STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

November 28, 2007

Mr. Paul Wintle
Orono Water Pollution Control Facility
P.O. Box 130
Orono, Maine 04473

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100498
Maine Waste Discharge License (WDL) Application # W-002673-5L-F-R
Final Permit/License

Dear Mr. Wintle:.

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL which was approved by the Department of Environmental Protection. Please read the permit/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.*"

The Department would like to make you aware that your monthly Discharge Monitoring Report (DMR) forms may not reflect the revisions in this permitting action for several months after permit issuance, however, you are required to report applicable test results for parameters required by this permitting action that do not appear on the DMR. Please see the attached April 2003 O&M Newsletter article regarding this matter.

If you have any questions regarding the matter, please feel free to call me at (207) 287-6114 or contact me via email at Robert.D.Stratton@maine.gov.

Sincerely,

Robert D. Stratton
Division of Water Quality Management
Bureau of Land and Water Quality

Enc./cc: Clarissa Trasko, John True (MEDEP); Sandy Lao (USEPA)

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

web site: www.maine.gov/dep

DMR Lag

(reprinted from April 2003 O&M Newsletter)

When the Department renews discharge permits, the parameter limits may change or parameters may be added or deleted. In some cases, it is merely the replacement of the federally issued NPDES permit with a state-issued MEPDES permit that results in different limits. When the new permit is finalized, a copy of the permit is passed to our data entry staff for coding into EPA's Permits Compliance System (PCS) database. PCS was developed in the 1970's and is not user-friendly. Entering or changing parameters can take weeks or even months. This can create a lag between the time your new permit becomes effective and the new permit limits appearing on your DMRs. If you are faced with this, it can create three different situations that have to be dealt with in different ways.

1. If the parameter was included on previous DMRs, but only the limit was changed, there will be a space for the data. Please go ahead and enter it. When the changes are made to PCS, the program will have the data and compare it to the new limit.

2. When a parameter is eliminated from monitoring in your new permit, but there is a delay in changing the DMR, you will have a space on the DMR that needs to be filled. For a parameter that has been eliminated, please enter the space on the DMR for that parameter only with "NODI-9" (No Discharge Indicator Code #9). This code means monitoring is conditional or not required this monitoring period.

3. When your new permit includes parameters for which monitoring was not previously required, and coding has not caught up on the DMRs, there will not be any space on the DMR identified for those parameters. In that case, please fill out an extra sheet of paper with the facility name and permit number, along with all of the information normally required for each parameter (parameter code, data, frequency of analysis, sample type, and number of exceedances). Each data point should be identified as monthly average, weekly average, daily max, etc. and the units of measurement such as mg/L or lb/day. Staple the extra sheet to the DMR so that the extra data stays with the DMR form. Our data entry staff cannot enter the data for the new parameters until the PCS coding catches up. When the PCS coding does catch up, our data entry staff will have the data right at hand to do the entry without having to take the extra time to seek it from your inspector or from you.

EPA is planning significant improvements for the PCS system that will be implemented in the next few years. These improvements should allow us to issue modified permits and DMRs concurrently. Until then we appreciate your assistance and patience in this effort.

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

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF ORONO	)	MAINE POLLUTANT DISCHARGE
WATER POLLUTION CONTROL FACILITY	)	ELIMINATION SYSTEM PERMIT
ORONO, PENOBSCOT COUNTY	)	AND
PUBLICLY OWNED TREATMENT WORKS	)	WASTE DISCHARGE LICENSE
# ME0100498	)	RENEWAL
# W002673-5L-F-R APPROVAL	)	

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et. seq. and Maine Law 38 M.R.S.A., Section 414-A et seq., and applicable regulations, the Department of Environmental Protection (Department) has considered the application of the TOWN OF ORONO WATER POLLUTION CONTROL FACILITY (Orono WPCF), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The applicant has applied for a renewal of Maine Pollutant Discharge Elimination System (MEPDES) Permit # ME0100498 / Maine Waste Discharge License (WDL) #W002673-5L-E-R, which was issued on October 29, 2002 for a five-year term. The MEPDES Permit / WDL authorized the discharge of up to a monthly average of 1.84 million gallons per day (MGD) of secondary treated sanitary wastewater from a municipal treatment facility and an unspecified quantity of untreated storm water and sanitary wastewaters from one combined sewer overflow (CSO) to the Penobscot River, Class B, in Orono, Maine.

PERMIT SUMMARY

This permitting action is similar to the October 29, 2002 MEPDES Permit / Maine WDL in that it is carrying forward the:

1. Monthly average discharge flow limit of 1.84 MGD;
2. Biochemical Oxygen Demand (BOD_5) and Total Suspended Solids (TSS) mass and concentration limits and monitoring requirements;
3. Requirements for a minimum of 85% removal of BOD_5 and TSS;
4. Best Practicable Treatment (BPT) based daily maximum limit for Settleable Solids;
5. *E coli* bacteria monthly average and daily maximum seasonal water quality based concentration limits;
6. BPT based daily maximum total residual chorine limit:
7. Suspension of effluent phosphorus monitoring requirements from a 2005 Administrative Modification;
8. pH range limitation of 6.0-9.0 standard units; and
9. Requirements to maintain a current Operations and Maintenance Plan.

This permitting action is different from the October 29, 2002 MEPDES Permit / Maine WDL in that it is establishing:

1. A daily maximum discharge flow reporting requirement;
2. Revised minimum monitoring frequency and sample type requirements;
3. Whole effluent toxicity (WET), analytical chemistry, and chemical specific (priority pollutant) testing requirements pursuant to Department rules Chapter 530, *Surface Water Toxics Control Program*, Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*, and an April 2006 Permit Modification;
4. Requirements to maintain a current Wet Weather Management Plan;
5. Revised requirements for disposal of septage in the wastewater treatment facility; and
6. Revised conditions for Combined Sewer Overflows.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated October 22, 2007, and revised November 21, 2007, 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 MRSA 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 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

   (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 TOWN OF ORONO WATER POLLUTION CONTROL FACILITY to discharge up to a monthly average of 1.84 MGD of secondary treated sanitary wastewater and an unspecified quantity of untreated storm water and sanitary wastewaters from one combined sewer overflow to the Penobscot River, Class B, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations:

1. "Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits," revised July 1, 2002, copy attached.

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

3. This permit expires five (5) years from the date of signature.

DONE AND DATED AT AUGUSTA, MAINE, THIS 30TH DAY OF November, 2007.

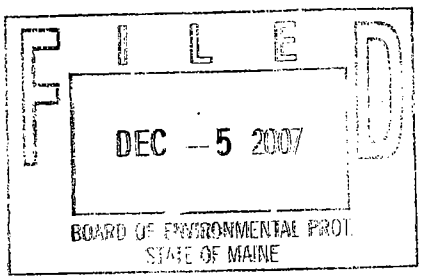
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
David P. Littell, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: September 28, 2007

Date of application acceptance: September 28, 2007



Date filed with Board of Environmental Protection _____.

This Order prepared by Robert D. Stratton, BUREAU OF LAND & WATER QUALITY
#ME0100498 / #W-002673-5L-F-R November 21, 2007

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge secondary treated sanitary wastewaters from **Outfall #001A** to the Penobscot River. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	**Discharge Limitations**						**Minimum Monitoring Requirements**	
	Monthly Average as specified	Weekly Average as specified	Daily Maximum as specified	Monthly Average as specified	Weekly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Flow *[50050]*	1.84 MGD *[03]*	---	Report MGD *[03]*	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
Biochemical Oxygen Demand (BOD_5) *[00310]*	460 lbs/day *[26]*	690 lbs/day *[26]*	Report lbs/day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	2/Week *[02/07]*	24-Hr. Composite *[24]*
BOD_5 % Removal (1) *[81010]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Total Suspended Solids (TSS) *[00545]*	460 lbs/day *[26]*	690 lbs/day *[26]*	Report lbs/day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	2/Week *[02/07]*	24-Hr. Composite *[24]*
TSS % Removal (1) *[81011]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Settleable Solids *[00545]*	---	---	---	---	---	0.3 ml/L *[25]*	5/Week *[05/07]*	Grab *[GR]*
E. Coli Bacteria (2) **May 15 to September 30** *[31633]*	---	---	---	64/100 ml(3) *[13]*	---	427/100 ml *[13]*	2/Week *[02/07]*	Grab *[GR]*
Total Residual Chlorine (4) *[50060]*	---	---	---	---	---	1.0 mg/L *[19]*	2/Day *[02/01]*	Grab *[GR]*
pH *[00400]*	---	---	---	---	---	6.0-9.0 s.u. *[12]*	1/Day *[01/01]*	Grab *[GR]*

The italicized numeric values bracketed in the table above and in the text on subsequent pages are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports (DMRs).

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

2. ***SCREENING LEVEL*** - Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter. The italicized numeric values bracketed in the table below and on the following pages are code numbers that Department personnel utilize to code the monthly DMR's.

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity(5)						
Acute – NOEL						
Ceriodaphnia dubia (Water flea) *[TDA3B]*	---	---	---	Report %*[23]*	1/Year*[01/YR]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TDA6F]*	---	---	---	Report %*[23]*	1/Year*[01/YR]*	Composite *[24]*
Chronic – NOEL						
Ceriodaphnia dubia (Water flea) *[TBP3B]*	---	---	---	Report %*[23]*	1/Year*[01/YR]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TBQ6F]*	---	---	---	Report %*[23]*	1/Year*[01/YR]*	Composite *[24]*
Analytical Chemistry (6,7) *[54177]*	---	---	---	Report ug/L *[28]*	1/Quarter *[01/90]*	Composite/Grab *[24]*
Priority Pollutant (7) *[50008]*	---	---	---	Report ug/L *[28]*	1/Year *[01/YR]*	Composite/Grab *[24]*

SPECIAL CONDITIONS
A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Footnotes:

Sampling Locations:

Influent sampling for BOD_5 and TSS shall be collected after the comminutor at the headworks of the facility.

Effluent sampling for all parameters shall be collected after the last treatment process prior to discharge to the receiving water. Any change in sampling location(s) must be reviewed and approved by the Department in writing. 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 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 detectable 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 detection limit achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL is not acceptable and will be rejected by the Department. For mass, if the analytical result is reported as <Y or if a detectable result is less than a RL, report a <X lbs/day, where X is the parameter specific limitation established in the permit.

1. **Percent removal** - The treatment facility shall maintain a minimum of 85 percent removal of both BOD_5 and TSS. The percent removal shall be based on a monthly average calculation using influent and effluent concentrations. The percent removal limit shall be waived when the monthly average influent concentration is less than 200 mg/L. For instances when this occurs, the facility shall report "*NODI-9*" on the monthly Discharge Monitoring Report.

2. ***E. coli* bacteria limits and monitoring requirements** – *E. coli* bacteria limits and monitoring requirements are seasonal and apply between May 15th and September 30th of each year. The Department reserves the right to require resumption of year round disinfection to protect the health, safety, and welfare of the public.

3. **Geometric mean** – The monthly average *E. coli* limitation is a geometric mean and shall be calculated and reported as such.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS; Footnotes **(cont'd)**

4. **Total residual chlorine limits and monitoring requirements** – Total residual chlorine (TRC) limits and monitoring requirements are applicable whenever elemental chlorine or chlorine based compounds are being used to disinfect the discharge. Chlorine monitoring shall be required twice per day during normal working days and shall be required once per day on weekends and holidays.

5. **Whole Effluent Toxicity (WET)** - Definitive WET testing is a multi-concentration testing event (a minimum of five dilutions bracketing the acute and chronic critical thresholds of 0.40% and 0.09% respectively), which provides a point estimate of toxicity in terms of No Observed Effect Level, commonly referred to as NOEL or NOEC. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level with survival, reproduction and growth as the end points. The critical acute and chronic thresholds were derived as the mathematic inverse of the applicable acute and chronic dilution factors of 252.8:1 and 1,117.5:1 respectively.

   Screening level testing - Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter, the permittee shall conduct screening level WET testing at a minimum frequency of once per year (1/Year). Acute and chronic tests shall be conducted on the water flea (*Ceriodaphnia dubia*) and the brook trout (*Salvelinus fontinalis*). It is noted pursuant to Department rule Chapter 530, *Surface Water Toxics Control Program,* surveillance level WET testing is being waived for the first four years of the term of the permit.

   WET test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee shall evaluate test results being submitted and identify to the Department possible exceedences of the critical acute and chronic water quality thresholds of 0.40% and 0.09% respectively.

   Toxicity tests must be conducted by an experienced laboratory approved by the Department. The laboratory must follow procedures as described in the following U.S.E.P.A. methods manuals.

   a. Short Term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Water to Freshwater Organisms, Fourth Edition, October 2002, EPA-821-R-02-013.

   b. Methods for Measuring the Acute Toxicity of Effluent and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, October 2002, EPA-821-R-02-012.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS; Footnotes **(cont'd)**

The permittee is also required to analyze the effluent for the nine (9) parameters specified in the WET chemistry section, and the twelve (12) parameters specified in the Analytical Chemistry section, of the form in Attachment A of this permit each time a WET test is performed.

