

**APPENDIX A - MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STANDARD LICENSE CONDITIONS FOR OVERBOARD DISCHARGES  
OF MORE THAN 2,000 GALLONS PER DAY**

**I. GENERAL COMPLIANCE**

A. The licensee shall comply with all terms and conditions of this license. Any noncompliance is a violation of State law and the Clean Water Act and is grounds for enforcement action; for license termination, revocation and reissuance, or modification; or denial of a license renewal application. Any person who violates any provision of the laws administered by the Department of Environmental Protection (hereinafter, the Department), including without limitation, a violation of the terms of any order, rule license, license, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

B. The discharge must be consistent with the terms and conditions of this license. **Changes that increase the estimated discharge volume are prohibited.** Any planned or actual facility modifications that may result in an increased discharge amount or change the discharge characteristics must be reported to the Department. Determinations of volume design flow must be based on the wastewater design flows described in CMR Chapter 241 Section 7, the Subsurface Waste Water Disposal Rules (the "Plumbing Code").

Facility modifications that may increase the volume or otherwise affect the characteristics of the discharge include but are not limited to:

1. The construction of additional apartment units, bedrooms, bunkhouses or dwellings; the conversion of accessory structures to for commercial use or habitation, the creation of waste discharge connections from mobile homes or recreational vehicles, or an increase in the duration of the discharge beyond that authorized in this license.
2. Construction or renovations that would increase restaurant seating, room capacity or other modifications or changes of use which could reasonably be expected to result in an increase in discharge volume, duration or characteristic.

**Changes or modifications to discharge characteristics without prior Department approval are also a violation of this license.**

C. The licensee shall grant Department staff right of entry to the regulated wastewater treatment facility at reasonable times. The licensee shall grant staff unobstructed access to the treatment system and appurtenances (its controls, monitoring and testing equipment) for the purposes of verifying compliance, examining records, sampling the effluent, and inspecting the treatment system and appurtenances. Disinfection unit and sampling ports must be accessible at all times.

**II. LIMITATIONS OF THIS LICENSE**

A. This license does not preclude obtaining other required Federal, State or Municipal licenses.

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

C. Apart from the installation, maintenance and replacement of the approved or existing treatment system and its appurtenances (waste collection, system controls, monitoring equipment, etc.), this license does not authorize or approve the construction of any facilities or physical structures within the shoreland zone or below the normal high water mark of any waterbody.

D. This license does not authorize any infringement of any other body of law, be it Federal, State or local, nor does it relieve the licensee from civil or criminal penalties for non-compliance.

II. LIMITATIONS OF THIS LICENSE (continued)

- E. The issuance of this license does not convey any property rights, authorize injury to public or private property or infringement upon another's personal rights.
- F. Nothing in this license shall be construed to relieve the licensee from civil or criminal penalties for non-compliance, whether or not such non-compliance is due to factors beyond the licensee's control, such as accident, equipment breakdown, labor dispute, or natural disaster

III. TREATMENT STANDARDS

- A. The licensee shall at all times maintain in good working order and operate at maximum efficiency all wastewater collection, treatment and control facilities.
- C. All necessary waste treatment facilities and appurtenances, including flow measuring facilities of a design approved by the Department, will be installed and operational prior to the discharge of any wastewater.
- D. Final plans and specifications must be submitted to the Department and approved prior to the construction or modification of any treatment facilities.
- E. The licensee shall collect all waste flows designated by the Department as requiring treatment and discharge them into an approved waste treatment facility in such a manner as to maximize removal of pollutants unless authorization to the contrary is obtained from the Department.
- F. The final effluent pipe (outfall) must be and effective dispersion of the wastewater will be achieved and that contact with the effluent will be minimized. of a design approved by the Department and placed in the receiving waters in such a manner that mixing
- G. The effluent from the treatment system must not exceed the following limits:

Effluent Characteristic	Discharge Limitations					
	Monthly <u>Average</u>			Daily <u>Maximum</u>		
Water Classification	SB/SC	B	C	SB/SC	B	C
Flow	As licensed					
5-Day Biochemical Oxygen Demand (BOD)	30 mg/L			50 mg/L		
Total Suspended Solids (TSS)	30 mg/L			50 mg/L		
Settleable Solids	report only			0.1 ml/L		
<input type="checkbox"/> Fecal coliform Bacteria per 100ml. or	15col	64col	142 col	50 col	427 col	949 col
<input type="checkbox"/> Eschericia coli Bacteria per 100ml.	/100ml	/100ml	/100ml.	/100ml.	/100ml.	/100ml.
Residual Chlorine	chlor: 1.0 mg/L dechlor: 0.1 mg/L					
pH	The pH of the effluent shall not be less than 6.0 or greater than 8.5 at any time					

- H. The licensee shall not discharge or cause to be discharged any materials designated as hazardous or toxic under the provision of Section 12, Federal Water Pollution Control Act, as amended, 33 U.S.C. 1162 (1971) or by the Department or which are known by the licensee to be hazardous or toxic.
- I. The discharge must not have a visible oil sheen, contain foam or floating solids.

