

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**General Permit – Discharge of Waste Snow
To Ground Waters**

Maine Waste Discharge License



Bureau of Land and Water Quality
General Permit # MEG220000
Waste Discharge License #W009107-5Y-A-N

February 28, 2014



DEPARTMENT ORDER

IN THE MATTER OF

DISCHARGE OF WASTE SNOW TO GROUND WATER)

GENERAL PERMIT)

STATE OF MAINE)

GENERAL PERMIT #MEG220000)

#W009107-5Y-A-N)

APPROVAL

WASTE DISCHARGE LICENSE

NEW

In compliance with the provisions of *Waste discharge licenses*, 38 M.R.S.A. § 413, *Conditions of licenses*, 38 M.R.S.A. § 414-A, *General Permits for Certain Wastewater Discharges*, 06-096 CMR 529 (last amended June 27, 2007), *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2 (last amended May 29, 2013), and other applicable regulations, the Maine Department of Environmental Protection (Department) has developed a new Waste Discharge License (WDL) (General Permit) for the discharge of wastewaters from waste snow disposal activities to the surface of the earth and the underlying ground waters of the State.

FINDINGS AND CONCLUSIONS

With its supportive data, agency review comments, and other related materials on file, the Department **FINDS THE FOLLOWING FACTS AND MAKES THE FOLLOWING CONCLUSIONS:**

1. A discharge covered under this General Permit, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. A discharge covered under this General Permit, 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, *Classification of Maine waters*, 38 M.R.S.A. § 464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause 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

FINDINGS AND CONCLUSIONS (cont'd)

- (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. A discharge covered under this General Permit is subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).

ACTION

Based on the findings and conclusions as stated above, the Department APPROVES the issuance of General Permit #MEG220000 / W009107-5Y-A-N, *Discharge of Waste Snow To Ground Waters General Permit*, for the discharge of wastewaters from waste snow disposal activities to the surface of the earth and the underlying ground waters of the State, Class GW-A, waters of the State of Maine, SUBJECT TO THE FOLLOWING CONDITIONS, including:

1. The following Special Conditions, including any effluent limitations and monitoring requirements.
2. *Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits*, revised July 1, 2002, copy attached.
3. This General Permit and the authorization to discharge become effective upon the date of signature below and expire at midnight five (5) years from the effective date. Prior to expiration of this General Permit, the Department must make a determination if it is to be renewed, and, if so, must commence renewal proceedings by providing public notice of the Department's intent to renew the General Permit. If public notice of the Department's intent to renew the General Permit is completed prior to the expiration date of this General Permit, the authorization to discharge and the terms and conditions of this General Permit, and all modifications and minor revisions thereto, remain in effect until the Department takes final action on the renewal. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002, 06-096 CMR 2(21)(A), and 06-096 CMR 529(3)(c)]

DONE AND DATED AT AUGUSTA, MAINE THIS 28th DAY OF February, 2014.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: /s/ Patricia W. Aho
PATRICIA W. AHO, Commissioner

Date filed with Board of Environmental Protection February 28, 2014

Date of Public Notice: October 31, 2013

This Order prepared by Bill Hinkel, BUREAU OF LAND & WATER QUALITY

SPECIAL CONDITIONS

A. APPLICABILITY AND ELIGIBILITY

This General Permit applies only to discharge of wastewaters from waste snow disposal activities to the surface of the earth and the underlying ground waters of the State classified as GW-A pursuant to *Classifications of ground waters*, 38 M.R.S.A. § 470, and that meet the standards of their ascribed classification, or where not, only if the discharge does not cause or contribute to the failure of the water body to meet the standards of classification. This General Permit does not authorize the discharge of wastewaters from waste snow disposal activities to any fresh surface water of the State.

