



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DAVID P. LITTELL
COMMISSIONER

September 7, 2010

VIA ELECTRONIC MAIL

Mr. Robert Gundersen, Superintendent
Town of Bethel Wastewater Treatment Facility
P.O. Box 1660
Bethel, ME 04217
wwtp@bethelmaine.org

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101176
Maine Waste Discharge License (WDL) Application #W002595-6C-F-R
Final Permit –Town of Bethel

Dear Mr. Gundersen:

Enclosed please find a copy of your **final** Maine MEPDES Permit/WDL which was approved by the Department of Environmental Protection. Please read the license and its attached conditions carefully. You must follow the conditions in the license to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

If you have any questions regarding this matter, please feel free to contact me at (207) 287-7658 or at phyllis.a.rand@maine.gov.

Sincerely,

Phyllis Arnold Rand
Division of Water Quality Management
Bureau of Land and Water Quality

Enclosure

cc: Fred Gallant, DEP/SMRO Brian Pitt, USEPA Sandy Mojica, USEPA Lori Mitchell, DMU

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



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

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF BETHEL	)	MAINE POLLUTANT DISCHARGE
BETHEL, OXFORD COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS	)	AND
ME0101176	)	WASTE DISCHARGE LICENSE
W002595-6C-F-R	)	RENEWAL
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 has considered the application of TOWN OF BETHEL with its supportive data, agency review comments, and other related material on file and finds the following facts:

APPLICATION SUMMARY

The Town of Bethel ("permittee," hereinafter) has applied to the Department of Environmental Protection ("Department," hereinafter) for renewal of combination Maine Pollutant Discharge Elimination System Permit (MEPDES) #ME0101176/Waste Discharge License (WDL) #W002595-5L-E-R, which was issued on September 21, 2005 and is scheduled to expire on September 21, 2010. The MEPDES permit/WDL authorized the monthly average discharge of up to 0.34 million gallons per day (MGD) of secondary treated wastewater from a publicly owned treatment works (POTW) to the Androscoggin River, Class B, in Bethel, Maine.

PERMIT SUMMARY

This permitting action is similar to the 9/21/05 permitting action in that it is:

1. Carrying forward the monthly average discharge flow limit of 0.34 MGD and daily maximum discharge flow reporting requirement;
2. Carrying forward the monthly average, weekly average and daily maximum technology-based concentration and mass limitations for biochemical oxygen demand (BOD₅) and total suspended solids (TSS);
3. Carrying forward the seasonal monitoring requirement for *Escherichia coli* bacteria;
4. Waiving screening and surveillance level WET, priority pollutant and analytical chemistry testing requirements;
5. Carrying forward the technology based effluent pH limitations;

PERMIT SUMMARY (cont'd)

6. Carrying forward the requirement to maintain an up-to-date Operation and Maintenance Plan and Wet Weather Management Plan;
7. Carrying forward the authorization to receive a maximum of 5,000 gallons per day (gpd) of transported wastes.

This permitting action is different from the 9/21/05 permitting action in that it is:

8. Eliminating the monitoring requirements for total phosphorus and dissolved orthophosphate;
9. Establishing an annual certification statement requirement as Special Condition L, *Statement for Reduced/Waived Toxics Testing*, 06-096 CMR 530(2)(D)(4) (effective October 9, 2005);
10. Revising the settleable solids minimum monitoring frequency from once per day (1/Day) to five times per week (5/Week);
11. Establishing authorization to introduce a maximum of 3,000 gpd of transported wastes into the treatment system.
12. Establishing a requirement for submittal of a Pump Station Emergency Bypass Monitoring Plan.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated September 7, 2010, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, 38 M.R.S.A. §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 water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. 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 BETHEL to discharge a monthly average flow of up to 0.34 MILLION GALLONS PER DAY of secondary treated sanitary wastewater to the Androscoggin River, Class B, in Bethel, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

The discharges shall be subject to the attached conditions and all applicable standards and regulations including:

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 below.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application June 22, 2010
Date of application acceptance June 22, 2010