6. **Analytical chemistry** – Refers to a suite of twelve (12) chemical tests that consist of ammonia nitrogen (as N), total aluminum, total arsenic, total cadmium, total chromium, total copper, total cyanide, total lead, total nickel, total silver, total zinc and total residual chlorine.

   Screening level testing – Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter, the permittee shall conduct analytical chemistry testing at a minimum frequency of once per calendar quarter (1/Quarter) for four consecutive calendar quarters.

7. **Priority pollutant testing** – Priority pollutants are those parameters listed by Department rule, Chapter 525, Section 4(IV).

   Screening level testing – Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter, the permittee shall conduct screening level priority pollutant testing at a minimum frequency of once per year (1/Year). It is noted Chapter 530 does not establish routine surveillance level testing priority pollutant testing in the first four years of the term of this permit.

   Priority pollutant and analytical chemistry testing shall be conducted on samples collected at the same time as those collected for whole effluent toxicity tests when applicable. Priority pollutant and analytical chemistry testing shall be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve minimum reporting levels of detection as specified by the Department. See Attachment A of this permit for a list of the Department's reporting levels (RLs) of detection. Test results must be submitted to the Department not later than the next DMR required by the permit provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee shall evaluate test results being submitted and identify to the Department, possible exceedences of the acute, chronic or human health AWQC as established in Department rule Chapter 584. For the purposes of Discharge Monitoring Report (DMR) reporting, enter a "1" for yes, testing done this monitoring period or "NODI-9" monitoring not required this period.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS; Footnotes (cont'd)

All mercury sampling required to determine compliance with interim limitations established pursuant to Department rule Chapter 519, shall be conducted in accordance with EPA's "clean sampling techniques" found in EPA Method 1669, Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels. All mercury analysis shall be conducted in accordance with EPA Method 1631, Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry. See Attachment B of this permit for the Department's report form for mercury results.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain a visible oil sheen, foam or floating solids at any time which would impair the usages designated by the classification of the receiving waters.

2. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated by the classification of the receiving waters.

3. The discharge shall not cause visible discoloration or turbidity in the receiving waters, which would impair the usages designated by the classification of the receiving waters.

4. Notwithstanding specific conditions of this permit the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. DISINFECTION

If chlorination is used as the means of disinfection, an approved chlorine contact tank providing the proper detention time consistent with good engineering practice must be utilized followed by a dechlorination system if the imposed total residual chlorine (TRC) limit cannot be achieved by dissipation in the detention tank. The total residual chlorine in the effluent shall at no time cause any demonstrable harm to aquatic life in the receiving waters. The dose of chlorine applied shall provide a TRC concentration that will effectively reduce fecal coliform bacteria levels to or below those specified in Special Condition A, *Effluent Limitation and Monitoring Requirements*, of this permit.

D. TREATMENT PLANT OPERATOR

The wastewater treatment facility must be operated under the direction of a person holding a minimum of a **Grade IV** 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.

SPECIAL CONDITIONS

E. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into the wastewater collection and treatment system by a non-domestic source (user) shall not pass through or interfere with the operation of the treatment system.

F. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the permittee shall notify the Department of the following.

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

2. Any substantial change in the volume or character of pollutants being introduced by individual users into the wastewater collection system.

3. For the purposes of this section, adequate notice shall include information on:

   (a) the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
   (b) any anticipated impact of the change in the quantity or quality of the wastewater to be discharged from the treatment system.

G. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on September 28, 2007; 2) the terms and conditions of this permit; and 3) only from Outfall #001A and Outfall #003A (the CSO). Discharges of wastewater from any other point source are not authorized under this permit, and shall be reported in accordance with Standard Condition B(5)(*Bypass*) of this permit.

H. WET WEATHER MANAGEMENT PLAN

The treatment facility staff shall maintain a current Wet Weather Flow Management Plan to direct the staff on how to operate the facility effectively during periods of high flow. The Department acknowledges that the existing collection system may deliver flows in excess of the monthly average design capacity of the treatment plant during periods of high infiltration and rainfall. The plan shall include operating procedures for a range of intensities, address solids handling procedures (including septic waste and other high strength wastes if applicable) and provide written operating and maintenance procedures to be adhered to during the events.

The permittee shall review their plan annually and record any necessary changes to keep the plan up-to-date.

SPECIAL CONDITIONS

I. OPERATION AND MAINTENANCE (O&M) PLAN

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

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

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

J. DISPOSAL OF SEPTAGE WASTE IN WASTEWATER TREATMENT FACILITY

During the effective period of this permit, the permittee is authorized to introduce up to a maximum of 2,000 gallons of septage per day (GPD) and up to 20,000 gallons of septage per month into the Orono WPCF's wastewater treatment process, subject to the following terms and conditions:

1. Septage, for the purposes of this permit, shall mean any waste, refuse, effluent, sludge or other material removed from a septic tank, cesspool, vault privy or similar source which concentrates wastes or to which chemicals have been added. Acceptance of any other wastes must be evaluated by the Department.

2. This approval is limited to methods and plans described in the application and supporting documents. Any variations are subject to review and approval prior to implementation.

3. At no time shall the addition of septage cause or contribute to effluent quality violations. If such conditions do exist, the introduction of septage into the treatment process or solids handling stream shall be suspended until effluent quality can be maintained.

4. The permittee shall maintain records which shall include, as a minimum, the following by date: volume of septage received, source of the septage (name of municipality), the hauler transporting the septage, the dates and volume of septage added to the waste treatment influent and test results.

SPECIAL CONDITIONS

J. DISPOSAL OF SEPTAGE WASTE IN WASTEWATER TREATMENT FACILITY (cont'd)

5. The addition of septage into the treatment process or solids handling stream shall not cause the treatment facilities design capacity to be exceeded. If, for any reason, the treatment process or solids handling facilities become overloaded, introduction of septage into the treatment process or solids handling stream shall be reduced or terminated in order to eliminate the overload condition.

6. Septage known to be harmful to the treatment processes shall not be accepted. Wastes which contain heavy metals, toxic chemicals, extreme pH, flammable or corrosive materials in concentrations harmful to the treatment operation shall be refused.

7. Holding tank wastewater shall not be recorded as septage but should be reported in the treatment facility's influent flow.

8. During wet weather events (bypass conditions), septage may be received into the septage holding facilities but shall not be added to the treatment process or solids handling facilities.

9. If conditions change within the permittee's septage management program, the permittee shall provide the Department with an updated septage management plan that reflects such changes, pursuant to Department rule, Chapter 555, *Standards for the Addition of Septage to Waste Water Treatment Facilities.*

K. CONDITIONS FOR COMBINED SEWER OVERFLOW

Pursuant to Chapter 570 of Department Rules (*Combined Sewer Overflow Abatement*), the permittee is authorized to discharge from the following locations of CSO's (stormwater and sanitary wastewater) subject to the conditions and requirements herein.

1. CSO Locations

Outfall No.	Description	Location	Receiving Water / Class
003A	Untreated sanitary/storm water	Treatment Plant	Penobscot River / B

CSO Outfall #003A discharges from the same outlet structure as Outfall #001A, but is designated separately for administrative purposes.

SPECIAL CONDITIONS
K. CONDITIONS FOR COMBINED SEWER OVERFLOW (cont'd)

2. Prohibited Discharges

   a) The discharge of dry weather flows is prohibited. All such discharges shall be reported to the Department in accordance with Standard Condition D (1) of this permit.

   b) No discharge shall occur as a result of mechanical failure, improper design or inadequate operation or maintenance.

   c) No discharges shall occur at flow rates below the maximum design capacities of the wastewater treatment facility, pumping stations or sewerage system.

3. Narrative Effluent Limitations

   a) The effluent shall not contain a visible oil sheen, settled substances, foam, or floating solids at any time that impair the characteristics and designated uses ascribed to the classification of the receiving waters.

   b) The effluent shall not contain materials in concentrations or combinations that are hazardous or toxic to aquatic life; or which would impair the usage designated by the classification of the receiving waters.

   c) The discharge shall not impart color, turbidity, toxicity, radioactivity or other properties that cause the receiving waters to be unsuitable for the designated uses and other characteristics ascribed to their class.

   d) Notwithstanding specific conditions of this permit, the effluent by itself or in combination with other discharges shall 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.

4. CSO Master Plan (see Sections 2 & 3 of Chapter 570 Department Rules)

   The permittee shall implement CSO control projects in accordance with an approved CSO Master Plan and abatement schedule. The CSO Master Plan, entitled *Sewer System Master Plan For CSO Abatement, Town of Orono, Maine*, dated December 1994 was approved by the Department on January 23, 1997. Revised abatement schedules were submitted to the Department in letters dated June 22, 1998 and December 13, 1999, and approved by the Department on June 25, 1998 and December 13, 1999, respectively. The CSO Master Plan was updated in the document entitled, *Wastewater Infrastructure Facilities Evaluation, Town of Orono, Maine*, dated January 2005 and approved by the Department on May 16, 2005.

   On or before December 31, 2010, *[PCS Code 06699]* the permittee shall submit a CSO Master Plan Update and abatement schedule to the Department for review and approval.

SPECIAL CONDITIONS
K. CONDITIONS FOR COMBINED SEWER OVERFLOW (cont'd)

To modify the date specified above, the permittee must file an application with the Department to formally modify this permit. The remaining work items identified in the abatement schedule may be amended from time to time based on mutual agreements between the permittee and the Department. The permittee must notify the Department in writing prior to any proposed changes to the implementation schedule.

5. Nine Minimum Controls (NMC) (see Section 5 Chapter 570 of Department Rules)
The permittee shall implement and follow the Nine Minimum Control documentation as approved by EPA on August 12, 1997. Work preformed on the Nine Minimum Controls during the year shall be included in the annual *CSO Progress Report* (see below).

6. CSO Compliance Monitoring Program (see Section 6 Chapter 570 of Department Rules)

The permittee shall conduct block testing or flow monitoring according to an approved *Compliance Monitoring Program* on all CSO points, as part of the CSO Master Plan. Annual flow volumes for all CSO locations shall be determined by actual flow monitoring, or by estimation using a model such as EPA's Storm Water Management Model (SWMM).

Results shall be submitted annually as part of the annual *CSO Progress Report* (see below), and shall include annual precipitation, CSO volumes (actual or estimated) and any block test data required. Any abnormalities during CSO monitoring shall also be reported. The results shall be reported on the Department form "*CSO Activity and Volumes*" (Attachment C of this permit) or similar format and submitted electronically to the Department's CSO Coordinator at the address in Special Condition M, *Monitoring and Reporting*, of this permit.

CSO control projects that have been completed shall be monitored for volume and frequency of overflow to determine the effectiveness of the project toward CSO abatement. This requirement shall not apply to those areas where complete separation has been completed and CSO outfalls have been eliminated.

7. Additions of New Wastewater (see Section 8 Chapter 570 of Department Rules)

Chapter 570 Section 8 lists requirements relating to any proposed addition of wastewater to the combined sewer system. Documentation of the new wastewater additions to the system and associated mitigating measures shall be included in the annual *CSO Progress Report* (see below). Reports must contain the volumes and characteristics of the wastewater added or authorized for addition and descriptions of the sewer system improvements and estimated effectiveness. Any sewer extensions upstream of a CSO must be reviewed and approved by the Department prior to their connection to the collection system. A Sewer Extension/Addition Reporting Form (which can be supplied by the Department) shall be completed and submitted to the Department along with plans and specifications of the proposed extension/addition.

SPECIAL CONDITIONS
K. CONDITIONS FOR COMBINED SEWER OVERFLOW (cont'd)

8. Annual CSO Progress Reports (see Section 7 of Chapter 570 of Department Rules)

By March 1 of each year ***(PCS Code 11099)***, the permittee shall submit a *CSO Progress Reports* covering the previous calendar year (January 1 to December 31). The CSO Progress Report shall include, but is not necessarily limited to, the following topics as further described in Chapter 570: CSO abatement projects, schedule comparison, progress on inflow sources, costs, flow monitoring results, CSO activity and volumes, nine minimum controls update, sewer extensions, and new commercial or industrial flows.

The CSO Progress Reports shall be completed on a standard form entitled *"Annual CSO Progress Report"*, furnished by the Department, and submitted in electronic form to the Department's CSO Coordinator at the address in Special Condition M, *Monitoring and Reporting*, of this permit.

9. Signs

The permittee has previously installed and shall maintain an identification sign at the CSO Outfall #003A location (same as Outfall #001A) as notification to the public that intermittent discharges of untreated sanitary wastewater occur. The sign is easily readable by the public. As required, the sign shall be a minimum of 12" x 18" in size with white lettering against a green background and shall contain the following information:

TOWN OF ORONO WATER POLLUTION CONTROL FACILITY
WET WEATHER SEWAGE DISCHARGE
CSO #

10. Definitions

For the purposes of this permitting action, the following terms are defined as follows:

a. *Combined Sewer Overflow* - a discharge of excess waste water from a municipal or quasi-municipal sewerage system that conveys both sanitary wastes and storm water in a single pipe system and that is in direct response to a storm event or snowmelt.

b. *Dry Weather Flows* - flow in a sewerage system that occurs as a result of non-storm events or are caused solely by ground water infiltration.

b. *Wet Weather Flows* - flow in a sewerage system that occurs as a direct result of a storm event, or snowmelt in combination with dry weather flows.

