footnotes

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

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

1. **Storage Lagoon Effluent Sampling Location** - Storage lagoon effluent sampling shall be conducted at the spray field pump station and shall be representative of what is actually sprayed on the spray-irrigation fields.

2. **Storage Lagoon Effluent Sampling Frequency** – Storage lagoon effluent sampling shall be conducted at a minimum frequency of once per month during the months of **April, May, August, and October** of each year, unless otherwise specified by the Department. In the event that no wastewater is disposed of via the spray irrigation system for an entire month leading up to the sample period, the licensee is not required to conduct effluent monitoring for the parameters indicated.

3. **Lagoon Freeboard** – Storage lagoon freeboard shall be reported as the mathematical difference between the water level in the lagoon and the lowest elevation point in the lagoon berm. It shall be measured weekly to the nearest one tenth ($1/10^{th}$) of a foot, with the minimum monthly value reported on the DMR. If site conditions prevent safe or accurate measurements, the licensee shall estimate this value and indicate this to the Department.

4. **Screening Level Metals Testing** – The licensee shall conduct one round of testing for the specified metals **during the fourth calendar quarter of the fourth year of the license**, unless otherwise specified by the Department.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (

Footnotes

5. **Weekly Maximum for Spray Irrigation** - "Weekly" is defined as Sunday through Saturday. The licensee shall measure the flow of wastewater to the irrigation area by the use of a flow measuring device that is checked for calibration at least once per calendar year. 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.

6. **Depth to Water Level** - Depth to water level shall be measured to the nearest one-tenth ($1/10^{th}$) of a foot as referenced from the surface of the ground at the base of the monitoring well.

7. **Groundwater Monitoring Period –** Groundwater monitoring wells shall be sampled during the months of **May and October** of each year, unless otherwise specified by the Department.

8. **Field Measurements** – Specific conductance (calibrated to 25.0° C), temperature, and pH are considered to be "field" parameters, and are to be measured in the field via instrumentation. The licensee is required to test for these parameters whether wastewater was disposed of via the spray-irrigation system or not.

9. **Specific Conductance** – Temperature must be calibrated to 25.0°C. Specific Conductance values indicating a statistically significant trend upwards or sudden spikes from previous levels may necessitate the need for additional groundwater testing requirements to determine causes and effects as related to spray irrigation activities.

10. **Lagoon Underdrain Monitoring** – Lagoon underdrain sampling shall be conducted in the months of **July, August and September** of each year, unless otherwise specified by the Department.

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 (groundwater is a classified body of water under Title 38, Section 465-C) below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

SPECIAL CONDITIONS

C. TREATMENT PLANT OPERATOR

The wastewater treatment facility must be operated under the direction of a person holding a minimum of a **Grade II** Spray Irrigation Treatment System (SITS) certificate [or Maine Professional Engineer (PE) certificate] 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 discharge only in accordance with 1) the licensee's General Application for Waste Discharge Permit, accepted for processing on November 14, 2012; 2) the terms and conditions of this license; and 3) to the spray irrigation disposal fields identified in the Waste Discharge License application. Discharges of wastewater from any other point source are not authorized under this permit, and shall be reported in accordance with Standard Condition #4 of this license.

E. NOTIFICATION REQUIREMENT

In accordance with Standard Condition #6, *Change of Discharge,* the licensee shall notify the Department of:

1. Any introduction of pollutants into the wastewater collection and treatment system from an indirect discharger in a primary industrial category discharging process wastewater; and

2. Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants into the system at the time of permit issuance. For the purposes of this section, notice regarding substantial change shall include information on:

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

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

Additionally, **all results of testing for uranium** in the Waldoboro Water District's (WWD) water treatment filter backwash wastewater conducted pursuant to the WWD and WUD pretreatment agreement / permit **shall be maintained at the WUD facility and made available to Department staff upon request.**

SPECIAL CONDITIONS

F. GENERAL OPERATIONAL CONSTRAINTS

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

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

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

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

4. The Department shall be notified as soon as the licensee becomes aware of any threat to public health, unlicensed discharge of wastewater, sanitary system overflows (SSO's) or any malfunction that threatens the proper operation of the system. Notification shall be made in accordance with the attached Standard Condition #4 of this license.
   A *sanitary sewer overflow* (SSO) is the release of raw sewage from a sanitary collection system prior to reaching the treatment plant or facility. Spills out of manholes, into basements, onto municipal or private property, etc, and into the waters of the State are all considered to be SSO's.

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

6. System components including collection pipes, 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.

7. The licensee shall at all times maintain in good working order and operate at maximum efficiency all wastewater collection, treatment and/or control facilities. **Within one hour after start-up of the spray-irrigation system**, the licensee shall inspect the spray-irrigation site ***or*** have other means to check the system for leakage in the piping system

SPECIAL CONDITIONS

F. GENERAL OPERATIONAL CONSTRAINTS (cont'd)

and determine if individual sprayheads and pump(s) are functioning as designed, and verify that application rates are appropriate for the existing site conditions. The procedures used to determine the system is functioning as designed shall be described in the facility's O&M manual. Should significant malfunctions or leaks be detected, the licensee must shut down the malfunctioning/leaking sections of the spray system and make necessary repairs before resuming operation. The licensee shall cease irrigation if runoff is observed outside the designated boundaries of the spray field(s). The licensee shall field calibrate equipment to ensure proper and uniform spray applications when operating. Calibration involves collecting and measuring application rate at different locations within the application area. A description of the calibration procedures and a log sheet that have been used for recording calibration results shall be included as part of the Operations & Maintenance manual.

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

G. SPRAY IRRIGATION OPERATIONAL CONSTRAINTS, LOGS, AND REPORTS

1. Suitable vegetative cover shall be maintained. Wastewater shall not be applied to areas without sufficient vegetation or ground cover as to prevent erosion or surface water runoff outside the designated boundaries of the spray fields. The licensee shall have an updated facilities management plan that includes provisions for maintaining the spray irrigation area in optimum condition for the uptake of nutrients and moisture holding capacity.