This Order prepared by PHYLLIS ARNOLD RAND, BUREAU OF LAND & WATER QUALITY

ME0101176 2010

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period **beginning the effective date of this permit**, the permittee is authorized to discharge secondary treated sanitary wastewater from **Outfall #001A** to the Androscoggin River. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
	as specified	as specified	as specified	as specified	as specified	as specified	as specified	as specified
Flow [50050]	0.34 MGD [03]	--	Report MGD [03]	--	--	--	Continuous [99/99]	Recorder [RC]
BOD₅ [00310]	85 lbs/day [26]	128 lbs/day [26]	142 lbs/day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	1/Week [01/07]	Composite [24]
BOD₅ Percent Removal⁽¹⁾ [81010]	--	--	--	85% [23]	--	--	1/Month [01/30]	Calculate [CA]
TSS [00530]	85 lbs/day [26]	128 lbs/day [26]	142 lbs/day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	1/Week [01/07]	Composite [24]
TSS Percent Removal⁽¹⁾ [81011]	--	--	--	85% [23]	--	--	1/Month [01/30]	Calculate [CA]
<i>E. coli</i> Bacteria⁽²⁾ (May 15 – September 30) [31633]	--	--	--	64/100 mL ⁽³⁾ [13]	--	427/100 mL [13]	1/Week [01/07]	Grab [GR]
Settleable Solids [00545]	---	---	---	---	---	0.3 mL/L [25]	5/Week [05/07]	Grab [GR]
Total Residual Chlorine⁽⁴⁾ [50060]	--	--	--	--	--	1.0 mg/L [19]	1/Day [01/01]	Grab [GR]
pH⁽⁵⁾ [00400]	--	--	--	--	--	6.0 – 9.0 SU ⁽⁶⁾ [12]	1/Day [01/01]	Grab [GR]

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

FOOTNOTES: See Pages 6 – 7 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

Footnotes:

Sampling Locations:

Effluent sampling shall be conducted at a location following the last treatment unit in the treatment process as to be representative of end-of-pipe effluent characteristics. All effluent monitoring shall be conducted at a location following the last treatment unit in the treatment process as to be representative of end-of-pipe effluent characteristics.

Sampling and analysis must be conducted in accordance with; a) methods approved in Title 40 *Code of Federal Regulations* (40 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 Human Services. Samples that are sent to another 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). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10-144 CMR 263.

All analytical test results shall be reported to the Department including results which are detected below the respective reporting limits (RLs) specified by the Department or as specified by other approved test methods. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the 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. See **Attachment A** of this permit for a list of the Department's RLs.

1. **Percent Removal** – For secondary treated wastewater, the facility shall maintain a minimum of 85 percent removal of both BOD5 and TSS. The percent removal shall be based on a monthly average calculation using influent and effluent concentrations. The percent removal 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 (DMR).
2. ***E. coli* bacteria** – Limits are seasonal and apply between May 15th and September 30th of each calendar year. The Department reserves the right to impose year-round bacteria limits if deemed necessary to protect the health, safety and welfare of the public.

SPECIAL CONDITIONS

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

FOOTNOTES:

3. ***E. coli* bacteria** – The monthly average limitation is a geometric mean limitation and shall be calculated and reported as such.
4. **Total Residual Chlorine (TRC)** – Limitations and monitoring requirements are applicable whenever elemental chlorine or chlorine based compounds are being used to disinfect the discharge. The permittee shall utilize approved test methods that are capable of bracketing the limitation of 1.0 mg/L. For instances when the facility is not disinfecting the effluent with chlorine-based compounds, the facility shall report “**NODI-9**” for this parameter on the monthly DMR.

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 discharges 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. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a **Grade II** certificate (or higher) or must be a Maine Registered Professional Engineer pursuant to *Sewerage Treatment Operators*, 32 M.R.S.A., Sections 4171-4182 and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). All proposed contracts for facility operation by any person must be approved by the Department before the permittee may engage the services of the contract operator.

D. LIMITATIONS FOR INDUSTRIAL USERS

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

SPECIAL CONDITIONS

E. 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 6/22/10; 2) the terms and conditions of this permit; and 3) only from Outfall #001A. 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.

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 waste water collection and treatment system from an indirect discharger in a primary industrial category discharging process waste water; and
2. Any substantial change in the volume or character of pollutants being introduced into the waste water collection and treatment system by a source introducing pollutants into the system at the time of permit issuance. For the purposes of this section, notice regarding substantial change shall include information on:
 - (a) the quality and quantity of waste water introduced to the waste water collection and treatment system; and
 - (b) any anticipated impact caused by the change in the quantity or quality of the waste water to be discharged from the treatment system.

G. WET WEATHER FLOW MANAGEMENT PLAN

The treatment facility staff shall maintain a current written 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.

Within 90 days of completion of new and or substantial upgrades of the wastewater treatment facility, the permittee shall submit to the Department for review and approval, a new or revised Wet Weather Management Plan which conforms to Department guidelines for such plans. The revised 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 during the events. **The permittee shall review their plan annually** and record any necessary changes to keep the plan up to date.

SPECIAL CONDITIONS

H. OPERATION & MAINTENANCE (O&M) PLAN

This facility shall maintain 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 transport, 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 waste water 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 waste water treatment facility, the permittee shall submit the updated O&M Plan to their Department inspector for review and comment.

I. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

During the effective period of this permit, the permittee is authorized to **receive** up to a daily maximum of **5,000 gallons per day [and a monthly total of 150,000 gallons]** and **introduce** into the treatment process or solids handling stream up to a daily maximum of **3,000 gallons per day [and a monthly total of 90,000 gallons]** of transported wastes, subject to the following terms and conditions:

1. "Transported wastes" means any liquid non-hazardous waste delivered to a wastewater treatment facility by a truck or other similar conveyance that has different chemical constituents or a greater strength than the influent described on the facility's application for a waste discharge license. Such wastes may include, but are not limited to septage, industrial wastes or other wastes to which chemicals in quantities potentially harmful to the treatment facility or receiving water have been added.
2. The character and handling of all transported wastes received must be consistent with the information and management plans provided in application materials submitted to the Department.
3. At no time shall the addition of transported wastes cause or contribute to effluent quality violations. Transported wastes may not cause an upset of or pass through the treatment process or have any adverse impact on the sludge disposal practices of the wastewater treatment facility. Wastes that contain heavy metals, toxic chemicals, extreme pH, flammable or corrosive materials in concentrations harmful to the treatment operation must be refused. Odors and traffic from the handling of transported wastes may not result in adverse impacts to the surrounding community. If any adverse effects exist, the receipt or introduction of transported wastes into the treatment process or solids handling stream shall be suspended until there is no further risk of adverse effects.

SPECIAL CONDITIONS

I. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY (cont'd)

4. The permittee shall maintain records for each load of transported wastes in a daily log which shall include at a minimum the following.
 - (a) The date;
 - (b) The volume of transported wastes received;
 - (b) The source of the transported wastes;
 - (d) The person transporting the transported wastes;
 - (e) The results of inspections or testing conducted;
 - (f) The volumes of transported wastes added to each treatment stream; and
 - (g) The information in (a) through (d) for any transported wastes refused for acceptance.

These records shall be maintained at the treatment facility for a minimum of five years.

5. The addition of transported wastes 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 transported wastes into the treatment process or solids handling stream shall be reduced or terminated in order to eliminate the overload condition.
6. Holding tank wastewater from domestic sources to which no chemicals in quantities potentially harmful to the treatment process have been added shall not be recorded as transported wastes but should be reported in the treatment facility's influent flow.
7. During wet weather events, transported wastes may be added to the treatment process or solids handling facilities only in accordance with a current Wet Weather Flow Management Plan approved by the Department pursuant to Special Condition H that provides for full treatment of transported wastes without adverse impacts.
8. In consultation with the Department, chemical analysis is required prior to receiving transported wastes from new sources that are not of the same nature as wastes previously received. The analysis must be specific to the type of source and designed to identify concentrations of pollutants that may pass through, upset or otherwise interfere with the facility's operation.
9. Access to transported waste receiving facilities may be permitted only during the times specified in the application materials and under the control and supervision of the person responsible for the wastewater treatment facility or his/her designated representative.
10. The authorization in the Special Condition is subject to annual review and, with notice to the permittee and other interested parties of record, may be suspended or reduced by the Department as necessary to ensure full compliance with Chapter 555 of the Department's rules and the terms and conditions of this permit.

SPECIAL CONDITIONS

J. PUMP STATION EMERGENCY BYPASSES

Discharges from emergency bypass structures in pump stations are not authorized by this permit. **On or before November 1, 2010 [PCS Code 53999]**, the permittee shall make provisions to monitor the pump stations listed below, in accordance with a monitoring plan reviewed and approved by the Department, to determine the frequency and quantity (via measurement or estimation) of wastewater discharged from the bypass structures. Discharges from the following pump stations shall be reported in accordance with Standard Condition B(5), *Bypasses*, and Special Condition E, *Unauthorized Discharges*, of this permit.

<u>Outfall #</u>	<u>Location</u>	<u>Receiving Water & Classification</u>
002	Mill Hill Pump Station	Mill Brook, Class B
003	Vernon Street Pump Station	Alder Stream, Class B

K. MERCURY

All mercury sampling (**2/Year**) required to determine compliance with interim limitations established pursuant to *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), 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, Effluent Mercury Test Report**, of this permit for the Department's form for reporting mercury test results.

L. 06-096 CMR 530(2)(D)(4) STATEMENT FOR REDUCED/WAIVED TOXICS TESTING

This permitting action waives surveillance level testing for WET and analytical chemistry testing. **On or before December 31st of each year** of the effective term of this permit **[PCS Code 95799]**, the permittee shall provide the Department with statements describing the following:

- 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;
- Changes in the operation of the treatment works that may increase the toxicity of the discharge; and
- Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge.

SPECIAL CONDITIONS

L. 06-096 CMR 530(2)(D)(4) STATEMENT FOR REDUCED/WAIVED TOXICS TESTING (cont'd)

Further, the Department may require that annual testing be reinstituted if it determines that there have been changes in the character of the discharge or if annual certifications described above are not submitted.