SPECIAL CONDITIONS

L. CHAPTER 530(2)(D)(4) CERTIFICATION

On or before December 31 of each year *[PCS code 95799]* the permittee is required to file a statement with the Department describing the following.

1. Changes in the number or types of non-domestic wastes contributed directly or indirectly to the wastewater treatment works that may increase the toxicity of the discharge;

2. Changes in the operation of the treatment works that may increase the toxicity of the discharge; and

3. Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge.

Further, the Department may require that annual WET, analytical chemistry or priority pollutant testing be re-instituted if it determines that there have been changes in the character of the discharge or if annual certifications described above are not submitted.

M. 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 **postmarked 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:

Department of Environmental Protection
Bureau of Land and Water Quality
Eastern Maine Regional Office
106 Hogan Road
Bangor, Maine 04401

Electronic versions of the *"CSO Progress Report"* and *"CSO Activity and Volumes"* form (Attachment C of this permit) shall be submitted to the Department's CSO Coordinator at the address below:

CSO Coordinator
Department of Environmental Protection
Bureau of Land & Water Quality
Division of Water Quality Management
17 State House Station
Augusta, Maine 04333
e-mail: CSOCoordinator@maine.gov

SPECIAL CONDITIONS

N. REOPENING OF PERMIT FOR MODIFICATIONS

Upon evaluation of the tests results or monitoring requirements specified in Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at any time, and with notice to the permittee, modify this permit to: (1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional effluent or ambient water quality monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information including, but not limited to, new information from ambient water quality studies of the receiving waters.

O. SEVERABILITY

In the event that any provision, or part thereof, of this permit is declared to be unlawful by a reviewing court, the remainder of the permit 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

(Whole Effluent Toxicity, Analytical Chemistry, and Chemical Specific Test Reporting Forms and Reporting Limits)

Maine Department of Environmental Protection
WET and Chemical Specific Data Report Form
This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

Facility Name _____ **MEPDES #** _____ **Pipe #** _____ Facility Representative Signature _____
To the best of my knowledge this information is true, accurate and complete.

Licensed Flow (MGD)	
Acute dilution factor	
Chronic dilution factor	
Human health dilution factor	
Criteria type: M(arine) or F(resh)	f

Flow for Day (MGD)[1] _____ **Flow Avg. for Month (MGD)**[2] _____

Date Sample Collected _____ Date Sample Analyzed _____

Laboratory Address _____ Telephone _____

Lab Contact _____ Lab ID # _____

ERROR WARNING ! Essential facility information is missing. Please check required entries in bold above.

FRESH WATER VERSION

Please see the footnotes on the last page.

						Receiving Water or Ambient	Effluent Concentration (ug/L or as noted)				
	WHOLE EFFLUENT TOXICITY										
			Effluent Limits, %				WET Result, % Do not enter % sign	Reporting Limit Check	**Possible Exceedence** [7]		
			Acute	Chronic					Acute	Chronic	
	Trout - Acute										
	Trout - Chronic										
	Water Flea - Acute										
	Water Flea - Chronic										
	WET CHEMISTRY										
	pH (S.U.) (9)					(8)					
	Total Organic Carbon (mg/L)					(8)					
	Total Solids (mg/L)										
	Total Suspended Solids (mg/L)										
	Alkalinity (mg/L)					(8)					
	Specific Conductance (umhos)										
	Total Hardness (mg/L)					(8)					
	Total Magnesium (mg/L)					(8)					
	Total Calcium (mg/L)					(8)					
	ANALYTICAL CHEMISTRY [3]										
	Also do these tests on the effluent with WET. Testing on the receiving water is optional	Reporting Limit	Effluent Limits, ug/L Acute[6]	Chronic[6]	Health[6]			Reporting Limit Check	**Possible Exceedence** [7] Acute	Chronic	Health
	TOTAL RESIDUAL CHLORINE (mg/L) (9)	0.05				NA					
	AMMONIA	NA				(8)					
M	ALUMINUM	NA				(8)					
M	ARSENIC	5				(8)					
M	CADMIUM	1				(8)					
M	CHROMIUM	10				(8)					
M	COPPER	3				(8)					
M	CYANIDE	5				(8)					
M	LEAD	3				(8)					
M	NICKEL	5				(8)					
M	SILVER	1				(8)					
M	ZINC	5				(8)					

Maine Department of Environmental Protection
WET and Chemical Specific Data Report Form
This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

	PRIORITY POLLUTANTS [4]		Effluent Limits					Reporting Limit Check	Possible Exceedence [7]		
		Reporting Limit	Acute[6]	Chronic[6]	Health[6]				Acute	Chronic	Health
M	ANTIMONY	5									
M	BERYLLIUM	2									
M	MERCURY (5)	0.2									
M	SELENIUM	5									
M	THALLIUM	4									
A	2,4,6-TRICHLOROPHENOL	3									
A	2,4-DICHLOROPHENOL	5									
A	2,4-DIMETHYLPHENOL	5									
A	2,4-DINITROPHENOL	45									
A	2-CHLOROPHENOL	5									
A	2-NITROPHENOL	5									
A	4,6 DINITRO-O-CRESOL (2-Methyl-4,6-dinitrophenol)	25									
A	4-NITROPHENOL	20									
A	P-CHLORO-M-CRESOL (3-methyl-4-chlorophenol)+B80	5									
A	PENTACHLOROPHENOL	20									
A	PHENOL	5									
BN	1,2,4-TRICHLOROBENZENE	5									
BN	1,2-(O)DICHLOROBENZENE	5									
BN	1,2-DIPHENYLHYDRAZINE	10									
BN	1,3-(M)DICHLOROBENZENE	5									
BN	1,4-(P)DICHLOROBENZENE	5									
BN	2,4-DINITROTOLUENE	6									
BN	2,6-DINITROTOLUENE	5									
BN	2-CHLORONAPHTHALENE	5									
BN	3,3'-DICHLOROBENZIDINE	16.5									
BN	3,4-BENZO(B)FLUORANTHENE	5									
BN	4-BROMOPHENYLPHENYL ETHER	2									
BN	4-CHLOROPHENYL PHENYL ETHER	5									
BN	ACENAPHTHENE	5									
BN	ACENAPHTHYLENE	5									
BN	ANTHRACENE	5									
BN	BENZIDINE	45									
BN	BENZO(A)ANTHRACENE	8									
BN	BENZO(A)PYRENE	3									
BN	BENZO(G,H,I)PERYLENE	5									
BN	BENZO(K)FLUORANTHENE	3									
BN	BIS(2-CHLOROETHOXY)METHANE	5									
BN	BIS(2-CHLOROETHYL)ETHER	6									
BN	BIS(2-CHLOROISOPROPYL)ETHER	6									
BN	BIS(2-ETHYLHEXYL)PHTHALATE	3									
BN	BUTYLBENZYL PHTHALATE	5									
BN	CHRYSENE	3									
BN	DI-N-BUTYL PHTHALATE	5									
BN	DI-N-OCTYL PHTHALATE	5									
BN	DIBENZO(A,H)ANTHRACENE	5									
BN	DIETHYL PHTHALATE	5									
BN	DIMETHYL PHTHALATE	5									

Maine Department of Environmental Protection
WET and Chemical Specific Data Report Form
This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

BN	FLUORANTHENE	5									
BN	FLUORENE	5									
BN	HEXACHLOROBENZENE	2									
BN	HEXACHLOROBUTADIENE	1									
BN	HEXACHLOROCYCLOPENTADIENE	10									
BN	HEXACHLOROETHANE	2									
BN	INDENO(1,2,3-CD)PYRENE	5									
BN	ISOPHORONE	5									
BN	N-NITROSODI-N-PROPYLAMINE	10									
BN	N-NITROSODIMETHYLAMINE	1									
BN	N-NITROSODIPHENYLAMINE	5									
BN	NAPHTHALENE	5									
BN	NITROBENZENE	5									
BN	PHENANTHRENE	5									
BN	PYRENE	5									
P	4,4'-DDD	0.05									
P	4,4'-DDE	0.05									
P	4,4'-DDT	0.05									
P	A-BHC	0.2									
P	A-ENDOSULFAN	0.05									
P	ALDRIN	0.15									
P	B-BHC	0.05									
P	B-ENDOSULFAN	0.05									
P	CHLORDANE	0.1									
P	D-BHC	0.05									
P	DIELDRIN	0.05									
P	ENDOSULFAN SULFATE	0.1									
P	ENDRIN	0.05									
P	ENDRIN ALDEHYDE	0.05									
P	G-BHC	0.15									
P	HEPTACHLOR	0.15									
P	HEPTACHLOR EPOXIDE	0.1									
P	PCB-1016	0.3									
P	PCB-1221	0.3									
P	PCB-1232	0.3									
P	PCB-1242	0.3									
P	PCB-1248	0.3									
P	PCB-1254	0.3									
P	PCB-1260	0.2									
P	TOXAPHENE	1									
V	1,1,1-TRICHLOROETHANE	5									
V	1,1,2,2-TETRACHLOROETHANE	7									
V	1,1,2-TRICHLOROETHANE	5									
V	1,1-DICHLOROETHANE	5									
V	1,1-DICHLOROETHYLENE (1,1-dichloroethene)	3									
V	1,2-DICHLOROETHANE	3									
V	1,2-DICHLOROPROPANE	6									
V	1,2-TRANS-DICHLOROETHYLENE (1,2-trans-dichloroethene)	5									
V	1,3-DICHLOROPROPYLENE (1,3-dichloropropene)	5									
V	2-CHLOROETHYLVINYL ETHER	20									

Maine Department of Environmental Protection
WET and Chemical Specific Data Report Form
This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

V	ACROLEIN	NA										
V	ACRYLONITRILE	NA										
V	BENZENE	5										
V	BROMOFORM	5										
V	CARBON TETRACHLORIDE	5										
V	CHLOROBENZENE	6										
V	CHLORODIBROMOMETHANE	3										
V	CHLOROETHANE	5										
V	CHLOROFORM	5										
V	DICHLOROBROMOMETHANE	3										
V	ETHYLBENZENE	10										
V	METHYL BROMIDE (Bromomethane)	5										
V	METHYL CHLORIDE (Chloromethane)	5										
V	METHYLENE CHLORIDE	5										
V	TETRACHLOROETHYLENE (Perchloroethylene or Tetrachloroethene)	5										
V	TOLUENE	5										
V	TRICHLOROETHYLENE (Trichloroethene)	3										
V	VINYL CHLORIDE	5										

Notes:

(1) Flow average for day pertains to WET/PP composite sample day.

(2) Flow average for month is for month in which WET/PP sample was taken.

(3) Analytical chemistry parameters must be done as part of the WET test chemistry.

(4) Priority Pollutants should be reported in micrograms per liter (ug/L).

(5) Mercury is often reported in nanograms per liter (ng/L) by the contract laboratory, so be sure to convert to micrograms per liter on this spreadsheet.

(6) Effluent Limits are calculated based on dilution factor, background allocation (10%) and water quality reserves (15% - to allow for new or changed discharges or non-point sources).

(7) Possible Exceedence determinations are done for a single sample only on a mass basis using the actual pounds discharged. This analysis does not consider watershed wide allocations for fresh water discharges.

(8) These tests are optional for the receiving water. However, where possible samples of the receiving water should be preserved and saved for the duration of the WET test. In the event of questions about the receiving water's possible effect on the WET results, chemistry tests should then be conducted.

(9) pH and Total Residual Chlorine must be conducted at the time of sample collection. Tests for Total Residual Chlorine need be conducted only when an effluent has been chlorinated or residual chlorine is believed to be present for any other reason.

Comments:

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
WHOLE EFFLUENT TOXICITY REPORT
FRESH WATERS

Facility Name _____ MEPDES Permit # _____

Facility Representative _____ Signature _____

By signing this form, I attest that to the best of my knowledge that the information provided is true, accurate, and complete.

Facility Telephone # _____ Date Collected _____ (mm/dd/yy) Date Tested _____ (mm/dd/yy)

Chlorinated? _____ Dechlorinated? _____

Results **% effluent**

	water flea	trout
A-NOEL		
C-NOEL		

Effluent Limitations

A-NOEL	
C-NOEL	

Data summary

	water flea			trout		
	% survival		no. young	% survival		final weight (mg)
QC standard	**A>90**	**C>80**	**>15/female**	**A>90**	**C>80**	**> 2% increase**
lab control						
receiving water control						
conc. 1 (%)						
conc. 2 (%)						
conc. 3 (%)						
conc. 4 (%)						
conc. 5 (%)						
conc. 6 (%)						
stat test used						

place * next to values statistically different from controls

for trout show final wt and % incr for both controls

Reference toxicant — water flea — trout

	A-NOEL	C-NOEL	A-NOEL	C-NOEL
toxicant / date				
limits (mg/L)				
results (mg/L)				

Comments _____

Laboratory conducting test

Company Name _____ Company Rep. Name (Printed) _____

Mailing Address _____ Company Rep. Signature _____

City, State, ZIP _____ Company Telephone # _____

Report WET chemistry on DEP Form "ToxSheet (Fresh Water Version), March 2007."