### III. TREATMENT STANDARDS (continued)

- J. The discharge may not contain materials in concentrations or combinations that are hazardous or toxic to aquatic life; nor may it cause turbidity or visible discoloration in the receiving waters to exceed control values measured upstream of the discharge point.
- K. Solids, sludges, trash rack cleanings, filter backwash, or other pollutants removed from or resulting from the treatment or control of wastewater shall be disposed of in a manner approved by the Department.
- K. Emergency Action Electric Power Failure - In order to maintain compliance with the effluent limitations and prohibitions of this license, the licensee shall either:
  - 1. Maintain an alternative power source sufficient to operate the wastewater control facilities; or
  - 2. 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.
- L. Notwithstanding specific conditions of this license the effluent may not lower water quality standards or impair the uses designated by the classification of the receiving waterbody.

### IV. MONITORING AND REPORTING STANDARDS

- A. This license is subject to such monitoring requirements as may be reasonably required by the Department including the installation, use, and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). The licensee shall provide the Department of Environmental Protection reporting form of monitoring results obtained pursuant to the monitoring requirements contained herein.
- B. 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/permittee shall ensure samples are representative of times when production is taking place. Where discharge monitoring is required when production is less than 50%, the resulting data shall be reported as a daily measurement but not included in computation of averages, unless specifically authorized by the Department.
- C. Methodology - The sampling, preservation, handling, and analytical methods used must conform with Standard Methods for the Examination of Water and Waste Waters, 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.
- D. All reports shall be submitted to the Department not later than the tenth of the month following the end of the monitoring period. All 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 of analyses; (c) the analytical techniques/methods used, including sampling; handling, and preservation techniques; and (d) the results of all required analyses.
- E. Retention of Records - 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.

#### IV. MONITORING AND REPORTING STANDARDS (continued)

Certification - All reports shall be certified as accurate and signed by the facility owner or in the case of corporations, 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

#### V. NONCOMPLIANCE NOTIFICATION

- A. It is the obligation of the licensee to notify Department staff immediately of any malfunction in any component of the wastewater treatment system. In the event the wastewater treatment system malfunctions, the wastewater discharge is to cease within 24 hours unless authorization to the contrary is obtained from the staff of the Department.
- B. The licensee shall notify Department staff at least ten days prior to any foreseeable change in licensed facilities or activities that may result in noncompliance or in the need to bypass.
- C. 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.
- D. The licensee shall notify the Department of each such diversion or bypass in accordance with the procedure specified in this section (V). It is the duty of the licensee to take all feasible steps to prevent, minimize and mitigate bypasses. If the infiltration or inflow of stormwater or ground water contributes to a bypass, 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 this section.
- E. The licensee shall notify Department staff immediately in the event of an unscheduled collection or treatment facility bypass or if the licensee 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;
  2. High strength, high volume or incompatible wastes; or
  3. Other causes such as acts of nature, etc.
- F. 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 non-compliance; and
  2. The period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps taken to reduce, eliminate and prevent recurrence of the non-complying discharge.

V. NONCOMPLIANCE NOTIFICATION (continued)

- G. 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.
- H. 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:
  - 1. the temporary or permanent termination of the discharge;
  - 2. changes in the waste collection, treatment or disposal facilities;
  - 3. changes in the volume or character of wastewater flows.

VI. LICENSE ADMINISTRATION

- A. The licensee shall maintain this license as current, submitting complete applications with all required exhibits for renewals and/or modifications as may be necessary.
- B. Prior to the transfer the ownership of the property, or the facility thereon, a site evaluation must be performed by a licensed site evaluator with experience in designing systems for the replacement of overboard discharges, if one has not been conducted in the previous five years.
- C. In the event that the named licensee transfers ownership of the facility without application by the new owner and subsequent Department approval of a transfer of the associated license, the license granted by the Department continues to authorize a discharge within the limits and subject to the terms and conditions stated in the license, and the parties to the transfer are jointly and severally liable for any violation thereof until such time as the Department approves transfer of 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.
- D. All treatable wastewater will be consigned to a municipal treatment system when said municipal system becomes available. This waste discharge license will automatically expire 90 days after a municipal facility becomes available unless the Board, in writing for good cause shown, extends this time.
- E. The licensee shall pay an annual fee to the Department for the administration of the Overboard Discharge Program and inspection of the applicant's OBD system. Payment of the fee is due within 60 days of receiving a bill from the Department.
- F. The Department reserves the right to make appropriate revisions to this license in order to establish any appropriate effluent limitations, schedule of compliance or other provisions which may be authorized under 38 M.R.S.A., §414-A(5).

**DEFINITIONS - FOR THE PURPOSE OF THIS LICENSE, THE FOLLOWING DEFINITIONS APPLY:**

- A. Licensee: The person identified in the findings of fact as being granted the license by the Department.
- B. Facility: "Facility" includes the waste discharge system, its appurtenances, and all connected structures that produce wastewater discharge volumes according to this license.
- C. Grab Sample: An individual sample collected in a period of less than 15 minutes.
- D. Composite Sample: A sample consisting of a minimum of eight grab samples collected at equal intervals during a 24hour 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.
- E. Daily Maximum for Concentration: The maximum value not to be exceeded by any composite of grab samples.
- F. Daily Maximum for Quantity: The maximum value not to be exceeded during any day.
- G. Monthly Average: The sum of all daily samples measurement or test results made during a 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.
- H. Bypass: The diversion of wastewater, either by act or by design, from any portion of a treatment facility or conveyance system.
- I. Sanitary Wastewater: Domestic effluent, having received the licensed level of treatment and disinfection