M. 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 anytime 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 and or ambient water quality monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

N. 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 DMRs 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 following address:

Department of Environmental Protection
Southern Maine Regional Office
Bureau of Land and Water Quality
Division of Water Quality Management
312 Canco Road
Portland, Maine 04103

Alternatively, if you are submitting an electronic DMR (eDMR), the completed eDMR must be electronically submitted to the Department by a facility authorized DMR Signatory **not later than close of business on the 15th day of the month** following the completed reporting period. **Hard Copy documentation** submitted in support of the eDMR must be **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to the Department's Regional Office such that it is received by the Department on or before the fifteenth (15th) day of the month** following the completed reporting period. **Electronic documentation** in support of the eDMR must be submitted **not later than close of business on the 15th day of the month** following the completed reporting period.

SPECIAL CONDITIONS

O. SEVERABILITY

In the event that any provision(s), 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

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)	

Flow for Day (MGD)⁽¹⁾Flow Avg. for Month (MGD)⁽²⁾ Date Sample Collected

--

Date Sample Analyzed

--

Laboratory _____ Telephone _____
Address _____

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					Reporting Limit Check	Possible Exceedence ⁽⁷⁾		
			Acute ⁽⁶⁾	Chronic ⁽⁶⁾	Health ⁽⁶⁾				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	1,1,1,2-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-CHLOROETHYL VINYL 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									
	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:

ATTACHMENT B

Effluent Mercury Test Report

Name of Facility: _____ Federal Permit # ME _____
Pipe # _____

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

SAMPLE COLLECTION INFORMATION

Sampling Date:				Sampling time:		AM/PM
	mm	dd	yy			
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 certify 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

**MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
MAINE WASTE DISCHARGE LICENSE**

FACT SHEET

September 7, 2010

MEPDES PERMIT: #ME0101176

WASTE DISCHARGE LICENSE: #W002595-6C-F-R

NAME AND ADDRESS OF APPLICANT:

**TOWN OF BETHEL
P.O. Box 1660
BETHEL, ME 04217**

COUNTY: OXFORD

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**TOWN OF BETHEL WASTEWATER TREATMENT FACILITY
199 Main Street/Route 26
Bethel, ME 04217**

RECEIVING WATER / CLASSIFICATION: ANDROSCOGGIN RIVER/CLASS B

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: Robert Gundersen

Superintendent

(207) 824-2105

wwtp@bethelmaine.org

1. APPLICATION SUMMARY

The Town of Bethel ("permittee," hereinafter) has applied to the Department of Environmental Protection ("Department," hereinafter) for renewal of combination Maine Pollutant Discharge Elimination System Permit (MEPDES) # ME0101176/Waste Discharge License (WDL) #W002595-5L-E-R, which was issued on September 21, 2005 and is scheduled to expire on September 21, 2010. The MEPDES permit/WDL authorized the monthly average discharge of up to 0.34 million gallons per day (MGD) of secondary treated wastewater from a publicly owned treatment works (POTW) to the Androscoggin River, Class B, in Bethel, Maine.

2. PERMIT SUMMARY

a. Terms and Conditions: **This permitting action is similar to the 9/21/05 permitting action in that it is:**

1. Carrying forward the monthly average discharge flow limit of 0.34 MGD and daily maximum discharge flow reporting requirement;
2. Carrying forward the monthly average, weekly average and daily maximum technology-based concentration and mass limitations for biochemical oxygen demand (BOD₅) and total suspended solids (TSS);
3. Carrying forward the seasonal monitoring requirement for *Escherichia coli* bacteria;
4. Waiving screening and surveillance level WET, priority pollutant and analytical chemistry testing requirements;
5. Carrying forward the technology based effluent pH limitations;
6. Carrying forward the requirement to maintain an up-to-date Operation and Maintenance Plan and Wet Weather Management Plan;
7. Carrying forward the authorization to receive a maximum of 5,000 gallons per day (gpd) of transported wastes.

This permitting action is different from the 9/21/05 permitting action in that it is:

8. Eliminating the monitoring requirements for total phosphorus and dissolved orthophosphate;
 9. Establishing an annual certification statement requirement as Special Condition L, *Statement for Reduced/Waived Toxics Testing*, 06-096 CMR 530(2)(D)(4) (effective October 9, 2005);
 10. Revising the settleable solids minimum monitoring frequency from once per day (1/Day) to five times per week (5/Week);
 11. Establishing authorization to introduce a maximum of 3,000 gpd of transported wastes into the treatment system;
 12. Establishing a requirement for submittal of a Pump Station Emergency Bypass Monitoring Plan.
- b. Facility History: This section provides a summary of significant licensing/permitting actions and milestones that have been completed for the permittee:

March 3, 1994 – The USEPA issued NPDES permit #ME0101176 to the permittee, which superseded the previous NPDES permit issued on October 8, 1986. The 3/3/94 NPDES permit expired five years from the date of issuance.