ATTACHMENT B

(Mercury Testing Reporting Form)

Maine Department of Environmental Protection

Effluent Mercury Test Report

Name of Facility: _____ Federal Permit # ME _____

Purpose of this test:
- ☐ Initial limit determination
- ☐ Compliance monitoring for: year _____ calendar quarter _____
- ☐ Supplemental or extra test

SAMPLE COLLECTION INFORMATION

Sampling Date: ___ ___ ___ (mm dd yy) Sampling time: _____ AM/PM

Sampling Location:

Weather Conditions: _____

Please describe any unusual conditions with the influent or at the facility during or preceding the time of sample collection:

Optional test - not required but recommended where possible to allow for the most meaningful evaluation of mercury results:

Suspended Solids _____ mg/L Sample type: _____ Grab (recommended) or _____ Composite

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory: _____

Date of analysis: _____ **Result:** _____ **ng/L (PPT)**

Please Enter Effluent Limits for your facility

Effluent Limits: **Average =** _____ ng/L **Maximum =** _____ ng/L

Please attach any remarks or comments from the laboratory that may have a bearing on the results or their interpretation. If duplicate samples were taken at the same time please report the average.

CERTIFICATION

I certifiy that to the best of my knowledge the foregoing information is correct and representative of conditions at the time of sample collection. The sample for mercury was collected and analyzed using EPA Methods 1669 (clean sampling) and 1631 (trace level analysis) in accordance with instructions from the DEP.

By: _____ Date: _____

Title: _____

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

ATTACHMENT C

(CSO Activity and Volumes Form)

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
CSO ACTIVITY AND VOLUMES

MUNICIPALITY OR DISTRICT	MEPDES / NPDES PERMIT NO.
REPORTING YEAR	SIGNED BY:
YEARLY TOTAL PRECIPITATION INCHES	DATE:

CSO EVENT NO.	START DATE OF STORM	PRECIP. DATA		FLOW DATA (GALLONS PER DAY) OR BLOCK ACTIVITY("1")							
		TOTAL INCHES	MAX. HR. INCHES	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	EVENT OVERFLOW GALLONS	EVENT DURATION HRS
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											
	TOTALS										

Note 1: Flow data should be listed as gallons per day. Storms lasting more than one day should show total flow for each day.

Note 2: Block activity should be shown as a "1" if the block floated away.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: October 22, 2007
Revised: November 21, 2007

MEPDES PERMIT NUMBER: **#ME0100498**
MAINE WDL NUMBER: **#W-002673-5L-F-R**

NAME AND MAILING ADDRESS OF APPLICANT:

TOWN OF ORONO
WATER POLLUTION CONTROL FACILITY
P.O. Box 130
Orono, ME 04473

COUNTY: **Penobscot County**

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE(S) OCCUR(S):

TOWN OF ORONO
WATER POLLUTION CONTROL FACILITY
60 Broadway
Orono, Maine 04473

RECEIVING WATER / CLASSIFICATION: **Penobscot River / Class B**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Paul Wintle**
(207) 866-5069
pwintle@adelphia.net

1. APPLICATION SUMMARY

a. Application: The Orono Water Pollution Control Facility (WPCF) has applied for a renewal of Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100498 / Maine Waste Discharge License (WDL) #W002673-5L-E-R, which was issued on October 29, 2002 for a five-year term. The MEPDES Permit / WDL authorized the discharge of up to a monthly average of 1.84 million gallons per day (MGD) of secondary treated sanitary wastewater from a municipal treatment facility and an unspecified quantity of untreated storm water and sanitary wastewaters from one combined sewer overflow (CSO) to the Penobscot River, Class B, in Orono, Maine. See Attachment A of this Fact Sheet for a location map.

2. PERMIT SUMMARY

a. Regulatory: On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine, excluding areas of special interest to Maine Indian Tribes. On October 30, 2003, after consultation with the U.S. Department of Justice, USEPA extended Maine's NPDES program delegation to all but tribally owned discharges. That decision was subsequently appealed. On August 8, 2007, a panel of the U.S. First Circuit Court of Appeals ruled that Maine's environmental regulatory jurisdiction applies uniformly throughout the State. From January 12, 2001 forward, the program has been referred to as the MEPDES program and permit #ME0100498 (same as NPDES permit number) utilized as the primary reference number for the Orono Water Pollution Control Facility.

b. Conditions: This permitting action is similar to the October 29, 2002 MEPDES Permit / Maine WDL in that it is carrying forward:

1. Monthly average discharge flow limit of 1.84 MGD;
2. Biochemical Oxygen Demand (BOD_5) and Total Suspended Solids (TSS) mass and concentration limits and monitoring requirements;
3. Requirements for a minimum of 85% removal of BOD_5 and TSS;
4. Best Practicable Treatment (BPT) based daily maximum limit for Settleable Solids;
5. *E coli* bacteria monthly average and daily maximum seasonal water quality based concentration limits;
6. BPT based daily maximum total residual chorine limit:
7. Suspension of effluent phosphorus monitoring requirements from a 2005 Administrative Modification;
8. pH range limitation of 6.0-9.0 standard units; and
9. Requirements to maintain a current Operations and Maintenance Plan.

This permitting action is different from the October 29, 2002 WDL in that it is establishing:

1. A daily maximum discharge flow reporting requirement;
2. Revised minimum monitoring frequency and sample type requirements;
3. Whole effluent toxicity (WET), analytical chemistry, and chemical specific (priority pollutant) testing requirements pursuant to Department rules Chapter 530, *Surface Water Toxics Control Program*, Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*, and an April 2006 Permit Modification;
4. Requirements to maintain a current Wet Weather Management Plan;
5. Revised requirements for disposal of septage in the wastewater treatment facility; and
6. Revised conditions for Combined Sewer Overflows.

2. PERMIT SUMMARY (cont'd)

c. History: The most recent relevant regulatory actions include the following:

December 18, 1996 – The Department issued WDL #W-002673-46-D-R to the Orono WPCF for the discharge of a monthly average of 1.84 MGD of secondary treated sanitary wastewater and the discharge of untreated CSO storm water and sanitary wastewaters to the Penobscot River in Orono. The WDL superseded WDL #W-002673–46-C-R, issued on June 22, 1988. The license removed effluent limits for phenols and chromium due to closure of the Striar Textile Mill.

January 23, 1997 – The Department approved the Orono WPCF's CSO plan submitted in December 1994. Revised abatement schedules were submitted to the Department in letters dated June 22, 1998 and December 13, 1999, and approved by the Department on June 25, 1998 and December 13, 1999, respectively.

July 18, 1997 – The Department issued water quality certification #W-002673-68-E-N certifying that the discharge proposed in a pending NPDES permit was in compliance with applicable sections of the Federal Water Pollution Control Act and State law.

August 7, 1997 – The USEPA issued a renewal of the NPDES Permit #ME0100498 for a 5-year term. The 1997 NPDES Permit superseded the previous NPDES permit issued June 24, 1992.

May 23, 2000 - Pursuant to State law, 38 M.R.S.A. §420 and §413 and Department rule, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), the Department modified WDL #W-002673-46-D-R, establishing interim effluent limits and monitoring requirements for mercury.

October 29, 2002 - The Department issued WDL #W-002673-5L-E-R / MEPDES Permit #ME0100498 for the discharge of up to a monthly average of 1.84 MGD of secondary treated sanitary wastewater and an unspecified quantity of untreated storm water and sanitary wastewaters from one CSO to the Penobscot River. The Permit/WDL incorporated the terms and conditions of the MEPDES permit program and was issued for a five-year term.

October 31, 2003 – The Department issued an Administrative Modification of WDL #W-002673-5L-E-R / MEPDES Permit #ME0100498, extending the deadline for submission of the Operations and Maintenance Plan and evidence to support a reduction in the BOD, TSS, and *E. coli* bacteria monitoring frequency requirements contained therein from November 3, 2003 to November 26, 2003.

May 16, 2005 – The Department approved the Orono WPCF's updated CSO Master Plan, *Wastewater Infrastructure Facilities Evaluation, Town of Orono, Maine*, dated Jan. 2005.

2. PERMIT SUMMARY (cont'd)

September 6, 2005 - The Department issued an Administrative Modification of WDL #W-002673-5L-E-R / MEPDES Permit #ME0100498 suspending requirements to collect seasonal effluent phosphorus data at the Orono WPCF. The Department determined that phosphorus data collected by the Orono WPCF during the summers of 2003 – 2005 would be incorporated into an updated water quality model and that it would be sufficient until a Total Maximum Daily Load assessment is completed.

April 10, 2006 – The Department issued a Modification of WDL #W-002673-5L-E-R / MEPDES Permit #ME0100498 to revise toxicity testing requirements for the Orono facility pursuant to Department rule 06-096 CMR, Chapter 530, *Surface Water Toxics Control Program,* and Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*.

September 28, 2007 – The Orono WPCF submitted a timely application for renewal of its WDL / MEPDES Permit. The application was assigned WDL #W-002673-5L-F-R / MEPDES Permit #ME0100498.

d. Source Description: The Orono WPCF receives wastewater flows from 1,322 residential, institutional, and commercial users of the system with a population of 9,112. The University of Maine (U of M) contributes 54% of the flow to the treatment facility based on the municipal water meter readings. The wastewater collection system consists of approximately 15 miles of pipe, 4 pump stations and one CSO. The CSO outfall is numbered #003A for administrative purposes, but discharges through the same outfall as the treatment plant effluent (#001A). This outfall is located in the Penobscot River beyond Ayers Island.

The Orono WPCF's 4 pump stations are located at Penobscot Street, Stillwater Avenue, College Avenue, and Union Street. The Union Street pump station and the Penobscot Street pump station previously contained sanitary sewer overflows (SSO's). The Union Street pump station SSO was permanently blocked in 1990 and the Penobscot Street pump station SSO was permanently blocked on July 19, 2002. Available data indicates that the remaining two pump stations do not contain SSO's.

This permitting action authorizes the Orono WPCF to receive 2,000 GPD and 20,000 gallons per month of septage for treatment and disposal as detailed below.

e. Wastewater Treatment: The Orono WPCF provides a secondary level of treatment via a conventional activated sludge system. The treatment system consists of an aerated grit chamber, a bar rack, a comminutor, 2 aeration basins of 0.396 million gallons capacity each, 4 surface aerators, 2 clarifiers of 0.270 million gallons capacity each, and a chlorine contact chamber followed by a dechlorination zone. Disinfection is provided on a seasonal basis with sodium hypochlorite.

2. PERMIT SUMMARY (cont'd)

Prior to the 2002 MEPDES Permit / Maine WDL, the Orono WPCF was authorized to receive 4,000 GPD and 30,000 gallons per month of septic tank waste into its wastewater treatment plant. At that time, the permittee reevaluated its septage handling needs and determined that 2,000 GPD and 20,000 gallons per month was adequate to meet their needs, which remains the case today. The Orono WPCF currently receives its septage/holding tank waste directly into the 3,000 gallon scum pit at the plant. From there it is pressed and transported to the Old Town/Orono Compost Facility, where it is composted. The filtrate from the belt press then goes to the return activated sludge pumps where it is pumped to the aeration basins.

Treated wastewaters are discharged to the Penobscot River by way of a 24-inch diameter reinforced concrete pipe extending approximately 600 feet out into the river to a depth of 2-feet at mean low water. There is no diffuser and the depth of water over the discharge pipe at low river flows is unknown. The discharge flow is measured with a continuous recording flow meter.

The Orono WPCF is currently undertaking improvements/upgrades to the following systems: new headworks screening and grit removal, new diffused aeration, clarifier modifications, ultraviolet disinfection, aerobic digester, scum holding tank, and building additions and modifications. Upgrades are planned for completion by December 2008. For a schematic of the treatment facility, see Attachment B of this Fact Sheet.

3. CONDITIONS OF PERMITS:

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 Classification System. In addition, 38 M.R.S.A., Section 420 and Department rule 06-096 CMR Chapter 530, *Surface Water Toxics Control Program,* require the regulation of toxic substances not to exceed levels set forth in Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*, and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS:

Maine law, 38 M.R.S.A., Section 467.7(A)(5) classifies the Penobscot River at the point of discharge as a Class B waterway. Maine law, 38 M.R.S.A., §465-B (3) establishes the classification standards for Class B waters.