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

SPECIAL CONDITIONS

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

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

4. No wastewater shall be spray irrigated where there is snow present on the surface of the ground or there is any evidence of frost or frozen ground within the upper 10 inches of the soil profile.

5. No traffic or equipment shall be allowed in the spray-irrigation field(s) except where installation occurs or where normal operations and maintenance are performed (this shall include forest management operations).

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

7. The licensee shall install the equivalent of one ground water level inspection well per spray field to verify that 10 inches of separation from the ground surface to the observed ground water level is present prior to spraying. Depths to ground water shall be recorded in accordance with the general format of *"Monthly Operations Log"* provided as **Attachment A** of this license or other format as approved by the Department.

H. VEGETATION MANAGEMENT

1. The licensee shall remove grasses and other vegetation such as shrubs and trees if necessary so as not to impair the operation of the spray-irrigation system, ensure uniform distribution of wastewater over the desired application area and to optimize nutrient uptake and removal.

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

SPECIAL CONDITIONS

I. LAGOON MAINTENANCE

1. The banks of the lagoon shall be inspected periodically during the operating season (at least two times per year) and properly maintained at all times. There shall be no overflow through or over the banks. Any signs of leaks, destructive animal activity or soil erosion of the banks shall be repaired immediately.

2. The banks of the lagoon shall be maintained to keep them free of woody vegetation and other vegetation that may be detrimental to the integrity of the bank and/or lagoon liner. The waters within the lagoons shall be kept free of all vegetation (i.e. grasses, reeds, cattails, etc) that hinders the operation of the lagoon.

3. The licensee shall maintain the lagoon freeboard at a level no higher than design levels.

4. The treatment and storage lagoons shall be dredged as necessary to maintain the proper operating depths in all lagoons that will provide best practicable treatment of the wastewater. All material removed from the lagoon(s) shall be properly disposed of in accordance with all applicable State and Federal rules and regulations.

J. INSPECTIONS AND MAINTENANCE

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

K. GROUNDWATER MONITORING WELLS AND WATER QUALITY MONITORING PLAN DETAILS

1. The licensee shall maintain an approved ground water quality monitoring plan prepared by a professional qualified in water chemistry. The plan shall include historical current monitoring data for each monitoring point, represented in tabular and graphical form.

2. 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 in order to insure representative samples of ground water quality.

3. The Department reserves the right to require increasing the depth of and/or relocating any of the ground water monitoring wells if the well is frequently dry or is determined not to be representative of ground water conditions.

SPECIAL CONDITIONS

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

This facility shall have a current written comprehensive Operation & Maintenance (O & M) Plan. The plan shall provide a systematic approach by which the licensee shall at all times, properly operate and maintain all facilities and the systems of treatment and control (and related appurtenances) which are installed or used by the licensee to achieve compliance with the conditions of this license. These include the facility's pump stations and the sewer collection system owned/operated by the permittee.

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

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

M. PUBLIC ACCESS TO LAND APPLICATION SITES AND SIGNAGE

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

N. DISPOSAL OF TRANSPORTED WASTES INTO THE WASTEWATER TREATMENT FACILITY

The licensee is prohibited from accepting transported wastes for disposal into any part or parts of the wastewater disposal system. Transported wastes means any liquid non-hazardous waste delivered to a wastewater treatment facility by a truck or other similar conveyance that has different chemical constituents or a greater strength than the influent described on the facility's application for a waste discharge license. Such wastes may include, but are not limited to septage, industrial wastes or other wastes to which chemicals in quantities potentially harmful to the treatment facility or receiving water have been added.

SPECIAL CONDITIONS

O. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into the waste water collection and treatment system by a non-domestic source (user) shall not pass through or interfere with the operation of the treatment system. The licensee shall conduct an Industrial Waste Survey (IWS) at any time a new industrial user proposes to discharge within its jurisdiction, an existing user proposes to make a significant change in its discharge, or, at an alternative minimum, once every permit cycle, and submit the results to the Department. The IWS shall identify, in terms of character and volume of pollutants, any Significant Industrial Users discharging into the POTW subject to Pretreatment Standards under section 307(b) of the federal Clean Water Act, 40 CFR Part 403 (general pretreatment regulations) or *Pretreatment Program*, 06-096 CMR 528 (last amended March 17, 2008).

P. MONITORING AND REPORTING

Monitoring results obtained during the previous month shall be summarized for each month and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department and mailed on or before 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 on or before the fifteenth (15th) day of the month following the completed reporting period. A signed copy of the DMR and all other reports required herein shall be submitted to the Department assigned compliance inspector (unless otherwise specified) at the following address:

Maine Department of Environmental Protection
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

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 mailed on or before the thirteenth (13th) day of the month or hand-delivered to the Department's Regional Office such that it is received by the Department on or before the fifteenth (15th) day of the month following the completed reporting period. Electronic documentation in support of the eDMR must be submitted not later than close of business on the 15th day of the month following the completed reporting period.

SPECIAL CONDITIONS

Q. REOPENING OF LICENSE FOR MODIFICATIONS

Upon evaluation of any required test results, results of inspections and/or reporting required by the Special Conditions of this licensing action, additional site specific or any other pertinent information or test results obtained during the term of this license including that related to uranium testing, 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.