2. PERMIT SUMMARY (cont'd)

May 25, 1994 – The Department issued WDL #W002595-59-C-R to the permittee for the monthly average discharge of up to 0.30 MGD of secondary treated wastewater to the Androscoggin River in Bethel. The 5/25/94 WDL superseded WDL #W002595-45-B-R issued on October 6, 1986.

February 15, 1995 – The Department issued a letter to the permittee informing that the facility qualifies for an exemption from toxics testing pursuant to Department rule, 06-096 CMR, Chapter 530.5 as the facility has a chronic dilution ratio of at least 1,000:1.

July 10, 2000 – The Department administratively modified WDL #W002595-59-C-R by establishing interim monthly average and daily maximum concentration limits of 10.2 parts per trillion (ppt) and 15.2 ppt, respectively, for mercury. It is noted the limitations have not been incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of this permit as limitations and monitoring requirements have been subject to numerous modifications in recent years. However, the interim limitations remain in effect and enforceable and any modifications to the limits and or monitoring requirements will be formalized outside of this permitting document.

December 8, 2000 – The Department issued WDL #W002595-5L-D-R to the permittee for monthly average discharge of up to 0.34 MGD of secondary treated wastewater to the Androscoggin River in Bethel. The 12/8/00 WDL superseded 5/25/94 WDL.

January 3, 2005 – The Department issued a draft document entitled, *Androscoggin River Total Maximum Daily Load, Gulf Island Pond, Livermore Falls Impoundment, December 2004*, for public comment.

May 2005 – The Department submitted the *Androscoggin River Total Maximum Daily Load, Gulf Island Pond, Livermore Falls Impoundment, December 2004* to the USEPA.

July 18, 2005 – The USEPA approved a total maximum daily load (TMDL) entitled, *May 2005 TMDL, Final* for the Androscoggin River.

September 21, 2005 – The Department issued WDL #W002595-5L-E-R/MEPDES #ME0101176 to the permittee for a 5-year term.

June 22, 2010 – The Department accepted the permittee's General Application for renewal of WDL # W002595-5L-E-R. The application was assigned WDL # W002595-6C-F-R.

- c. Source Description: The permittee receives sanitary wastewater generated by 408 residential connections and 70 commercial connections located within the town of Bethel. The collection system is approximately seven miles in length and contains four pump stations. Drainage from the onsite compost pad and reed bed underdrains are conveyed to the headworks. The permittee has indicated that there are no combined sewer overflow (CSO) points associated with the collection system and has no significant industrial users on the system. The permittee experiences infiltration in the spring due to leaks that occur in approximately 2,500 feet of clay pipe. The previous

2. PERMIT SUMMARY (cont'd)

permitting action authorized the permittee to accept up to a daily maximum of 5,000 gallons per day of transported wastes. The permittee stated that the facility cannot treat more than 3,000 gallons of transported wastes per day. Therefore, this permitting action is authorizing the permittee to introduce up to a maximum of 3,000 gpd of transported wastes into the treatment system. A map showing the location of the facility is included as Fact Sheet **Attachment A**.

- d. Wastewater Treatment: The permittee provides a secondary level of treatment via an oxidation ditch and secondary clarification. Influent is conveyed to the headworks building where screenings are washed and dewatered and grit is removed. Transported wastes are received in a 9,000-gallon aerated concrete tank, screened and conveyed into the headworks at different intervals at night during low-flow conditions. Influent is conveyed to two 6,000-gallon wet wells in the headworks building and is then pumped to a concrete, oval 280,000-gallon oxidation ditch. Flows from the oxidation ditch are conveyed by gravity to two 48,000-gallon circular secondary clarifiers. Secondary clarifier effluent is conveyed through two 4,700-gallon chlorine contact chambers with flash mixers in each chamber. The permittee has the ability to dechlorinate effluent flows in a 1,100-gallon chlorine contact chamber prior to discharge, but reports that dechlorination is not necessary to achieve compliance with the total residual chlorine effluent limit associated with this permit, and thus, does not utilize the system.

Return activated sludge (RAS) is pumped from the secondary clarifiers to the oxidation ditch to optimize system performance and efficiency. The permittee is in the process of automating the dissolved oxygen aeration system and anticipates completion by September 2010. During the previous permitting period, the permittee added a sludge bag dewatering system and completed an energy efficiency upgrade of the aeration system. Excess sludge is wasted by either pumping from the secondary clarifiers to two 30,000-gallon settling tanks and then to two 160,000-gallon aerobic digesters, or by wasting directly from the clarifiers to the digesters. From the digesters, sludge treatment consists of lime stabilization. Trucks haul the sludge off-site for land application, or the sludge is pumped to one of the four (4) on-site reed beds. The reed beds occupy a total combined area of approximately 11,640 square feet and contain an underdrain system that conveys flow back into the facility headworks building for treatment. The permittee also has a 10,500 square foot paved pad for sludge composting, which is also designed to drain back into the facility headworks. On March 27, 1988, the Town received approval in Department Order S-OO7175-61-A-R to land apply biosolids at the Town Farm.