5. RECEIVING WATER QUALITY CONDITIONS:

The State of Maine 2006 *Integrated Water Quality Monitoring and Assessment Report* (DEPLW0817), prepared pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act includes the receiving water in the designation *Penobscot River at Orono* (Assessment Unit ID ME0102000509_233R_02) listed in Category 5-B, Rivers and Streams Impaired by Bacteria Contamination (TMDL Required). The listing identifies *E. coli* as the cause and includes a comment, "*Orono CSO permit has been issued*". Other nearby reaches of the Penobscot River are included in other impairment categories of the report due to Dioxin and Polychlorinated biphenyls. All freshwaters in Maine are listed as only partially attaining the designated use of recreational fishing due to a fish consumption advisory (Category 5-C). The advisory was established in response to elevated levels of mercury in some fish caused by atmospheric deposition.

This permitting action establishes appropriate requirements for the CSO listed based on Department policy. The Department has no information that the Orono WPCF causes or adversely contributes to the Dioxin or Polychlorinated biphenyl impairments or to the consumption advisory on the Penobscot River.

Ambient water quality monitoring conducted by the Department during the summer of 2001 indicated non-attainment of dissolved oxygen criteria in the Penobscot River below the Bangor dam, several miles below the Orono WPCF outfall. Since then, permittees and the Department have been conducting effluent and ambient monitoring to gather data for updating the water quality model for the Penobscot River as part of a planned Total Maximum Daily Load (TMDL) assessment. Based on the results of the TMDL, MEPDES Permits / Maine WDLs for facilities discharging wastewater to the Penobscot River will be reopened and effluent limits and monitoring requirements revised as necessary to ensure attainment of water quality standards and designated uses.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS:

a. Flow: The previous permitting action carried forward a monthly average flow limitation of 1.84 MGD based on the design capacity of the facility. A review of the Discharge Monitoring Report (DMR) data for the Orono WPCF for the period November 2002 through June 2007 indicates the monthly average flow has ranged from 0.623 MGD to 2.439 MGD with an arithmetic mean of 1.20 MGD. This permitting action is carrying the limitation forward as it remains representative of the design capacity of the treatment facility. This permitting action also establishes a reporting requirement for daily maximum flow, a requirement common to other facility permits and based upon Department best professional judgement (BPJ).

b. Dilution Factors: The Department has made the determination that the dilution factors associated with the discharge shall be calculated in accordance with freshwater protocols established in Department Regulation Chapter 530, *Surface Water Toxics Control Program*, October 2005. With a permit flow limit of 1.84 MGD and the 7Q10 and 1Q10 low flow values for the Penobscot River, the dilution factors are calculated as follows:

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd):

Acute ¼ of 1Q10 = 716.8 cfs $\Rightarrow \frac{(716.8 \text{ cfs})(0.6464) + 1.84 \text{ MGD}}{1.84 \text{ MGD}} = 252.8:1$

Acute: 1Q10 = 2,867.0 cfs $\Rightarrow \frac{(2{,}867.0 \text{ cfs})(0.6464) + 1.84 \text{ MGD}}{1.84 \text{ MGD}} = 1{,}008.2:1$

Chronic: 7Q10 = 3,178.0 cfs $\Rightarrow \frac{(3{,}178.0 \text{ cfs})(0.6464) + 1.84 \text{ MGD}}{1.84 \text{ MGD}} = 1{,}117.5:1$

Harmonic Mean = 8,792 cfs $\Rightarrow \frac{(8{,}792 \text{ cfs})(0.6464) + 1.84 \text{ MGD}}{1.84 \text{ MGD}} = 3{,}089.7:1$

Chapter 530.4.B(1) states that analyses using numeric acute criteria for aquatic life must be based on ¼ of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone. The regulation goes on to say that where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design, up to including all of it. The Orono WPCF outfall does not have a diffuser structure and the Department has made the determination that the discharge does not have rapid and complete mixing with the receiving water. Therefore, the Department is utilizing the default stream flow of ¼ of the 1Q10 pursuant to Chapter 530 in acute evaluations.

c. Biochemical oxygen demand (BOD_5) and total suspended solids (TSS): The previous permitting action established monthly and weekly average BOD5 and TSS best practicable treatment (BPT) based concentration limits of 30 mg/L and 45 mg/L respectively, that are based on secondary treatment requirements in Department rule Chapter 525(3)(III). The maximum daily BOD5 and TSS concentration limits of 50 mg/L were based on a Department best professional judgment of BPT. All three concentration limits are being carried forward in this permitting action, common to all permits for publicly owned treatment works permitted by the Department. The monthly average and weekly average technology based mass limits were based on the monthly average flow limitation of 1.84 MGD and the applicable concentration limits and are also being carried forward in this permitting action. The mass limits are calculated as follows.

Monthly average: (1.84 MGD)(8.34 lbs/gal)(30 mg/L) = 460 lbs/day
Weekly average: (1.84 MGD)(8.34 lbs/gal)(45 mg/L) = 690 lbs/day
Daily maximum: Report Only

It is noted that no daily maximum mass limits for BOD and TSS have been established in this permit (or the previous permit) due to the presence of CSO's in the collection system. Establishing such a limit would likely discourage the Orono WPCF from treating as much wastewater as the plant can physically treat during wet weather events. However, pursuant to Standard Condition B(2) of this permit, the Orono WPCF shall maximize its capacity to treat as much wastewater to a secondary level of treatment as possible during wet weather events.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd):

The previous permit also established a monthly average percent removal of 85 percent for BOD and TSS pursuant to Department Rules Chapter 525(3)(III)(a&b)(3).

The Department reviewed Discharge Monitoring Report (DMR) data for the Orono WPCF for the period of November 2002 through June 2007 and found the following information:

BOD MASS

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	460	18 - 354	118
Weekly Average	690	23 - 569	200
Daily Maximum	Report	30 - 960	254

BOD CONCENTRATION

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	3 - 40	12
Weekly Average	45	4 - 52	16
Daily Maximum	50	4 - 58	18

TSS MASS

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	460	15 - 187	70
Weekly Average	690	18 - 370	121
Daily Maximum	Report	28 - 640	163

TSS CONCENTRATION

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	3 - 16	7
Weekly Average	45	4 - 25	10
Daily Maximum	50	5 - 42	12

This permitting action is carrying forward the requirement of 85% removal for BOD and TSS pursuant to Department rule Chapter 525(3)(III)(a&b)(3) except in the circumstances where the monthly average influent concentration is less than 200 mg/L.

The previous permitting action established BOD and TSS monitoring frequencies of twice per week, reduced from a frequency of three times per week typically established for wastewater treatment facilities with effluent flows of between 1.5 and 5.0 MGD. The reduced monitoring frequencies were based on evidence provided by the permittee in accordance with *Guidelines for Review and Approval of Wastewater Treatment Facility Applications for Reduction in Monitoring Frequency* (November 5, 1998) and Department BPJ. The monitoring frequencies for BOD and TSS of 2/Week in the previous permitting action are being carried forward, and percent removal monitoring frequencies of 1/month established, based on facility effluent quality and Department BPJ.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd):

d. Settleable Solids - The previous permitting action established a daily maximum concentration limit of 0.3 ml/L (considered by the Department to be representative of BPT) with a monitoring frequency of 1/Day. The limitation is being carried forward in this permitting action but the monitoring frequency is being reduced to 5/Week as a review of the DMR data for the period of November 2002 through June 2007 indicated that the Orono WPCF reported an effluent settleable solids value equivalent to the 0.3 ml/L limit on one occasion and values of equal to or less than 0.1 ml/L for all other months.

e. *Escherichia coli* Bacteria (*E. coli*): The previous permitting action contained a seasonal (May 15 – September 30) monthly average (geometric mean) limit of 64 colonies/100 ml and a daily maximum (instantaneous) limit of 427 colonies/100 ml, based on the State's Water Classification Program for Class B waters found at Maine law, 38 M.R.S.A. §465 (3)(b). The previous permitting action established an *E. coli* monitoring frequency of twice per week, reduced from a frequency of three times per week typically established for wastewater treatment facilities with effluent flows of between 1.5 and 5.0 MGD. The reduced monitoring frequency was based on evidence provided by the permittee in accordance with *Guidelines for Review and Approval of Wastewater Treatment Facility Applications for Reduction in Monitoring Frequency* (November 5, 1998) and Department BPJ.

The Department reviewed DMR data for the Orono WPCF for the period of November 2002 through June 2007 and found the following information:

Value	**Limit (x/100ml)**	**Range (x/100ml)**	**Average (x/100ml)**
Monthly Average	64	3 - 14	6.4
Daily Maximum	427	7 - 158	30.5

The effluent limits and monitoring frequency for *E. coli* in the previous permitting action are being carried forward, based on facility effluent quality and Department BPJ.

f. Total Residual Chlorine (TRC): The previous permitting action established a daily maximum technology based limit of 1.0 mg/L for the discharge. Limits on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. The Department imposes the more stringent of the water quality or technology based limits in permitting actions. End-of-pipe water quality based concentration thresholds may be calculated as follows:

Criterion (mg/L)		Dilution Factors		Calculated Limit (mg/L)	
Acute (A)	Chronic C	Acute	Chronic	Acute	Chronic
0.019	0.011	252.8:1	1,117.5:1	4.80	12.29

Example calculation: Acute – 0.019 mg/L (252.8) = 4.80 mg/L

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd):

Because the water quality threshold for TRC calculated above is greater than the Department's BPT limit, the previously established BPT limit of 1.0 mg/L is being carried forward in this permit. The Department reviewed DMR data for the Orono WPCF for the period of November 2002 through June 2007 and found the following information:

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	1.0	0.54 – 1.0	0.87

The previous permitting action established a monitoring frequency of 2/day during normal working days based on Department guidance for wastewater treatment facilities with effluent flows of between 1.5 and 5.0 MGD. However, the frequency was reduced 1/day on weekends and holidays based on facility performance, the effluent dilution in the receiving water, and Department BPJ. This monitoring frequency scenario is being carried forward in this permitting action.

Limitations and monitoring requirements for TRC are applicable year round any time elemental chlorine or chlorine-based compounds are being utilized to disinfect the discharge(s).

g. Phosphorus: The previous permitting action established a monitoring and reporting requirement for phosphorus due to non-attainment of dissolved oxygen criteria in the Penobscot River below the Bangor dam. At the time, the Department was updating the water quality model for the Penobscot River and incorporated procedures for reopening of the permit and establishing applicable limitations, effluent and/or ambient monitoring requirements if the updated model predicted non-attainment of water quality standards.

On September 6, 2005, the Department administratively modified the MEPDES Permit / Maine WDL suspending phosphorus monitoring requirements. The Department determined that phosphorus data collected by the Orono WPCF during the summers of 2003 – 2005 would be incorporated into the water quality model and that it would be sufficient until a Total Maximum Daily Load (TMDL) assessment is completed.

The Department reviewed DMR data for the Orono WPCF for the period of June 2003 through June 2007 and found the following information:

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	Report	1.5 – 4.3	2.6

The Department still views the data collected by the Orono WPCF to be sufficient until the TMDL is completed. Therefore, this permitting action is not establishing effluent limits or monitoring requirements for phosphorus at this time. Based on the results of the TMDL, MEPDES Permits / Maine WDLs for facilities discharging wastewater to the Penobscot River will be reopened and effluent limits and monitoring requirements revised as necessary to ensure attainment of water quality standards and designated uses.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd):

h. pH: The previous permitting action established a BPT pH range limitation of 6.0 –9.0 standard units pursuant to Department rule found at Chapter 525(3)(III)(c). The limitation range is being carried forward in this permitting action, as is the previous monitoring frequency of 1/Day. The Department reviewed DMR data for the period of November 2002 through June 2007 and found that the Orono WPCF consistently reported daily maximum effluent pH values within the specified range.

i. Whole Effluent Toxicity (WET) & Chemical-Specific Testing: Maine law, 38 M.R.S.A., Sections 414-A and 420, prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. Department Rules, 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*, and Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants* set forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

WET, priority pollutant and analytical chemistry testing, as required by Chapter 530, is included in this permit in order to fully characterize the effluent. This permit also provides for reconsideration of effluent limits and monitoring schedules after evaluation of toxicity testing results. The monitoring schedule includes consideration of results currently on file, the nature of the wastewater, existing treatment and receiving water characteristics.

WET monitoring is required to assess and protect against impacts upon water quality and designated uses caused by the aggregate effect of the discharge on specific aquatic organisms. Acute and chronic WET tests are performed on invertebrate and vertebrate species. Priority pollutant and analytical chemistry testing is required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health AWQC as established in Chapter 584.

Chapter 530 establishes four categories of testing requirements based predominately on the chronic dilution factor. The categories are as follows:

Level I – chronic dilution factor of <20:1.
Level II – chronic dilution factor of ≥20:1 but <100:1.
Level III – chronic dilution factor ≥100:1 but <500:1 or >500:1 and Q ≥1.0 MGD
Level IV – chronic dilution >500:1 and Q ≤1.0 MGD

Department rule Chapter 530 (2)(D) specifies the criteria to be used in determining the minimum monitoring frequency requirements for WET, priority pollutant and analytical chemistry testing. Based on the Chapter 530 criteria, the permittee's facility falls into the Level III frequency category as the facility has a chronic dilution factor >500:1 and an effluent flow limit of ≥1.0 MGD. Chapter 530(2)(D)(1) specifies that default surveillance and screening level testing requirements are as follows:

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd):

Surveillance level testing – Beginning upon issuance of the permit and lasting through 12 months prior to permit expiration.