R. SEVERABILITY

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

Attachment A

Monthly Operations Log

Waldoboro Utility District (WDL #W008114) **(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						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						

Signature of Responsible Official: _____ Date _____

Attachment B

Spray Application Report by Week

Waldoboro Utility District (WDL #W008114) **(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: **February 15, 2013**

PCS TRACKING NUMBER: **MEU508114**
MAINE WDL NUMBER: **W-008114-6C-C-R**

NAME AND ADDRESS OF APPLICANT:

WALDOBORO UTILITY DISTRICT
P. O. Box 848
Waldoboro, Maine 04572

COUNTY: **Waldo County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

850 Union Road
Waldoboro, Maine 04572

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

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. John Fancy**
(207) 832-0422(Waldoboro)
wud@midcoast.com

1. APPLICATION SUMMARY

a. Application: The Waldoboro Utility District (WUD/licensee hereinafter) has submitted a timely and complete application to the Department for renewal of Maine Waste Discharge License (WDL) #W-008114-5L-B-R, which was issued by the Department on March 11, 2008, for a five-year term. The WDL authorized the operation of a surface wastewater disposal (spray-irrigation) system for the treatment and seasonal disposal of treated sanitary wastewater and commercial processing wastewater onto land in Waldoboro, Maine. See **Attachment A** of this Fact Sheet for a location map. The treatment system has a design capacity of 0.15 million gallons per day (MGD). The facility has been assigned Permit Compliance System (PCS) Tracking #MEU508114 to facilitate compliance tracking and record keeping.

1. APPLICATION SUMMARY (cont'd)

b. Source Description: - The WUD receives approximately 73,500 gallons per day and 27.5 – 31 million gallons per year of sanitary wastewater from approximately 375 residential and commercial customers within a 35 square mile area of the town of Waldoboro. The majority of its customers are single and multi-family housing units. The wastewater collection system is approximately 31,000 feet in length with five pump stations.

The WUD has placed pretreatment requirements on two of its contributing commercial facilities: the Waldoboro Water District (WWD) and the Ocean Organics Corporation. The WWD's pretreatment agreement relates to its discharge of up to 50 pounds per year of uranium (U-238) in its ion exchange unit filter backwash. The levels of radionuclides in groundwater in the Waldoboro area necessitate either blending with other sources or treatment (filtration) of the drinking water supply. A treatment system requires periodic maintenance (backwashing), which potentially results in the discharge of U-238 to the WUD.

The Ocean Organics Corporation seasonally processes seaweed and manufactures lawn care products, generating up to 2,000 gallons per day of cleanup water. The WUD has prepared a pretreatment agreement for the Ocean Organics Corp., to be implemented prior to receipt of any wastewater from the facility.

WUD has no combined sewer overflows (CSO's) and does not receive transported wastes from local septage haulers.

c. Wastewater Treatment: The WUD wastewater treatment facility is located on a 350-acre parcel of land to the northeast of Waldoboro village on Route 235. Wastewater flows received at the WUD facility are first screened through a mechanical bar screen at the Main Pump Station near the center of Waldoboro village. The WUD provides secondary treatment of wastewater through two, 2.77-million gallon aerated facultative lagoons. Each treatment lagoon has a surface area of approximately 1.03 acres and a depth of 15-feet with 3-feet of freeboard. The two lagoons have a total volume of 5.5-million gallons and provide aeration, biological oxidation and settling. At the projected average daily flow rate of 150,000 gpd, the aerated lagoon system provides for a detention time of 35 days. Wastewater enters Lagoon #1 through a diffuser pipe that distributes the flow across the lagoon, then passes through a flow structure to Lagoon #2. The two lagoons are operated in series, but pipes and valves exist to allow Lagoon #2 to be operated independently if desired. Following lagoon treatment, wastewater flows are passed through a flow structure to the WUD's 57-million gallon holding lagoon. The storage lagoon has a surface area of approximately 10.5 acres and a depth of 20-feet with 5-feet

1. APPLICATION SUMMARY (cont'd)

of freeboard. The storage lagoon is capable of storing up to seven months of wastewater and precipitation. All three lagoons are constructed with a 60-mil high density polyethylene (HPDE) liner over a sand blanket and 18-inches of till. From April 1 to November 30, treated wastewater is spray irrigated. From December 1 to May 31, wastewater is stored in the storage lagoon until the approved spray period.

The WUD has five spray irrigation fields, designated as Spray Fields (SF) 1 through 5, located adjacent to the aeration lagoons and storage lagoon. The spray fields total approximately 60-acres in size. Each spray field contains 30 spray heads and each spray head distributes water in a circular pattern measuring 150-feet in diameter or 17,660-square feet. Portions of SF#2 and SF#3 consist of hayfield, while remaining spray areas consist of an even-aged (25-30 years) cover of mixed hardwood or spruce-fir forest. Swaths measuring approximately 100 feet wide have been cut through the wooded areas to place piping for the irrigation system, maximize the effectiveness of each spray nozzle and enhance the movement of air through the spray fields to aid in evaporation rates. The WUD is licensed to spray irrigate 54,300-gallons per acre (2-inches/acre) for SF #1, #4, and #5 and 81,455-gallons per acre (3-inches/acre) for SF #2 and #3. Typically, wastewater is sprayed on only one field at a time. The spray irrigation can be operationally limited based on the volume applied via computer (typical) or by the length of time of the application via timer. Generally, each field is sprayed twice each day for four days each week (Monday–Thursday) and "rested" for three days each week (Friday-Sunday) prior to receiving wastewater again. A field approved for 2-inches of wastewater per week will receive 0.25-inches of wastewater, eight times.

The WUD site contains two background groundwater monitoring wells (MW-9, MW-11) and four downgradient monitoring wells (MW-1, MW-2, MW-7, MW-8) that are monitored to determine any wastewater discharge related groundwater problems and provide for remedial action. The WUD also has a lagoon underdrain system that is monitored to detect any problems with the facility treatment and storage lagoons.

The facility is located over a sand and gravel aquifer or a fractured bedrock aquifer. Soil types found in various extents in the spray fields consist of Brayton, Colonel, Dixfield, Hermon, Lamoine, Marlow, Scantic, and Tunbridge series, which range from poorly drained to somewhat excessively drained soils. A high intensity Class B soil survey of the site indicates the soils in the spray area are suitable for attenuating pollutant loading based on spray irrigation application rates in this licensing action. See **Attachment B** of this Fact Sheet for a spray irrigation distribution plan and location of the ground water quality monitoring wells.