Final effluent is conveyed for discharge to the Androscoggin River via an 18-inch diameter outfall that is stepped down to a 12-inch outfall pipe extending into the receiving water approximately 8 feet to a depth of approximately 8 feet below the surface of the water during low flow conditions. The outfall pipe is not fitted with diffusers or other structures designed to enhance mixing of the effluent with the receiving waters. Schematic flow diagrams are included as Fact Sheet **Attachment B**.

3. CONDITIONS OF PERMITS

Conditions of licenses, 38 M.R.S.A. § 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, *Certain deposits and discharges prohibited*, 38 M.R.S.A., § 420 and 06-096 CMR 530 require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005), 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(1)(A)(1) classifies the Androscoggin River at the point of discharge as a Class B waterway. Maine law, 38 M.R.S.A., Section 465(3), describes the standards for Class B waters.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2008 Integrated Water Quality Monitoring and Assessment Report, prepared pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists a 31.0-mile reach of the Androscoggin River (Hydrologic Unit Code #ME0104000202/Waterbody ID #421R), which includes the receiving water at the point of discharge, as, *Category 4-B: Rivers and Streams Impaired by Pollutants - Pollution Control Requirements Reasonably Expected to Result in Attainment* "Impairment" in this context refers to a statewide fish consumption advisory due to the presence of dioxin. The Report also lists this reach as *Category 5-D: Rivers and Streams Impaired by Legacy Pollutants*. "Legacy pollutants" in this case refers to the presence of polychlorinated biphenyls (PCBs).

The Report lists all freshwaters in Maine as "*Category 5-C: Waters Impaired by Atmospheric Deposition*." Impairment in this context refers to the designated use of recreational fishing due to elevated levels of mercury in some fish caused by atmospheric deposition. As a result, the State has established a fish consumption advisory for all freshwaters in Maine. Pursuant to Maine law, 38 M.R.S.A. §420(1-B)(B), "*a facility is not in violation of the ambient criteria for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413 subsection 11.*" The Department has established interim monthly average and daily maximum mercury concentration limits for this facility.

In addition, the Report identifies a 4.0-mile reach of the Androscoggin River, main stem, four miles upstream of the Gulf Island Dam (HUC #ME0104000208/Waterbody ID #424R) as, "*Category 5-A: Rivers and Streams Impaired by Pollutants Other Than Those Listed in 5-B Through 5-D (TMDL Required)*." Impairment in this context refers to dissolved oxygen criteria for Class C waters, which is discussed further in the following paragraphs:

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

Current Water Quality Assessment/Modeling

Two segments of the Androscoggin River are on Maine's 303d list as bodies of water that do not attain Class C water quality standards. According to the total maximum daily load (TMDL) entitled, *Androscoggin River Total Maximum Daily Load Gulf Island Pond, Livermore Falls Impoundment, May, 2005*, prepared by the Department, Gulf Island Pond (GIP) does not attain Class C minimum and monthly average dissolved oxygen (DO) criteria in a four-mile segment directly above Gulf Island Dam, primarily in deeper areas of the water column from 30 to 80 feet of depth. In addition, algae blooms occur from excessive amounts of phosphorus discharged to the river flowing into the pond preventing attainment of the designated uses of water contact recreation. In addition to GIP, the Livermore Falls impoundment just below the International Paper (IP) mill does not attain Class C aquatic life criteria, as indicated by recent water quality evaluations utilizing macro-invertebrate sampling and the use of a linear discriminate modeling.

The pollutants of concern are carbonaceous biochemical oxygen demand (CBOD), orthophosphate (ortho-P), total phosphorus (total-P), and total suspended solids (TSS). Reduction of phosphorus is needed to eliminate algae blooms in Gulf Island Pond. Reduction of CBOD, TSS, and phosphorus is needed to improve DO levels to attainment of Class C criteria. In addition, an in-stream oxygen injection system currently located five miles above Gulf Island Dam needs to be redesigned to inject an additional quantity of oxygen into the pond.

Component analysis and river modeling indicate that the municipal sources of total-P and ortho-P from the Berlin, Gorham, Bethel and Rumford-Mexico POTWs have a *de-minimis* contribution to algae growth in Gulf Island Pond. However, all municipal point sources are included in the TMDL. The component analysis of phosphorus loads discharged in 2004 (Figure 10 of the TMDL) indicates that paper mills are still the largest source of phosphorus and account for about 70% of the total-P and 80% of the ortho-P entering the pond. International Paper is the largest single source accounting for 45% of the total-P and 57% of the ortho-P entering the pond.

