

37 Wharf Rd



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

July 31, 2008

Andrew J. and Heather A. MacDonald  
398 Sebago Road  
Hiram, ME 04041

RE: Application for Waste Discharge License for Unlicensed OBD on Cliff Island, Maine

Dear Mr. and Ms. MacDonald:

During our recent routine inspection of your neighbor's overboard discharge system on Cliff Island we observed a wastewater disposal system that appears to be discharging from the property shown on the corresponding tax maps as Map #109B Lot #C-6 to Luckse Sound. According to the tax rolls, you are listed as the owner of said property. Our records don't list your property as having a valid waste discharge license.

**Pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413.1, no person may directly or indirectly discharge or cause to be discharged any pollutant without first obtaining a license therefore from the Department.**

The Department may issue a license for an existing but previously unlicensed overboard discharge only if all of the following criteria are met:

- (1) The applicant demonstrates with evidence acceptable to the Department that an overboard discharge was in continuous existence for the 12 months preceding June 1, 1987 [38 M.R.S.A. § 464.A.6].
- (2) A publicly owned (municipal or quasi-municipal) sewer line is not located on or abutting land owned or controlled by the applicant or is not available for the applicant's use. Although we are aware that you facility discharges into a communal discharge pipe, that pipe does not meet the definition of "publicly owned."
- (3) The applicant demonstrates to the Department's satisfaction that a subsurface wastewater disposal system cannot be installed in compliance with the *Subsurface Waste Water Disposal Rules*, 10-144 CMR 241, on land owned or controlled by the applicant. A Licensed Site Evaluator (LSE) must examine the property to determine if there is an approvable technologically feasible alternative to your overboard discharge system (LSE list enclosed). "Qualified" means that they have experience in designing replacement systems for OBD systems.
- (4) The discharge is not located within the boundaries of a sanitary or sewer district and the district has not agreed to service and maintain a holding tank at an annual fee that does not exceed those fees charged to other similar users of the district's services who are physically connected to the sewers of the district. Your discharge is not within such a district.
- (5) The discharge is a year-round discharge as determined by *Overboard discharges: licenses and abandonment* 06-096 CMR 596.6.C, a commercial discharge, or does not meet the criteria of 06-096 CMR 596.9.A.2.

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826  
RAY BLDG., HOSPITAL ST.

BANGOR  
106 HOGAN ROAD  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
(207) 764-0477 FAX: (207) 760-3143

- (6) The receiving water is not:
- (a) A Class GPA, AA, A, or SA water, a tributary to Class GPA water, or a waterbody with a drainage area of less than 10 square miles.
  - (b) A tributary to Class GPA water; or
  - (c) A waterbody with a drainage area of less than 10 square miles, unless it is demonstrated to the Department's satisfaction that no alternative to the discharge exists.

Luckse Sound is not any of these.

- (7) The discharge meets the requirements of Maine's Pollution Control Laws 38 M.R.S.A. §414-A, and Maine's Water Classification Laws 38 M.R.S.A. §§ 464 to 469. Your discharge will not meet this until you upgrade to secondary treatment (mechanical or sand filter with disinfection).
- (8) The discharge receives best practicable treatment consistent with requirements in *Overboard discharges: licenses and abandonment* 06-096 CMR 596.9. This is a hierarchy of treatment with subsurface disposal system at the top, followed by a sand filter, mechanical treatment, and a separated primitive system. Currently, your discharge does not meet this.

Enclosed is an application for a Waste Discharge License for the overboard discharge (OBD) from your property on Cliff Island. As was mentioned, discharges to waters of the State that are not authorized by a waste discharge license or conditional permit are prohibited, and subject to enforcement action, so it is vital that you attend to this matter with due haste.

Please complete the enclosed application and return it to me with a hard copy of the LSE evaluation of the subject property, a design for either a subsurface wastewater disposal system or (if a subsurface alternative does not exist) an OBD sand filter or mechanical treatment system with disinfection, a schedule for installing the appropriate treatment system, a copy of the current deed, a copy of the public notice as published by a local newspaper, and a list of abutting landowners notified as part of this application. If submission of a completed application will take more than 60 days, please contact me to arrange for a reasonable deadline.

If you have questions, or need help with your application, please call me at (207) 287-6301. My email address is michael.demarest@maine.gov.

Sincerely,



Michael Demarest  
Overboard Discharge Licensing Program  
Division of Water Quality Management  
Bureau of Land and Water Quality

Cc: Dennis Merrill, Supervisor, Enforcement Division  
Rick Knowland, CEO, Portland Islands

Enc: Application  
Fact Sheets  
List of Cumberland Region Site Evaluators