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 is;

1. Expressing the application rates as a total number of gallons permitted to be applied to each sprayfield as a whole (gal/week) rather than expressed as gal/acre/day. This gives the licensee the flexibility to more efficiently manage sub-areas within each sprayfield by applying more waste water to areas with better quality soils and restrict the applications to areas with lesser quality soils.

2. Eliminating the technology based concentration limit of 100 mg/L for total suspended solids for the storage lagoon effluent based on new Department policy for lagoon systems.

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

August 10, 1987 – The US Environmental Protection Agency (USEPA) issued a renewal of National Pollutant Discharge Elimination System (NPDES) Permit #ME0100714 to the WUD for the discharge of wastewater from an activated sludge treatment facility to the Medomak River in Waldoboro. The permit was issued for a five year term.

March 17, 1994 – The WUD filed a timely application with the USEPA to renew the NPDES permit for the activated sludge treatment facility, however the application was never acted on.

February 23, 1999 – The Department issued WDL renewal #W002677-5L-B-R to the WUD for the discharge of up to 0.2 MGD of wastewater from an activated sludge treatment facility to the Medomak River in Waldoboro. The WDL was issued for a five-year term.

January 20, 2000 – The Department issued Site Location of Development Permit #L-19998-26-A-N to the WUD for the site development work for a new surface wastewater treatment facility.

April 4, 2000 – The WUD submitted an application to the Department for a WDL to operate a surface wastewater disposal system.

November 2001 – Construction of the new surface wastewater disposal system was completed. The new facility began receiving wastewaters into the aerated lagoons and the discharge to the Medomak River from the activated sludge treatment facility, pursuant to Maine WDL #W-002677-5L-B-R and NPDES Permit #ME0100714, ceased.

2. LICENSE SUMMARY (cont'd)

June 7, 2002 – The Department issued a letter to the WUD authorizing the facility to operate the surface wastewater disposal system in accordance with interim limitations and monitoring requirements specified.

December 20, 2002 – The Department issued WDL #W-008114-5L-A-N / PCS Tracking #MEU508114 to the WUD for the operation of a surface wastewater disposal (spray-irrigation) system in Waldoboro, Maine for the treatment and disposal of up to 55 million gallons per year of treated sanitary wastewater. The WDL was issued for a five year term.

July 12, 2004 – The Department issued an Administrative Modification of WDL #W-008114-5L-A-N / PCS Tracking #MEU508114, eliminating requirements for development of a soil sampling plan, collection of soil samples, and reporting of sample results to the Department. All other terms and conditions of the WDL remained in place.

July 11, 2005 - The Department issued an Administrative Modification of WDL #W-008114-5L-A-N / PCS Tracking #MEU508114, increasing the allowable spray irrigation application rate for spray field #2. All other terms and conditions of the WDL remained in place.

March 11, 2008 – The Department issued WDL #W008114-5L-B-R/MEU508144 for a five-year term.

November 9, 2012 – The WUD submitted a timely application for renewal of its WDL. The application was assigned WDL # W-008114-6C-C-R/PCS Tracking #MEU508114.

3. CONDITIONS OF THE 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 Surface Water and Groundwater Classification Systems.

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A. § 470 states, *"All ground water* (including that at the point of discharge) *shall be classified as not less than Class GW-A, except as otherwise provided in this section."* Maine law, 38 M.R.S.A. § 465-C(1) states, *"Class GW-A ... shall be of such quality that it can be used for public drinking water supplies. These waters shall be free of radioactive matter or any matter that imparts color, turbidity, taste or odor which would impair usages of these waters, other than that occurring from natural phenomena."*

5. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

a. Biochemical Oxygen Demand (BOD_5) - BOD_5 monitoring is required in the storage lagoon effluent (limit established), carried forward from the previous licensing action. Monitoring for BOD_5 yields an indication of the condition of the wastewater being applied from the lagoon, of the degree of loading of organic material, and the effectiveness of the spray-irrigation treatment process. The limit of 100 mg/L established in the previous license as a best practicable treatment (BPT) standard is being carried forward in this licensing action.

b. Total Suspended Solids (TSS) – TSS monitoring is required in the storage lagoon effluent (limit established) and in the monitoring wells (monitoring only), carried forward from the previous licensing action. TSS in the groundwater yields an indication of the integrity of the monitoring wells and of treatment efficiency. The limit of 100 mg/L established in the previous license as a BPT standard is being changed to a "Report" only requirement in this license due to a policy change by the Department. Other like lagoon facilities have experienced algal blooms that are outside of their control which contribute to excursions of the 100 mg/L limit. Higher concentrations of TSS being sprayed on the fields does not pose an adverse environmental impact but the license should be aware that operational problems such as fouling of sprayheads may result.

c. Nitrate-nitrogen – Nitrate-nitrogen monitoring is required in the storage lagoon effluent (monitoring only) and in the monitoring wells (limit established), carried forward from the previous licensing action. Nitrate-nitrogen compounds are by-products of the biological breakdown of ammonia and are inherent in domestic like 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 established in the previous license is a National Primary Drinking Water standard and is being carried forward in this licensing action.

d. Specific Conductance, Temperature and pH- Specific conductance, temperature and pH monitoring are required in the monitoring wells and specific conductance and temperature monitoring are required in the under-drains, carried forward from the previous licensing action. 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. These parameters are considered as surveillance level

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

monitoring parameters and are used as early-warning indicators of potential groundwater contamination when there exists a statistically significant trend upwards in the data or sudden spikes from previous levels. Temperature data is important in calibrating the conductance measurements.

e. Metals (arsenic, cadmium, chromium, copper, lead, nickel, and zinc): Metals monitoring is required in the storage lagoon effluent and in the monitoring wells, carried forward from the previous licensing action. Monitoring for metals from the storage lagoon is important to determine loadings to the sprayfields and monitoring in the ground water is necessary to determine if application of waste water to the spray fields is causing or contributing to the leaching of metals from the soils and threatening the designated use of the ground water to be used as a potential drinking water supply.