All of the municipal discharges are an insignificant percentage of the total phosphorus entering the pond. The Bethel facility accounts for 0.4% of total phosphorus loads and 1.2% of ortho-P loads at the Gulf Island Pond entrance and is considered to be an insignificant contributor of ortho-P and total-P to the pond. Department modeling also demonstrates that the discharge of BOD and TSS from the Bethel facility is insignificant to Sediment Oxygen Demand levels in and DO depletion of Gulf Island Pond.

Based on identification through component analysis and river modeling that the Bethel wastewater treatment plant is not a significant source of phosphorus loading to Gulf Island Pond and the March 2005 – March 2010 monitoring results, this permitting action is eliminating the monitoring requirements for ortho-P and total-P that were established in the previous permitting action. Additional discussion of phosphorus monitoring is included in Sections 6(f) and 6(g) of this Fact Sheet.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- a. Flow: This permitting action is carrying forward a monthly average discharge flow limitation of 0.34 MGD and the daily maximum discharge flow reporting requirement to facilitate compliance evaluations. This permitting action is carrying forward the "recorder" monitoring requirement based on the existing, installed effluent monitoring technology.

A review of the monthly DMR data for the period March 2005 – March 2010 indicates the following:

Flow

Value	Limit (MGD)	Range (MGD)	Average (MGD)	# DMRs	Compliance Status
Monthly Average	0.34	0.09 – 0.29	0.14	60	100%
Daily Maximum	Report	0.11 – 0.57	0.25	59	---

- b. Dilution Factors: The Department has established applicable dilution factors for the discharge from the permittee in accordance with freshwater protocols established in *Surface Water Toxics Control Program*, 06-096 CMR 530 (effective October 9, 2005). With a monthly average flow limit of 0.34 MGD, dilution factors associated with the discharge from the permittee may be calculated as follows:

$$\text{Acute: } 1Q_{10} = 1,593 \text{ cfs}^{(1)} \Rightarrow \frac{(1,593 \text{ cfs})(0.6464) + 0.34 \text{ MGD}}{0.34 \text{ MGD}} = 3,030:1$$

$$\text{Modified Acute: } \frac{1}{4} 1Q_{10}^{(2)} = 398 \text{ cfs} \Rightarrow \frac{(398 \text{ cfs})(0.6464) + 0.34 \text{ MGD}}{0.34 \text{ MGD}} = 758:1$$

$$\text{Chronic: } 7Q_{10} = 1,593 \text{ cfs}^{(1)} \Rightarrow \frac{(1,593 \text{ cfs})(0.6464) + 0.34 \text{ MGD}}{0.34 \text{ MGD}} = 3,030:1$$

$$\text{Harmonic Mean} = 2,129 \text{ cfs}^{(3)} \Rightarrow \frac{(2,129 \text{ cfs})(0.6464) + 0.34 \text{ MGD}}{0.34 \text{ MGD}} = 4,049:1$$

Footnote:

(1) Based on minimum 1550 cfs at Berlin, New Hampshire, and 0.3 cfs/m (cubic feet per square mile) from 5/01 model (0.086 cfs/m).

(2) 06-096 CMR 530(4)(B)(1) states,

Analyses using numerical acute criteria for aquatic life must be based on 1/4 of the 1Q₁₀ stream design flow to prevent substantial acute toxicity within any mixing zone and to ensure a zone of passage of at least 3/4 of the cross-sectional area of any stream as required by Chapter 581. 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 flow, up to and including all of it, as long as the required zone of passage is maintained.

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

The Department's Division of Environmental Assessment (DEA) has not determined that mixing of the effluent with the receiving water is complete and rapid and recommends that acute evaluations be based on the default stream design flow of $\frac{1}{4}$ of the 1Q10 in accordance with 06-096 CMR 530(4)(B)(1). Therefore, this permitting action is establishing the modified acute default stream design flow of $\frac{1}{4}$ of the 1Q10 for calculations involving dilution factors for the permittee.

- (3) Harmonic mean flow established based on 1991 study and DA (Dilution Affects) Ratio.

- c. Biochemical Oxygen Demand (BOD5) & Total Suspended Solids (TSS): This permitting action is carrying forward the monthly average, weekly average and daily maximum technology-based mass limits of 85 lbs/day, 128 lbs/day and 142 lbs/day, respectively. The mass limitations were derived using the monthly average discharge flow limit of 0.34 MGD as follows:

Monthly Average Mass Limit: $(30 \text{ mg/L})(8.34 \text{ lbs/gallon})(0.34 \text{ MGD}) = 85 \text{ lbs/day}$
Weekly Average Mass Limit: $(45 \text{ mg/L})(8.34 \text{ lbs/gallon})(0.34 \text{ MGD}) = 128 \text{ lbs/day}$
Daily Maximum Mass Limit: $(50 \text{ mg/L})(8.34 \text{ lbs/gallon})(0.34 \text{ MGD}) = 142 \text{ lbs/day}$