Level	WET Testing	Priority pollutant testing	Analytical chemistry
III	1 per year	None required	1 per year

Screening level testing - Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter.

Level	WET Testing	Priority pollutant testing	Analytical chemistry
III	1 per year	1 per year	4 per year

A review of the data on file with the Department indicates that to date, the Orono WPCF fulfilled the WET and Chemical-Specific testing requirements of the former Chapter 530.5 as established in the previous permitting action. Pursuant to the April 10, 2006 Permit Modification for testing, the Orono WPCF was required to conduct WET testing and Priority Pollutant testing once per year and Analytical Chemistry testing once per quarter during the October 2006 – October 2007 screening year. The Department's records indicate that the Orono WPCF has conducted and submitted 1 WET, 3 Priority Pollutant, and 4 Analytical Chemistry tests conducted during the screening year. Therefore, the Orono WPCF has completed its required screening year testing. See Attachment C of this Fact Sheet for a summary of the WET test results and Attachment D of this Fact Sheet for a summary of the chemical-specific test dates.

WET test evaluation

Chapter 530 §(3)(E) states "*For effluent monitoring data and the variability of the pollutant in the effluent, the Department shall apply the statistical approach in Section 3.3.2 and Table 3-2 of USEPA's "Technical Support Document for Water Quality-Based Toxics Control" (USEPA Publication 505/2-90-001, March, 1991, EPA, Office of Water, Washington, D.C.) to data to determine whether water-quality based effluent limits must be included in a waste discharge license. Where it is determined through this approach that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedence of water quality criteria, appropriate water quality-based limits must be established in any licensing action.*"

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd):

Chapter 530 §3 states, "*In determining if effluent limits are required, the Department shall consider all information on file and effluent testing conducted during the preceding 60 months. However, testing done in the performance of a Toxicity Reduction Evaluation (TRE) approved by the Department may be excluded from such evaluations.*"

On November 21, 2007, the Department conducted a statistical evaluation on the most recent 60 months of WET test results on file with the Department in accordance with the statistical approach cited above. The statistical evaluation indicates the discharge from the permittee's wastewater treatment facility does not exceed or have a reasonable potential to exceed the critical acute (0.4%) or chronic (0.09%) water quality thresholds for any of the WET species tested to date. Therefore, no numeric limitations for any WET species tested to date are being established in this permitting action. It is noted, the critical water quality thresholds expressed in percent (%) were derived as the mathematical inverse of the acute (252.8:1) and chronic (1117.5:1) dilution factors.

As for testing frequencies, Chapter 530(2)(D)(3)(b) states in part that Level III facilities "... *may be waived from conducting surveillance testing for individual WET species or chemicals provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedence as calculated pursuant to section 3(E)*". Based on the results of the 11/21/07 statistical evaluation, the permittee qualifies for the testing waiver. Therefore, this permit action establishes a screening level WET testing requirements as follows:

Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter

Level	WET Testing
III	1 per year

Special Condition L, *Chapter 530(2)(D)(4) Certification,* of this permitting action requires the permittee to file an annual certification with the Department.

It is noted however that if future WET testing results indicates the discharge exceeds critical water quality thresholds this permit will be reopened pursuant to Special Condition N, *Reopening of Permit For Modification,* of this permit to establish applicable limitations and monitoring requirements.

Chemical specific testing evaluation

Chapter 530 §3 states, "*In determining if effluent limits are required, the Department shall consider all information on file and effluent testing conducted during the preceding 60 months. However, testing done in the performance of a Toxicity Reduction Evaluation (TRE) approved by the Department may be excluded from such evaluations.*"

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd):

Chapter 530 §4(C), states "*The background concentration of specific chemicals must be included in all calculations using the following procedures. The Department may publish and periodically update a list of default background concentrations for specific pollutants on a regional, watershed or statewide basis. In doing so, the Department shall use data collected from reference sites that are measured at points not significantly affected by point and non-point discharges and best calculated to accurately represent ambient water quality conditions." The Department shall use the same general methods as those in section 4(D) to determine background concentrations. For pollutants not listed by the Department, an assumed concentration of 10% of the applicable water quality criteria must be used in calculations.* The Department has very limited information on the background levels of metals in the water column of the Penobscot River. Therefore, a default background concentration of 10% of the applicable water quality criteria is being used in the calculations of this permitting action.

Chapter 530 4(E), states "*In allocating assimilative capacity for toxic pollutants, the Department shall hold a portion of the total capacity in an unallocated reserve to allow for new or changed discharges and non-point source contributions. The unallocated reserve must be reviewed and restored as necessary at intervals of not more than five years. The water quality reserve must be not less than 15% of the total assimilative quantity".* Therefore, the Department is reserving 15% of the applicable water quality criteria in the calculations of this permitting action.

One aspect of the new Chapter 530 rule found in Section 4(F) is evaluating toxic pollutant impacts on a watershed basis. Section 4(F) states, "*Where there is more than one discharge into the same fresh or estuarine receiving water or watershed, the Department shall consider the cumulative effects of those discharges when determining the need for and establishment of the level of effluent limits. The Department shall calculate the total allowable discharge quantity for specific pollutants, less the water quality reserve and background concentration, necessary to achieve or maintain water quality criteria at all points of discharge, and in the entire watershed."* The Department is currently working to construct a computer program model to conduct this analysis. Until such time the model is complete and a multi-discharger statistical evaluation can be conducted, the Department is evaluating the impact of the Orono WPCF's discharge assuming it is the only discharger to the river. Should the multi-discharger evaluation indicate there are parameters that exceed or have a reasonable potential to exceed applicable AWQC, this permit may be reopened pursuant to Special Condition N, *Reopening of Permit For Modifications*, to incorporate additional limitations and or revise monitoring requirements.

Chapter 530 §(3)(E) states *"... that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedence of water quality criteria, appropriate water quality-based limits must be established in any licensing action.*

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd):

As with WET test results, on November 21, 2007, the Department conducted a statistical evaluation on the most recent 60 months of chemical specific test results on file with the Department in accordance with the statistical approach outlined in Chapter 530. The statistical evaluation indicates there are no parameters that exceed or have a reasonable potential to exceed the acute, chronic or human health AWQC.

As for testing frequencies, Chapter 530(2)(D)(3)(b) states in part that Level III facilities "... *may be waived from conducting surveillance testing for individual WET species or chemicals provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedence as calculated pursuant to section 3(E)".* Based on the results of the 11/21/07 statistical evaluation, the permittee qualifies for the testing waiver. Therefore, this permit action establishes a screening level analytical chemistry and priority pollutant testing requirements as follows:

Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter

Level	Priority pollutant testing	Analytical chemistry
III	1 per year	4 per year

As with WET testing, Special Condition L, *Chapter 530 (2)(D)(4) Certification*, of this permitting action requires the permittee to file an annual certification with the Department.

j. Mercury: Pursuant to Maine law, 38 M.R.S.A. §420 and Department rule, 06-096 CMR Chapter 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL # W002673-46-D-R by establishing interim monthly average and daily maximum effluent concentration limits of 9.4 parts per trillion (ppt) and 14.2 ppt, respectively, and a minimum monitoring frequency requirement of four tests per year for mercury. The interim mercury limits were scheduled to expire on October 1, 2001. However, effective June 15, 2001, the Maine Legislature enacted Maine law, 38 M.R.S.A. §413, sub-§11 specifying that interim mercury limits and monitoring requirements remain in effect. It is noted that the mercury effluent limitations have not been incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of this permit as the limits and monitoring frequencies are regulated separately through Maine law, 38 M.R.S.A. §413 and Department rule Chapter 519. The interim mercury limits remain in effect and enforceable and modifications to the limits and/or monitoring frequencies will be formalized outside of this permitting document pursuant to Maine law, 38 M.R.S.A. §413 and Department rule Chapter 519.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd):

k. Septage – The previous permitting action authorized the permittee to receive up to a maximum of 2,000 gallons of septage per day and up to 20,000 gallons of septage per month into the Orono WPCF's wastewater treatment process, which is being carried forward in this permitting action. Septage, for the purposes of this permit, shall mean any waste, refuse, effluent, sludge or other material removed from a septic tank, cesspool, vault privy or similar source which concentrates wastes or to which chemicals have been added. Acceptance of any other wastes must be evaluated by the Department. Additional requirements are contained in Permit Special Condition J, *Disposal of Septage Waste in Wastewater Treatment Facility.*

7. COMBINED SEWER OVERFLOWS

This permit does not contain effluent limitations on the individual CSO outfalls listed in the table below.

Outfall No.	Description	Location	Receiving Water / Class
003A	Untreated sanitary/storm water	Treatment Plant	Penobscot River / B

CSO Outfall #003A discharges from the same outlet structure as Outfall #001A, but is designated separately for administrative purposes.

Department regulation Chapter 570, "*Combined Sewer Overflow Abatement*," states that for discharges from overflows from combined municipal storm and sanitary sewer systems, the requirement of "best practicable treatment" specified in Maine law, 38 M.R.S.A., Section 414 A-1(D) may be met by agreement with the discharger, as a condition of its permit, through development of a plan within a time period specified by the Department. The permittee submitted to the Department a CSO Master Plan entitled, *Sewer System Master Plan For CSO Abatement, Town of Orono, Maine*, dated December 1994 was approved by the Department on January 23, 1997. Revised abatement schedules were submitted to the Department in letters dated June 22, 1998 and December 13, 1999, and approved by the Department on June 25, 1998 and December 13, 1999, respectively. The CSO Master Plan was updated in the document entitled, *Wastewater Infrastructure Facilities Evaluation, Town of Orono, Maine*, dated January 2005 and approved by the Department on May 16, 2005.

The Orono WPCF has been actively implementing the recommendations of the Master Plan and to date has significantly reduced the volume of untreated combined sewer overflows to the receiving water. The permittee notes that its high flow management plan was last revised on December 28, 2004. Special Condition K, *Conditions For Combined Sewer Overflows*, of this permit contains a schedule of compliance for items in the most current up-to-date abatement plan that must be completed.

8. DISCHARGE IMPACT ON RECEIVING WATER QUALITY:

As permitted, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the water body to meet standards for Class B classification. The Department notes that a Total Maximum Daily Load (TMDL) assessment is being prepared for the Penobscot River. Based on the results of the TMDL, MEPDES Permits / Maine WDLs for facilities discharging wastewater to the Penobscot River will be reopened and effluent limits and monitoring requirements revised as necessary to ensure attainment of water quality standards and designated uses.

9. PUBLIC COMMENTS:

Public notice of this application was made in the Bangor Daily News newspaper on or about August 17, 2007. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

10. DEPARTMENT CONTACTS:

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

Robert D. Stratton
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

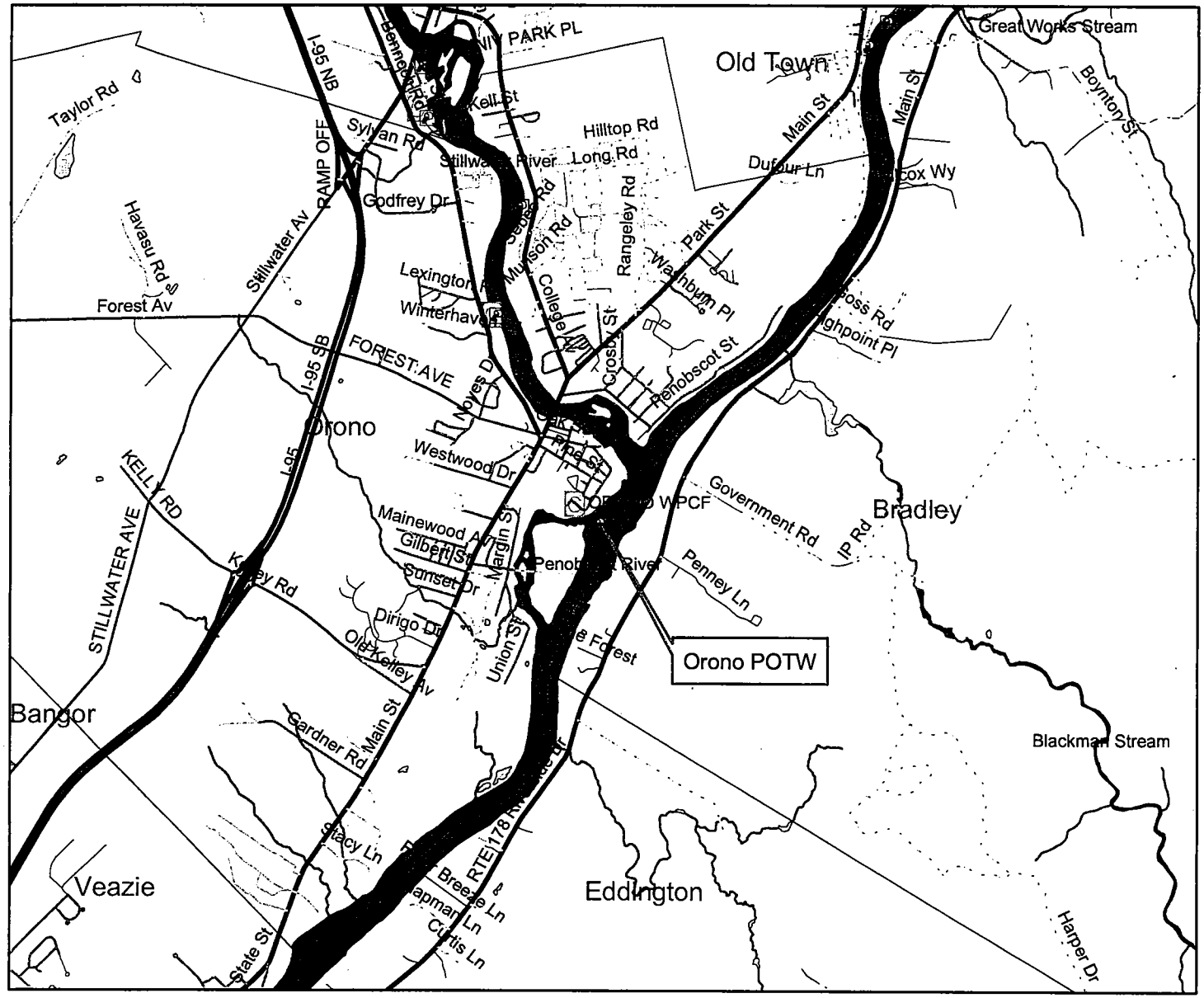
Telephone (207) 287-6114
Fax (207) 287-3435
email: Robert.D.Stratton@maine.gov