Additional operation related parameters for the spray irrigation fields, groundwater monitoring wells, and lagoon under-drains are addressed within the text and tables below.

f. Storage Lagoon Effluent Monitoring Requirements: The previous licensing action established storage lagoon effluent (Outfall #001A) monitoring requirements for: 1) biochemical oxygen demand (BOD_5); 2) total suspended solids (TSS); 3) nitrate-nitrogen, 4) pH; and 5) certain metals (arsenic, cadmium, chromium, copper, lead, nickel, and zinc), which are being carried forward in this licensing action. All parameters except the metals, were to be conducted during the months of April, May, August, and October of each year. Lagoon effluent monitoring for metals was required to be performed during the fourth calendar quarter of the fourth year of the license. This licensing action is carrying forward the requirement to measure and report the storage lagoon freeboard as a demonstration of best management practices.

A review of the monthly Discharge Monitoring Report (DMR) data for the WUD for spray seasons 2009 through 2012 indicates monitoring results have been reported as follows:

BOD Concentration (DMRs = 14) Lagoon Effluent

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	100	3 - 17	10

TSS Concentration (DMRs = 14) Lagoon Effluent

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	100	4 - 32	14

Nitrate-nitrogen Concentration (DMRs = 13) Lagoon Effluent

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	Report	<0.1 – 2.1	0.6

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

pH (DMRs = 14) Lagoon Effluent

Value	Limit (su)	Range (su)	Average (su)
Daily Maximum	Report	7.31 – 10.2	n/a

Freeboard (DMRs = 46) Lagoon

Value	Limit (feet)	Range (feet)	Average (feet)
Daily Maximum	Report	9.7 – 19.8	15.1

Metals (n=1)

Parameter	Limit	Range	Mean
Arsenic (total)	Report	n/a	7
Cadmium (total)	Report	n/a	<0.2
Chromium (total)	Report	n/a	<2
Copper (total)	Report	n/a	7
Lead (total)	Report	n/a	1
Nickel (total)	Report	n/a	<2
Zinc (total)	Report	n/a	36

g. Spray Field Wastewater Application Rate: Based on the soil types and geology of the spray fields, the previous licensing action established spray application limits of 54,300 gal/acre/day (2 inches/acre) for spray fields SF#1, SF#4, and SF#5, and 81,456 gal/acre/day (3 inches / acre) for SF#2 and SF#3. This licensing action is expressing the application rates as a total number of gallons permitted to be applied to each sprayfield as whole rather than expressed as gal/acre/day. This gives the licensee the flexibility to more efficiently manage sub-areas within each sprayfield by applying more waste water to areas with better quality soils and restrict the applications to areas with lesser quality soils. Overall, the application rate for each field will be limited to the same total quantity of waste water as authorized in the previous licensing action. The total field application rates can be calculated as follows:

Spray Field	Weekly license limit	Equivalent Inches	Weekly limit for Field
SF #1,#4,#5 (13 acres each)	54,300 gallons/acre	2.0 inches	705,900 gallons/week
SF #2,#3 (13 acres each)	81,450 gallons/acre	3.0 inches	1,058,900 gallons/week

Note: 1 acre-inch is equivalent to 27, 150 gallons

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

The previous licensing action also established a monthly total flow reporting requirement for each spray field, which is being carried forward in this licensing action. The weekly application limits are established as a margin of safety against hydraulically overloading a spray field and are based on the treatment capabilities of the in-situ soils. Regardless of the calculated rate, the system operator shall monitor each waste application to verify adequate infiltration of the waste into the soil and an irrigation cycle must be stopped if runoff occurs outside the boundary of the designated spray areas.

The Department reviewed DMR data for the WUD for spray seasons 2009 through 2012 and found the following spray application rate information.

Application rate (54,300 gal/acre/week)(DMRs = 29)

Fields	Range - Rate (gal./acre/week)	Mean - Rate (gal./acre/week)	Range - Total (MG/month)	Mean - Total (MG/month)
SF#1	18,451 - 52,495	38,170	0.680 – 2.536	1.449
SF#4	9,844 – 52,534	28,823	0.249 – 1.633	0.850
SF#5	16,104 – 46,452	34,366	0.241 – 1.671	1.01

Application rate (81,500) gal/acre/week)(DMRs = 29)

Fields	Range - Rate (gal./acre/week)	Mean - Rate (gal./acre/week)	Range - Total (MG/month)	Mean - Total (MG/month)
SF#2	32,863 – 84,459	60,626	1.187 – 3.940	2.362
SF#3	32,564 – 78,874	58,875	1.015 – 4.199	2.310

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).

h. Groundwater Monitoring Well Monitoring Requirements: The previous licensing action established Ground Water Monitoring Well (Outfalls #MW1A, #MW2A, #MW7A, #MW8A, #MW9A, and #M11A) monitoring requirements of: 1) depth to water level below surface; 2) nitrate-nitrogen (daily maximum concentration limit of 10 mg/L based on the National Primary Drinking Water standard); 3) specific conductance; 4) temperature (°C); 5) pH; 6) total suspended solids (TSS); and 7) certain metals (arsenic, cadmium, chromium, copper, lead, nickel, and zinc) , which are being carried forward in this licensing action. Groundwater well monitoring for all parameters except the metals shall be conducted during the months of May and October of each year. Groundwater well monitoring for the specified metals is only required to be performed during the fourth calendar quarter of the fourth year of the license. The WUD monitors the following groundwater monitoring wells for compliance with this WDL.

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

The Department reviewed DMR data for the WUD for spray seasons 2009 through 2012 and found the following monitoring well information.