B. NOTIFICATION, DECISIONS AND EFFECTIVE TERM OF COVERAGE

- 1. Notice of Intent (NOI).** The Department will provide a Notice of Intent form to be used with this General Permit. A person¹ seeking coverage under this General Permit must submit a completed NOI to the Department for review and approval. Forms must be mailed or hand-delivered to:

Department of Environmental Protection
Bureau of Land and Water Quality
Division of Water Quality Management
Permitting Section
17 State House Station
Augusta, ME 04333-0017

The Department reserves the right to request additional information from the applicant based on review of the NOI. Permitting information, forms, and Augusta office directions may be obtained by contacting the Department's Waste Discharge Permitting Unit at 1-207-287-7688 or toll-free at 1-800-452-1942. Additionally, the General Permit, associated fact sheet and other forms are available for review and download at: <http://www.maine.gov/dep/water/wd/gp.html>.

- 2. Public notice.** Within 15 days prior to filing a Notice of Intent with the Department, the person seeking coverage under this General Permit must notify all abutters² of each proposed discharge point. The notice must be mailed by certified mail or Certificate of Mailing to abutters, as determined by local tax records or other reliable means, to the municipal office of the municipality(ies) where the project is located and, if the project is located in the unorganized or deorganized areas of the State, to the appropriate county commissioners. The notice must contain the following information.
 - a. The legal name, address and telephone number of the person responsible for the discharge.
 - b. A map showing the location of the discharge location(s).

¹ Person as defined at 06-096 CMR 2(1)(P).

² Abutter means a person who owns property that is both (1) adjoining and (2) within 1 mile of the delineated project boundary, including owners of property directly across a public or private right of way. 06-096 CMR (2)(1)(A).

SPECIAL CONDITIONS

B. NOTIFICATION, DECISIONS AND EFFECTIVE TERM OF COVERAGE (cont'd)

- c. A description of the area(s) from which snow will be collected for discharge, including an estimate of square feet and/or linear miles of surfaces within the collection area(s).
- d. The anticipated date for filing the application with the Department.

3. NOI information. A complete NOI must contain the following information.

- a. Facility, applicant, owner and operator information.
- b. A statement addressing alternatives to the direct discharge of waste snow, including efforts to avoid the discharge through upland disposal and storage at a site that is not located wholly or partially within a significant sand and gravel aquifer.
- c. A map showing the location of the discharge location(s) and Global Positioning System (GPS) reference data, if available.
- d. A description of the area(s) from which snow will be collected for discharge, including an estimate of square feet and/or linear miles of surfaces within the collection area(s).
- e. Color photographs of the proposed discharge locations(s) that are representative of conditions at the disposal site(s).
- f. A description of snow and ice treatments used within the collection area(s).
- g. A description of the litter removal program or screening methods used to satisfy the best management practices established in the General Permit.
- h. Evidence of title, right or interest (TRI) pursuant to 06-096 CMR 2(11)(D) in all property from which the discharge(s) will occur.
- i. A list of abutters to whom public notice was provided.
- j. For corporations, a *Certificate of Good Standing* or a statement signed by a corporate officer affirming that the corporation is in good standing.
- k. The signature of an authorized person in accordance with *Applications for Waste Discharge Licenses*, 06-096 CMR 521(5) (effective January 12, 2001).

Failure to submit all required NOI information may result in finding the NOI incomplete for processing and may delay processing.

SPECIAL CONDITIONS

B. NOTIFICATION, DECISIONS AND EFFECTIVE TERM OF COVERAGE (cont'd)

4. Decisions.

- a. **Effective date of coverage.** Within fifteen (15) calendar days following receipt of a complete NOI, the Department must issue a decision either approving or denying authorization to discharge under this General Permit. If the Department does not notify the applicant of its decision within fifteen (15) calendar days following receipt of a complete NOI, the NOI is accepted and authorization to discharge under this General Permit is approved. In the event authorization to discharge under this General Permit is not approved, the Department must notify the applicant of the reason(s) for denying authorization to discharge under this General Permit. Denial of authorization to discharge under this General Permit is not appealable to the Board of Environmental Protection and is not final agency action. The approval of authorization to discharge under this General Permit is appealable in accordance with 38 M.R.S.A. § 341-D(4).
- b. **Individual license coverage.** The Department may require, or an interested party may request for consideration, that a person authorized to discharge under this General Permit obtain an individual waste discharge license for any of the reasons specified at 06-096 CMR 529(2)(b)(3)(i)(A-G), or, in the opinion of the Department, the discharge is more appropriately controlled under an individual license. A person eligible for coverage under this General Permit may request to be excluded from this General Permit and instead apply for an individual waste discharge license as provided at 06-096 CMR 529(2)(b)(3)(iii).