11. RESPONSE TO COMMENTS:

During the period of October 22, 2007 through November 21, 2007, the Department solicited comments on the proposed draft Maine Pollutant Discharge Elimination System Permit / Maine Waste Discharge License to be issued to the Orono WPCF for the proposed discharge. The Department did not receive any comments that resulted in significant revisions to the permit, but made some minor internal revisions. Therefore, no response to comments has been prepared.

ATTACHMENT A

(Facility Location Maps)



Legend

Rivers

- AA
- A
- B
- C

Streams

- AA
- A
- B
- C
- Ponds and Lakes
- Wastewater_Facilities
- Wastewater_Outfalls

Roads

JURISDICTION

- Town Road
- Town Road - Summer
- Town Road - Winter
- State-aided Highway
- State Highway
- Toll Highway
- Private Road
- Reservation Road
- Seasonal Parkway

Orono Sewer District
Orono, Maine

Map created by:
Bob Stratton
Division of Water Quality Management
Maine Department of Environmental Protection

DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF MAINE

ATTACHMENT B

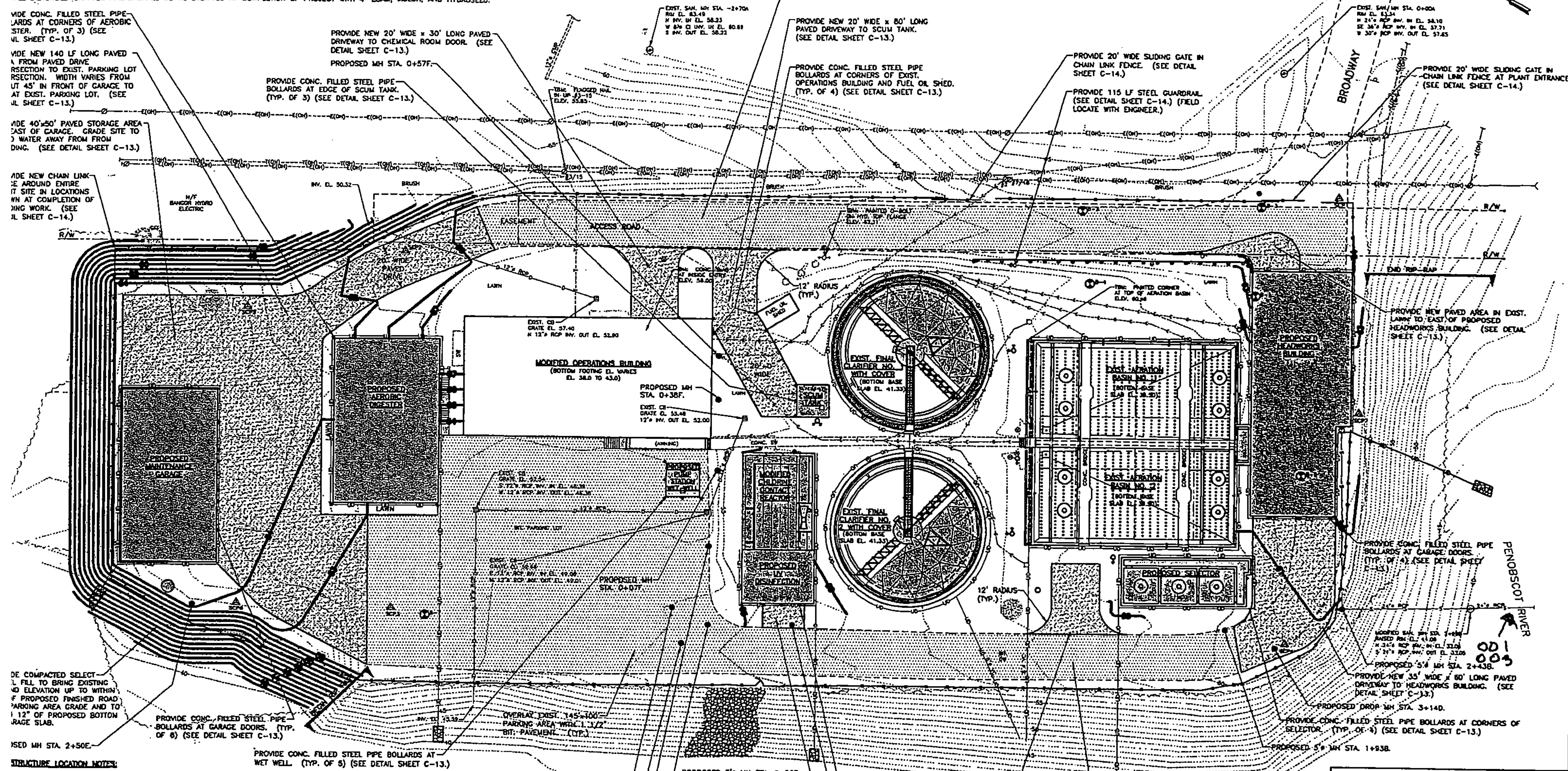
(Facility Site Plans)

FIELD LOCATE PROPOSED NEW DRIVEWAY AND ROADWAY AREAS WITH ENGINEER AS SHOWN.

ALL NEW ROADWAY AND DRIVEWAY AREAS SHALL BE CONSTRUCTED WITH A 12" AGGREGATE SUB-BASE, A 6" AGGREGATE BASE, 2 1/2" OF BIT. BINDER. (SEE DETAIL SHEET C-13.)

AT COMPLETION OF PROJECT, ALL EXIST. AND NEW PAVEMENT AREAS SHALL RECEIVE 1 1/2" BIT. OVERLAY.

ALL DISTURBED UNPAVED AREAS SHALL BE REVEGETATED AT COMPLETION OF PROJECT WITH 4" LOAM, MULCH, AND HYDROSEED.



STRUCTURE LOCATION NOTES:

...OCATE THE NORTHEAST CORNER OF THE PROPOSED HEADWORKS BUILDING 5.7' SOUTH OF THE SOUTH SIDE OF THE AERATION BASINS AND 30.7' EAST OF THE ...SIDE OF THE AERATION BASINS. NORTH SIDE OF BUILDING IS PARALLEL TO SOUTH SIDE OF BASIN.

...OCATE THE SOUTHEAST CORNER OF THE PROPOSED SELECTOR BASIN 8.3' SOUTH OF THE SOUTH SIDE OF THE AERATION BASINS AND 4.5' WEST OF THE WEST ...OF THE AERATION BASINS. NORTH SIDE OF SELECTOR BASIN IS PARALLEL TO NORTH SIDE OF AERATION BASINS.

...OCATE THE SOUTHEAST CORNER OF THE PROPOSED PUMP STATION WET WELL 11' WEST OF THE WEST SIDE OF THE OPERATIONS BUILDING AND 4.3' NORTH OF ...SOUTH SIDE OF THE OPERATIONS BUILDING. EAST SIDE OF WET WELL IS PARALLEL TO WEST SIDE OF OPERATIONS BUILDING.

...OCATE THE SOUTHEAST CORNER OF THE PROPOSED AEROBIC DIGESTER 10' WEST OF THE EAST SIDE OF THE OPERATIONS BUILDING AND 10' NORTH OF THE ...SIDE OF THE OPERATIONS BUILDING. SOUTH SIDE OF DIGESTER IS PARALLEL TO NORTH SIDE OF OPERATIONS BUILDING.

...OCATE THE SOUTHEAST CORNER OF THE PROPOSED MAINTENANCE GARAGE 32.0' WEST OF THE EAST SIDE OF THE OPERATIONS BUILDING AND 103.7' NORTH OF ...NORTH SIDE OF THE OPERATIONS BUILDING. SOUTH SIDE OF GARAGE IS PARALLEL TO NORTH SIDE OF OPERATIONS BUILDING.

...OCATE THE PROPOSED UV DISINFECTION STRUCTURE CONTIGUOUS TO THE WEST SIDE OF THE EXIST. CHLORINE CONTACT REACTOR.

...OCATE THE SOUTHWEST CORNER OF PROPOSED SCUM TANK IN SAME LOCATION AS SOUTHWEST CORNER OF EXIST. SCUM TANK. SOUTH SIDE OF PROPOSED TANK IS PARALLEL WITH SOUTH SIDE OF OPERATIONS BUILDING.

...COORDINATE LOCATION OF NEW STRUCTURES IN FIELD WITH ENGINEER.

...MINOR REVISIONS OF STRUCTURE LOCATIONS MAY BE REQUIRED TO ACHIEVE YARD PIPING ALIGNMENT. (COORDINATE WITH MECHANICAL SHEETS.)

OD1 003

OLVER ASSOCIATES INC.
ENVIRONMENTAL ENGINEERS

DATE	ADDITION OR REVISION

DES.BY: WMO | DR.BY: AWL | CK.BY: WMO

ORONO POLLUTION CONTROL FACILITY
TOWN OF ORONO, MAINE

WASTEWATER TREATMENT PROCESS UPGRADE

PROPOSED LOCATION, GRADING, AND PAVING PLAN

SCALE: 1"=20'-0"	PROJECT NO.: 074
DATE: AUGUST, 2006	SHEET: C-3

STATE OF MAINE — WILLIAM M. OLVER No. 5348 — REGISTERED PROFESSIONAL ENGINEER

ATTACHMENT C

(Whole Effluent Toxicity Reports)

Species	Test	Test Result %	Sample Date
FATHEAD	A_NOEL	100	01/04/1993
FATHEAD	LC50	>100	01/04/1993
WATER FLEA	A_NOEL	100	01/04/1993
WATER FLEA	LC50	>100	01/04/1993
TROUT	A_NOEL	100	07/13/1993
TROUT	LC50	>100	07/13/1993
WATER FLEA	A_NOEL	100	07/13/1993
WATER FLEA	LC50	>100	07/13/1993
FATHEAD	A_NOEL	100	01/04/1994
FATHEAD	LC50	>100	01/04/1994
WATER FLEA	A_NOEL	100	01/04/1994
WATER FLEA	LC50	>100	01/04/1994
TROUT	A_NOEL	100	07/05/1994
TROUT	LC50	>100	07/05/1994
WATER FLEA	A_NOEL	100	07/05/1994
WATER FLEA	LC50	>100	07/05/1994
FATHEAD	A_NOEL	52.9	01/03/1995
FATHEAD	LC50	74	01/03/1995
WATER FLEA	A_NOEL	100	01/03/1995
WATER FLEA	LC50	>100	01/03/1995
TROUT	A_NOEL	100	07/09/1995
TROUT	LC50	>100	07/09/1995
WATER FLEA	A_NOEL	100	07/09/1995
WATER FLEA	LC50	>100	07/09/1995
FATHEAD	A_NOEL	100	05/21/1996
FATHEAD	LC50	>100	05/21/1996
WATER FLEA	A_NOEL	100	05/21/1996
WATER FLEA	LC50	>100	05/21/1996
FATHEAD	A_NOEL	100	04/15/1997
FATHEAD	LC50	>100	04/15/1997
WATER FLEA	A_NOEL	100	04/15/1997
WATER FLEA	LC50	>100	04/15/1997
TROUT	A_NOEL	100	03/22/1998
TROUT	C_NOEL	100	03/22/1998
TROUT	LC50	>100	03/22/1998
WATER FLEA	A_NOEL	100	03/22/1998
WATER FLEA	C_NOEL	25	03/22/1998
WATER FLEA	LC50	>100	03/22/1998
TROUT	A_NOEL	100	03/21/1999
TROUT	C_NOEL	100	03/21/1999
TROUT	LC50	>100	03/21/1999
WATER FLEA	A_NOEL	100	03/21/1999