Monitoring Wells	PCS Identifier	Location
#MW 1	#MW1A	Downgradient – East of SF#3
#MW 2	#MW2A	Downgradient – Northeast of SF#4
#MW 7	#MW7A	Downgradient – West of SF#1 and storage lagoon
#MW 8	#MW8A	Downgradient – South of SF#1, West of SF#2
#MW 9	#MW9A	Background – East of SF#2, West of SF#3
#MW 11	#M11A	Background – North of storage lagoon, South of SF#5

MW1 (n=8)

Parameter	Limit	Range	Mean
Temperature (°C)	Report	7.8 – 11.4	10.2
Specific conductance (umhos/cm)	Report	266 - 336	296
pH (standard units)	Report	5.8 – 6.7	n/a
Total suspended solids (mg/L)	Report	4- 40	12
Nitrate nitrogen (mg/L)	Report	1.4 -2.6	1.8
Depth to ground water (feet)	Report	2.7 – 3.2	2.8

MW1 (n=1)

Parameter	Limit	Range	Mean
Arsenic (total)	Report	n/a	5
Cadmium (total)	Report	n/a	<0.2
Chromium (total)	Report	n/a	<2
Copper (total)	Report	n/a	<1
Lead (total)	Report	n/a	<1
Nickel (total)	Report	n/a	<2
Zinc (total)	Report	n/a	31

MW2 (n=8)

Parameter	Limit	Range	Mean
Temperature (°C)	Report	7.8 – 12.5	11.0
Specific conductance (umhos/cm)	Report	53 - 188	124
pH (standard units)	Report	5.9 – 7.1	n/a
Total suspended solids (mg/L)	Report	<4 – 4.0	2.2
Nitrate nitrogen (mg/L)	Report	<0.1 – 0.1	0.1
Depth to ground water (feet)	Report	2.1 – 3.4	2.5

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

MW2 (n=1)

Parameter	Limit	Range	Mean
Arsenic (total)	Report	n/a	4
Cadmium (total)	Report	n/a	<0.2
Chromium (total)	Report	n/a	<2
Copper (total)	Report	n/a	<1
Lead (total)	Report	n/a	<1
Nickel (total)	Report	n/a	<2
Zinc (total)	Report	n/a	2

MW7 (n=8)

Parameter	Limit	Range	Mean
Temperature (°C)	Report	8.7 – 13.1	10.9
Specific conductance (umhos/cm)	Report	176 - 853	283
pH (standard units)	Report	5.12 – 6.59	n/a
Total suspended solids (mg/L)	Report	<4 – 6.0	3.0
Nitrate nitrogen (mg/L)	Report	0.4 – 1.9	1.0
Depth to ground water (feet)	Report	0.7 – 1.5	1.1

MW7 (n=1)

Parameter	Limit	Range	Mean
Arsenic (total)	Report	n/a	4
Cadmium (total)	Report	n/a	<0.2
Chromium (total)	Report	n/a	<2
Copper (total)	Report	n/a	<1
Lead (total)	Report	n/a	<1
Nickel (total)	Report	n/a	<2
Zinc (total)	Report	n/a	22

MW8 (n=8)

Parameter	Limit	Range	Mean
Temperature (°C)	Report	10.0 – 13.1	10.9
Specific conductance (umhos/cm)	Report	175 - 378	267
pH (standard units)	Report	5.40– 6.42	n/a
Total suspended solids (mg/L)	Report	5.0 - 42	18
Nitrate nitrogen (mg/L)	Report	1.0 - 2.3	1.8
Depth to ground water (feet)	Report	3.9 – 4.8	4.4

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

MW8 (n=2)

Parameter	Limit	Range	Mean
Arsenic (total)	Report	n/a	6
Cadmium (total)	Report	n/a	<0.2
Chromium (total)	Report	n/a	<2
Copper (total)	Report	n/a	<1
Lead (total)	Report	n/a	3
Nickel (total)	Report	n/a	<2
Zinc (total)	Report	n/a	4

MW9 (n=8)

Parameter	Limit	Range	Mean
Temperature (°C)	Report	10.5 – 13.6	11.5
Specific conductance (umhos/cm)	Report	103 - 368	553
pH (standard units)	Report	4.42 – 7.0	n/a
Total suspended solids (mg/L)	Report	<4 – 4.0	2.3
Nitrate nitrogen (mg/L)	Report	0.3 – 5.7	2.3
Depth to ground water (feet)	Report	0.6 – 10.8	8.6

MW9 (n=1)

Parameter	Limit	Range	Mean
Arsenic (total)	Report	n/a	8
Cadmium (total)	Report	n/a	<0.2
Chromium (total)	Report	n/a	<2
Copper (total)	Report	n/a	<1
Lead (total)	Report	n/a	9
Nickel (total)	Report	n/a	<2
Zinc (total)	Report	n/a	59

MW11 (n=8)

Parameter	Limit	Range	Mean
Temperature (°C)	Report	10.3 – 14.4	11.8
Specific conductance (umhos/cm)	Report	512 - 578	528
pH (standard units)	Report	6.6 – 7.5	n/a
Total suspended solids (mg/L)	Report	<4 – 4.0	2.2
Nitrate nitrogen (mg/L)	Report	<0.1 – 0.8	0.2
Depth to ground water (feet)	Report	0.6 – 1.1	0.9

7. PUBLIC COMMENTS

Public notice of this application was made in the Lincoln County News newspaper on or about November 1, 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 licenses shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses,* 06-096 CMR 522 (effective January 12, 2001).