5. **Effective term of coverage.** The term of this General Permit is five years. Authorization to discharge under this General Permit continues from year to year provided payment of an applicable annual fee pursuant to *Maine Environmental Protection Fund*, 38 M.R.S.A. § 353-B, that there are no significant changes in the discharge as described in the NOI, and that there are no adverse receiving water quality impacts resulting from the discharge.

Prior to expiration of this General Permit, the Department must make a determination if it is to be renewed, and, if so, will commence renewal proceedings. If the General Permit is to be renewed, it must remain in force until the Department takes final action on the renewal. Upon reissuance of a renewal General Permit, persons wishing to continue coverage must apply for coverage under the renewal General Permit not later than 30 days following the issuance date of the new General Permit.

6. **Transfers of ownership.** In the event that the person authorized to discharge under this General Permit transfers the responsibility to a new person, coverage under this General Permit may be transferred by the new person proposing to continue a discharge notifying the Department in writing, provided the new person proposing to continue a discharge proposes no significant changes in the facility or its operation. The notice must include documentation that the new person has: 1) the technical and financial capacity to comply with this General Permit; 2) title, right or interest in the facility; and 3) a *Certificate of*

SPECIAL CONDITIONS

B. NOTIFICATION, DECISIONS AND EFFECTIVE TERM OF COVERAGE (cont'd)

Good Standing or a statement signed by a corporate officer affirming that the corporation is in good standing, if applicable. Such notification must be made within two weeks of the transfer. If increases or significant changes in the discharge are proposed, a new NOI must be filed.

- 7. Changed conditions.** In the event a person authorized to discharge under this General Permit proposes to make significant changes in the nature or scope of the operations of facilities described in a NOI previously approved, the authorized person must notify the Department as soon as becoming aware of and before implementing such changes. Based on its evaluation of the proposed changes, the Department may require the submittal of a new NOI or that an individual permit is obtained.

C. AUTHORIZED DISCHARGES

A person authorized to discharge under this General Permit is authorized to discharge: 1) only in accordance with the licensee's Notice of Intent; 2) only in accordance with the terms and conditions of this General Permit; and 3) only from the discrete discharge points identified in the approved NOI. Discharges of pollutants from any other point source are not authorized under this General Permit, and must be reported in accordance with Standard Condition B(5), *Bypasses*, of this General Permit.

D. NARRATIVE EFFLUENT LIMITATIONS

1. The discharge must not contain materials in concentrations or combinations which would impair the uses designated by the classification of the ground water.
2. The discharge must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

E. BEST MANAGEMENT PRACTICES FOR THE DISCHARGE OF WASTE SNOW

1. Only snow which is removed from the collection area within three (3) days following the end of a snow event may be discharged under this General Permit.
2. The use of salt or sand/salt mixtures in areas from which snow is removed for discharge must be restricted, where appropriate, or consistent with application rates provided by the Maine Department of Transportation. See <http://www.maine.gov/mdot/csd/mlrc/technical/winterplowsand/index.htm>.

SPECIAL CONDITIONS

F. RECORD OF ACTIVITIES FOR WASTE SNOW DUMPS

The licensee must maintain a record for snow removal and discharge activities including, but not limited to, the following for each discharge location.

1. Changes in development or snow removal practices that may affect the quality or quantity of waste snow discharged.
2. The approximate quantity (gallons, cubic yards or other measure) of waste snow discharged (e.g., disposed at a site) per day.

A copy of the record of activities must be made available to Department staff upon request.

G. 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 must remain in full force and effect, and must be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.