Species	Test	Test Result %	Sample Date
WATER FLEA	C_NOEL	100	03/21/1999
WATER FLEA	LC50	>100	03/21/1999
TROUT	A_NOEL	100	03/06/2000
TROUT	LC50	>100	03/06/2000
WATER FLEA	A_NOEL	100	03/06/2000
WATER FLEA	LC50	>100	03/06/2000
TROUT	A_NOEL	100	01/28/2001
TROUT	C_NOEL	50	01/28/2001
TROUT	LC50	>100	01/28/2001
WATER FLEA	A_NOEL	100	01/28/2001
WATER FLEA	C_NOEL	100	01/28/2001
WATER FLEA	LC50	>100	01/28/2001
TROUT	A_NOEL	>100	04/22/2007
TROUT	C_NOEL	100	04/22/2007
WATER FLEA	A_NOEL	>100	04/22/2007
WATER FLEA	C_NOEL	100	04/22/2007

ATTACHMENT D

(Chemical Specific Testing Reports)

Sample Date: 01/28/2001
Plant flows provided

otal Tests:	115	mon.(MGD)=	0.703
issing Compounds:	10	day(MGD)=	0.790
ests With High DL:	0		

M = 0 V = 0 A = 0
BN = 0 P = 0 other = 0

Sample Date: 04/25/2001
Plant flows provided

otal Tests:	117	mon.(MGD)=	1.835
issing Compounds:	7	day(MGD)=	1.540
ests With High DL:	0		

M = 0 V = 0 A = 0
BN = 0 P = 0 other = 0

Sample Date: 07/17/2001
Plant flows provided

otal Tests:	117	mon.(MGD)=	0.615
issing Compounds:	7	day(MGD)=	0.880
ests With High DL:	0		

M = 0 V = 0 A = 0
BN = 0 P = 0 other = 0

Sample Date: 10/15/2001
Plant flows provided

otal Tests:	119	mon.(MGD)=	0.790
issing Compounds:	5	day(MGD)=	0.850
ests With High DL:	0		

M = 0 V = 0 A = 0
BN = 0 P = 0 other = 0

Sample Date: 04/22/2007
Plant flows provided

otal Tests:	135	mon.(MGD)=	1.956
issing Compounds:	1	day(MGD)=	1.865
ests With High DL:	0		

M = 0 V = 0 A = 0
BN = 0 P = 0 other = 0

Sample Date: 08/28/2007
Plant flows provided

Total Tests:	123	mon.(MGD)=	0.608
Missing Compounds:	2	day(MGD)=	0.610
Tests With High DL:	1		

M = 0 V = 0 A = 0
BN = 1 P = 0 other = 0

Sample Date: 09/25/2007
Plant flows provided

Total Tests:	124	mon.(MGD)=	0.770
Missing Compounds:	0	day(MGD)=	0.793
Tests With High DL:	1		

M = 0 V = 0 A = 0
BN = 0 P = 1 other = 0

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

CONTENTS

A. GENERAL PROVISIONS

1. **General compliance**. All discharges shall be consistent with the terms and conditions of this permit; 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 permit; it shall be a violation of the terms and conditions of this permit 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 permit.

2. 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

(i) 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
(ii) Known to be hazardous or toxic by the licensee.

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

3. Duty to comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of State law and the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

(a) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act, and 38 MRSA, §420 or Chapter 530.5 for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
(b) Any person who violates any provision of the laws administered by the Department, including without limitation, a violation of the terms of any order, rule license, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

4. Duty to provide information. The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

5. Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6. Reopener clause. The Department reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedule of compliance or other provisions which may be authorized under 38 MRSA, §414-A(5).

7. Oil and hazardous substances. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under section 311 of the Federal Clean Water Act; section 106 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; or 38 MRSA §§ 1301, et. seq.

8. Property rights. This permit does not convey any property rights of any sort, or any exclusive privilege.

9. Confidentiality of records. 38 MRSA §414(6) reads as follows. "Any records, reports or information obtained under this subchapter is available to the public, except that upon a showing satisfactory to the department by any person that any records, reports or information, or particular part or any record, report or information, other than the names and addresses of applicants, license applications, licenses, and effluent data, to which the department has access under this subchapter would, if made public, divulge methods or processes that are entitled to protection as trade secrets, these records, reports or information must be confidential and not available for public inspection or examination. Any records, reports or information may be disclosed to employees or authorized representatives of the State or the United States concerned with carrying out this subchapter or any applicable federal law, and to any party to a hearing held under this section on terms the commissioner may prescribe in order to protect these confidential records, reports and information, as long as this disclosure is material and relevant to any issue under consideration by the department."

10. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

11. Other laws. The issuance of this permit does not authorize any injury to persons or property or invasion of other property rights, nor does it relieve the permittee if its obligation to comply with other applicable Federal, State or local laws and regulations.

12. Inspection and entry. The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the EPA Administrator), upon presentation of credentials and other documents as may be required by law, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

B. OPERATION AND MAINTENACE OF FACILITIES

1. General facility requirements.

(a) The permittee 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.

(b) The permittee shall at all times maintain in good working order and operate at maximum efficiency all waste water 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 and specifications must be submitted to the Department for review prior to the construction or modification of any treatment facilities.

(e) The permittee shall install flow measuring facilities of a design approved by the Department.

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

2. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

3. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Bypasses.

(a) Definitions.

(i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

(ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.

(c) Notice.

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D(1)(f), below. (24-hour notice).

(d) Prohibition of bypass.

(i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
(C) The permittee submitted notices as required under paragraph (c) of this section.

(ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (d)(i) of this section.

6. Upsets.

(a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and that the permittee can identify the cause(s) of the upset;
(ii) The permitted facility was at the time being properly operated; and
(iii) The permittee submitted notice of the upset as required in paragraph D(1)(f) , below. (24 hour notice).
(iv) The permittee complied with any remedial measures required under paragraph B(4).

(d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

C. MONITORING AND RECORDS

1. General Requirements. This permit shall be 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 permittee shall provide the Department with periodic reports on the proper Department reporting form of monitoring results obtained pursuant to the monitoring requirements contained herein.

2. 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 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.

3. Monitoring and records.

(a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(b) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

(c) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;
(ii) The individual(s) who performed the sampling or measurements;
(iii) The date(s) analyses were performed;
(iv) The individual(s) who performed the analyses;
(v) The analytical techniques or methods used; and
(vi) The results of such analyses.

(d) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.

(e) State law provides that any person who tampers with or renders inaccurate any monitoring devices or method required by any provision of law, or any order, rule license, permit approval or decision is subject to the penalties set forth in 38 MRSA, §349.

D. REPORTING REQUIREMENTS

1. Reporting requirements.

(a) Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

(ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D(4).

(iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

(b) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(c) Transfers. This permit is not transferable to any person except upon application to and approval of the Department pursuant to 38 MRSA, § 344 and Chapters 2 and 522.

(d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.

(ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.

(iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

(e) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(f) Twenty-four hour reporting.

(i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance

has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit.
(B) Any upset which exceeds any effluent limitation in the permit.
(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

(iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (f)(ii) of this section if the oral report has been received within 24 hours.

(g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this section.

(h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

2. Signatory requirement. All applications, reports, or information submitted to the Department shall be signed and certified as required by Chapter 521, Section 5 of the Department's rules. State law provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained by any order, rule, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

3. Availability of reports. Except for data determined to be confidential under A(9), above, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by State law, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal sanctions as provided by law.

4. Existing manufacturing, commercial, mining, and silvicultural dischargers. In addition to the reporting requirements under this Section, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Department as soon as they know or have reason to believe:

(a) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(i) One hundred micrograms per liter (100 ug/l);
(ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
(iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
(iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

(b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following ``notification levels":

(i) Five hundred micrograms per liter (500 ug/l);
(ii) One milligram per liter (1 mg/l) for antimony;
(iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
(iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

5. Publicly owned treatment works.

(a) All POTWs must provide adequate notice to the Department of the following:

(i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA or Chapter 528 if it were directly discharging those pollutants.
(ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
(iii) For purposes of this paragraph, adequate notice shall include information on (A) the quality and quantity of effluent introduced into the POTW, and (B) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

(b) When the effluent discharged by a POTW for a period of three consecutive months exceeds 80 percent of the permitted flow, the permittee shall submit to the Department a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.

E. OTHER REQUIREMENTS

1. Emergency action - power failure. Within thirty days after the effective date of this permit, the permittee shall notify the Department of facilities and plans to be used in the event the primary source of power to its wastewater pumping and treatment facilities fails as follows.

(a) For municipal sources. During power failure, all wastewaters which are normally treated shall receive a minimum of primary treatment and disinfection. Unless otherwise approved, alternate power supplies shall be provided for pumping stations and treatment facilities. Alternate power supplies shall be on-site generating units or an outside power source which is separate and independent from sources used for normal operation of the wastewater facilities.

(b) For industrial and commercial sources. The permittee shall either maintain an alternative power source sufficient to operate the wastewater pumping and treatment facilities or halt, reduce or otherwise control production and or all discharges upon reduction or loss of power to the wastewater pumping or treatment facilities.

2. Spill prevention. (applicable only to industrial sources) Within six months of the effective date of this permit, the permittee shall submit to the Department for review and approval, with or without conditions, a spill prevention plan. The plan shall delineate methods and measures to be taken to prevent and or contain any spills of pulp, chemicals, oils or other contaminates and shall specify means of disposal and or treatment to be used.

3. **Removed substances.** Solids, sludges trash rack cleanings, filter backwash, or other pollutants removed from or resulting from the treatment or control of waste waters shall be disposed of in a manner approved by the Department.

4. **Connection to municipal sewer.** (applicable only to industrial and commercial sources) All wastewaters designated by the Department as treatable in a municipal treatment system will be cosigned to that system when it is available. This permit will expire 90 days after the municipal treatment facility becomes available, unless this time is extended by the Department in writing.

F. DEFINITIONS. For the purposes of this permit, the following definitions shall apply. Other definitions applicable to this permit may be found in Chapters 520 through 529 of the Department's rules

Average means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For bacteria, the average shall be the geometric mean.

Average monthly discharge limitation means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. Except, however, bacteriological tests may be calculated as a geometric mean.

Average weekly discharge limitation means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best management practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Composite sample means a sample consisting of a minimum of eight grab samples collected at equal intervals during a 24 hour period (or a lesser period as specified in the section on monitoring and reporting) and combined proportional to the flow over that same time period.

Continuous discharge means a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

Daily discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.

Discharge Monitoring Report ("DMR") means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by approved States as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

Flow weighted composite sample means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

Grab sample means an individual sample collected in a period of less than 15 minutes.

Interference means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
(2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Maximum daily discharge limitation means the highest allowable daily discharge.

New source means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or
(b) After proposal of standards of performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

Pass through means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Permit means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40 CFR parts 122, 123 and 124. Permit includes an NPDES general permit (Chapter 529). Permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

Person means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity.

Point source means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

Pollutant means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or byproducts, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Publicly owned treatment works ("POTW") means any facility for the treatment of pollutants owned by the State or any political subdivision thereof, any municipality, district, quasi-municipal corporation or other public entity.

Septage means, for the purposes of this permit, any waste, refuse, effluent sludge or other material removed from a septic tank, cesspool, vault privy or similar source which concentrates wastes or to which chemicals have been added. Septage does not include wastes from a holding tank.

Time weighted composite means a composite sample consisting of a mixture of equal volume aliquots collected over a constant time interval.

Toxic pollutant includes any pollutant listed as toxic under section 307(a)(1) or, in the case of sludge use or disposal practices, any pollutant identified in regulations implementing section 405(d) of the CWA. Toxic pollutant also includes those substances or combination of substances, including disease causing agents, which after discharge or upon exposure, ingestion, inhalation or assimilation into any organism, including humans either directly through the environment or indirectly through ingestion through food chains, will, on the basis of information available to the board either alone or in combination with other substances already in the receiving waters or the discharge, cause death, disease, abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in such organism or their offspring.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Whole effluent toxicity means the aggregate toxic effect of an effluent measured directly by a toxicity test.

DEP INFORMATION SHEET

Appealing a Commissioner's Licensing Decision

Dated: May 2004 **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. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

DEP's *General Laws*, 38 M.R.S.A. § 341-D(4), and its *Rules Concerning the Processing of Applications and Other Administrative Matters* (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days 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 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 and the applicant a copy of the documents. All 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

The materials constituting an appeal must contain the following information at the time submitted:

1. *Aggrieved Status.* Standing to maintain an appeal requires the appellant to show they are particularly injured by 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 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 as part of an appeal only when 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 show 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, Section 24(B)(5).

Other Considerations in Appealing a Decision to the Board

1. *Be familiar with all relevant material in the DEP record.* A license file is public information 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.* An applicant proceeding with a project pending the outcome of an appeal 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 initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final 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. The Board will notify parties to an appeal and interested persons of its decision.

II. Appeals to Maine Superior Court

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

Additional Information

If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

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.