8. DEPARTMENT CONTACTS

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

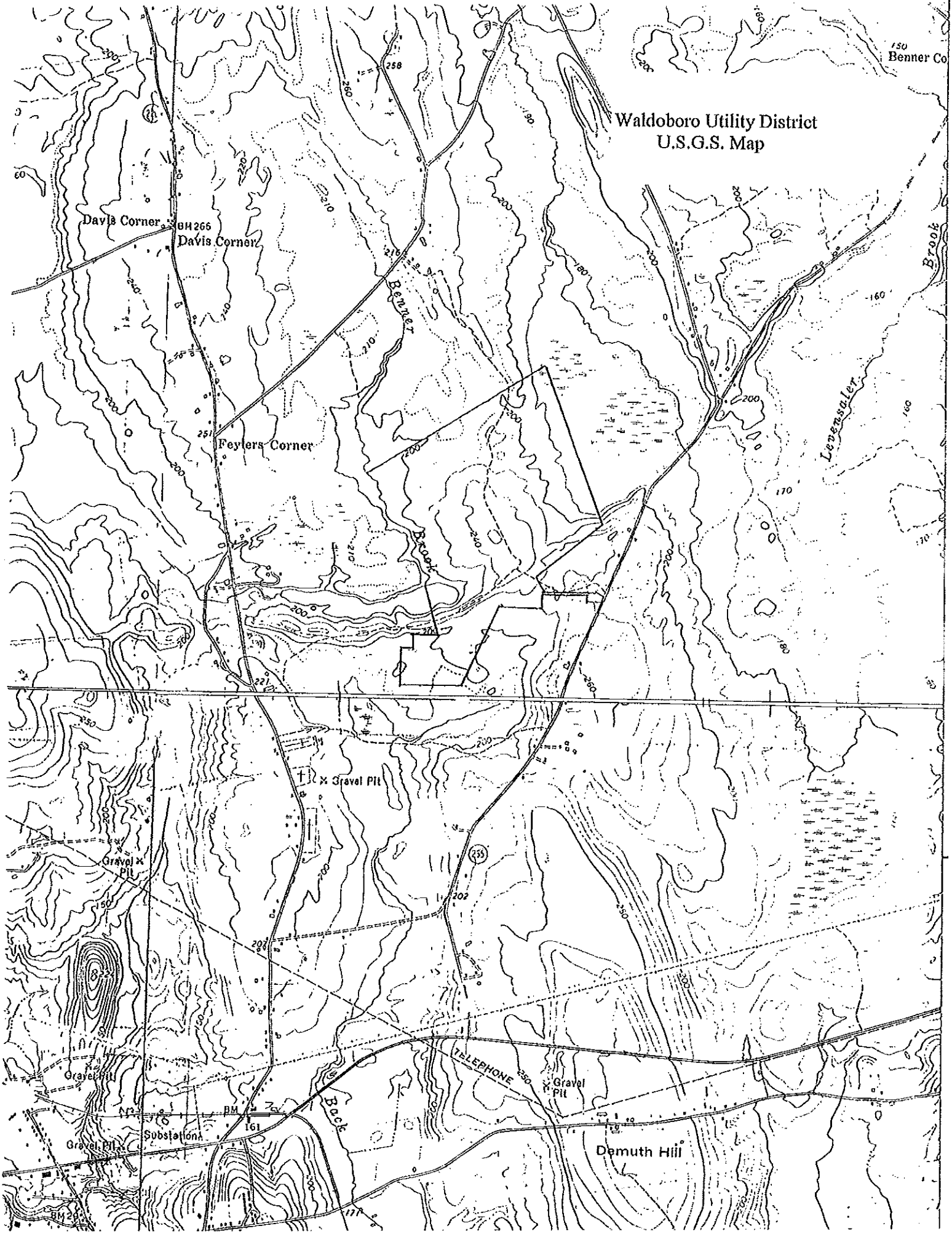
Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

Telephone (207) 287-7693
Fax (207) 287-3435
email: gregg.wood@maine.gov

9. RESPONSE TO COMMENTS:

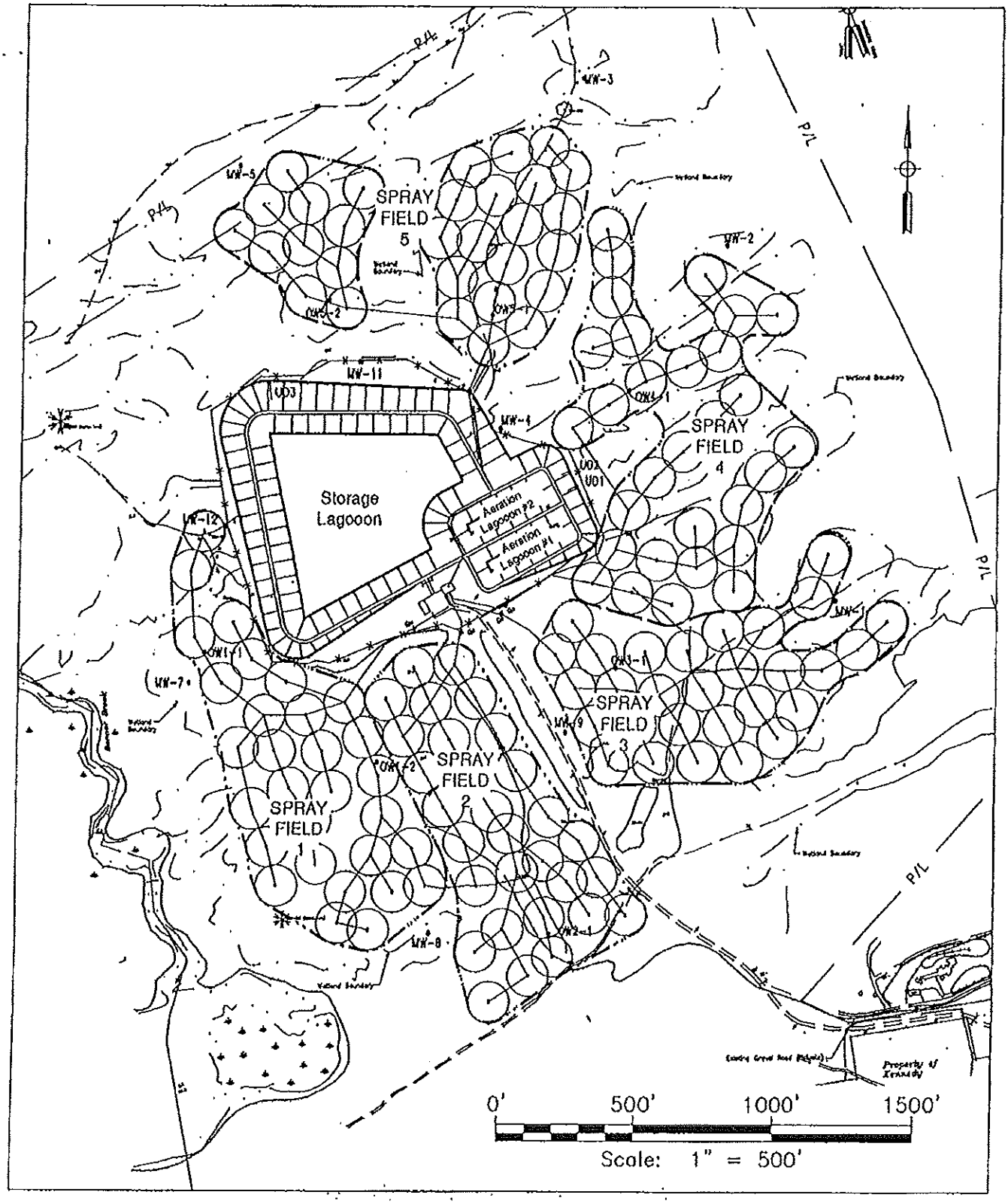
During the period of February 15, 2013, through the issuance date of the license, the Department solicited comments on the proposed draft license to be issued for the licensee's facility. The Department did not receive comments from the licensee, state or federal agencies or interested parties that resulted 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

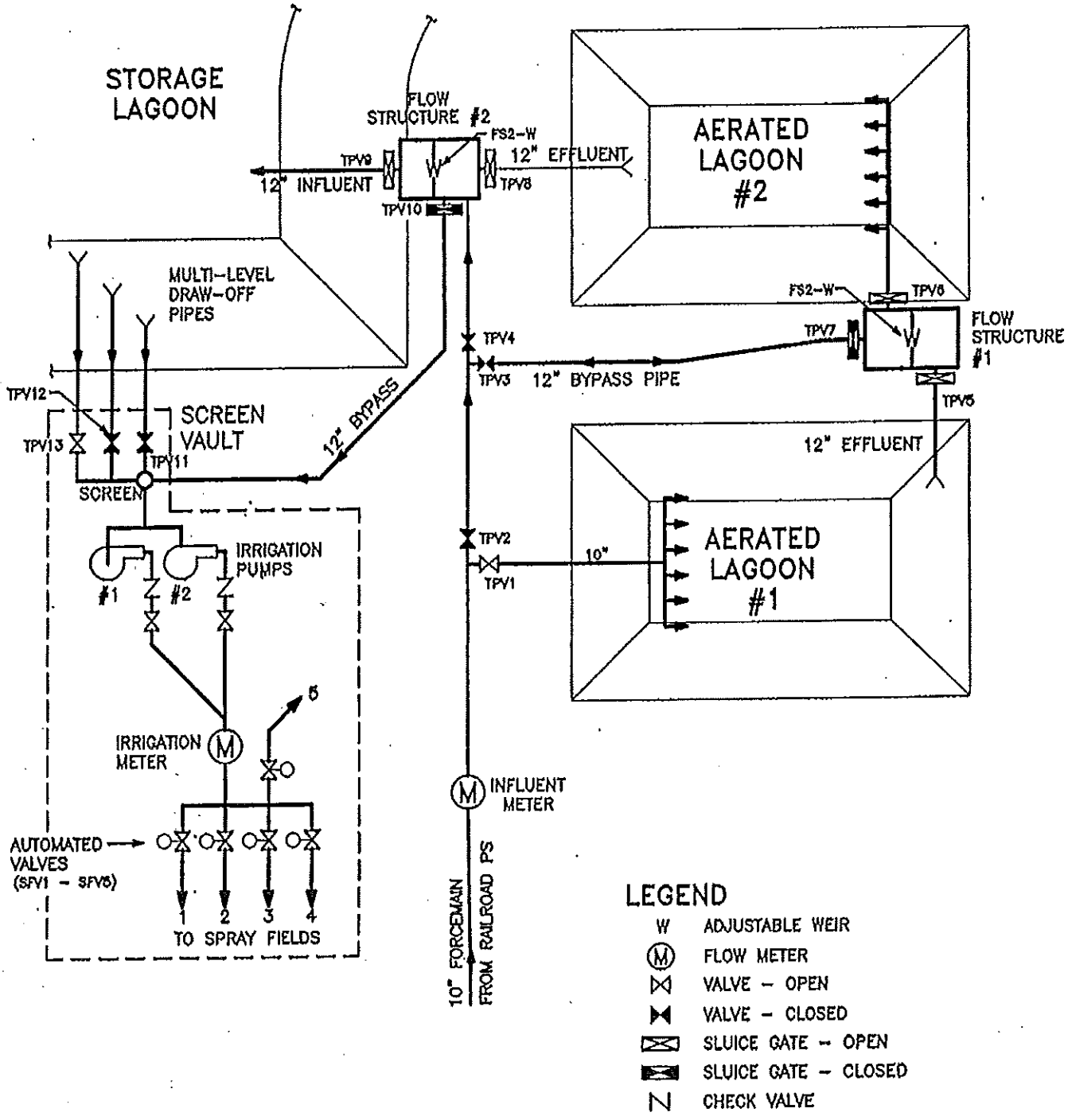

Waldoboro Utility District
U.S.G.S. Map
Benner Co
Davis Corner
BM 266
Davis Corner
Benner
Brook
Feylers Corner
Levensaler
Brook
Gravel Pit
Gravel Pit
Gravel Pit
Gravel Pit
Gravel Pit
TELEPHONE
Back
BM
161
Substation
Demuth Hill
BM 20

ATTACHMENT B

GENERAL LAYOUT MAP



Schematic Diagram
Normal Lagoon Storage Mode



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.