A review of the DMR data for the period March 2005 – March 2010 indicates the monthly average and daily maximum mass and concentration values have been reported as follows:

BOD₅ mass

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)	# DMRs	Compliance Status
Monthly Average	85	2 – 36	8	60	100%
Daily Maximum	142	2 – 73	15	60	100%

BOD₅ concentration

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	# DMRs	Compliance Status
Monthly Average	30	1 – 13	5	60	100%
Daily Maximum	50	3 – 59	12	60	98%

TSS mass

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)	# DMRs	Compliance Status
Monthly Average	85	1 – 25	5	60	100%
Daily Maximum	142	2 – 42	10	60	100%

TSS concentration

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	# DMRs	Compliance Status
Monthly Average	30	1 – 6	2	60	100%
Daily Maximum	50	2 – 43	8	60	100%

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

This permitting action is carrying forward the requirement for a minimum of 85% removal of BOD₅ & TSS pursuant to *Effluent Guidelines and Standards*, 06-096 CMR Chapter 525(3)(III)(a)(3) and (b)(3) (effective January 12, 2001). Whereas the effluent sample type for BOD₅ & TSS is a 24-hour composite, influent samples must also be collected as 24-hour composites in order to perform the percent removal calculations.

- d. Settleable Solids: This permitting action is carrying forward a daily maximum technology based settleable solids concentration limitation of 0.3 mL/L based on a Department best professional judgment of best practicable treatment. This permitting action is revising the settleable solids minimum monitoring frequency from once per day (1/Day) to five time per week (5/Week) due to the permittee's excellent compliance history. A summary of settleable solids data as reported on the monthly DMRs for the period of March 2005 – March 2010 (#DMRs = 60) indicates the daily maximum settleable solids concentration discharge has been in compliance with the 0.3 mL/L limit 100% of the time.
- e. *Escherichia coli* Bacteria: This permitting action is carrying forward the seasonal *E. coli* monthly average and daily maximum concentration limits of 64 colonies/100 mL (geometric mean) and 427 colonies/100 mL (instantaneous level), respectively, which were based on the State of Maine Water Classification Program criteria for Class B waters found at 38 M.R.S.A. §465(3)(B). Following the issuance of the previous permitting action, 38 M.R.S.A. § 465(3) was amended to require that the *E. coli* bacteria of human and domestic animal origin in Class B waters may not exceed a geometric mean (monthly average) of 64 colonies/100 mL or an instantaneous level (daily maximum) of 236 colonies/100 mL. The Department has subsequently determined that end-of-pipe limitations for the instantaneous *E. coli* concentration standard of 236 colonies/100 mL will be achieved through available dilution of the effluent with the receiving waters and need not be revised in MEPDES permits for facilities that discharge in Class B waters with an adequate chronic dilution (at least 1.1:1), such as that for the permittee, who has a chronic dilution of 3,030:1.

This permitting action is carrying forward the *E. coli* minimum monitoring frequency requirement of once per week based on Department guidance for POTWs permitted to discharge between 0.1 and 0.5 MGD.

A review of the DMR data for the period March 2005 – March 2010 indicates the monthly average and daily maximum values have been reported as follows:

E. coli

Value	Limit (col/100mL)	Range (col/100mL)	Average (col/100 mL)	Number of DMRs	Compliance Status
Monthly Average	64	0 – 25	5	21	100%
Daily Maximum	427	1 – 816	58	21	95%

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

- f. Total Phosphorus: This permitting action is eliminating the monitoring requirements for total phosphorus that were established in the previous permitting action. See Section 5 of this Fact Sheet for further discussion of total phosphorus monitoring.

A review of the DMR data for the period March 2006 – March 2010 indicates the monthly average and daily maximum mass and concentration values have been reported as follows:

Total Phosphorus (as P)

Value	Limit	Range	Average	# DMRs	Compliance Status
Monthly Average	Report, lbs/day	0.2 – 11	4	15	N/A
Monthly Average	Report, mg/L	0.2 – 11	4	14	N/A

It is noted that the mass loadings and concentrations appear similar due to the permittee's low effluent flows.

- g. Dissolved Orthophosphate: This permitting action is eliminating the monitoring requirements for dissolved orthophosphate that were established in the previous permitting action. See Section 5 of this Fact Sheet for further discussion of dissolved orthophosphate monitoring.

A review of the DMR data for the period March 2006 – March 2010 indicates the monthly average and daily maximum mass and concentration values have been reported as follows:

Dissolved Orthophosphate (as P)

Value	Limit	Range	Average	# DMRs	Compliance Status
Monthly Average	Report, lbs/day	0.1 – 10	4	15	N/A
Monthly Average	Report, mg/L	0.1 – 6	4	14	N/A

It is noted that the mass loadings and concentrations appear similar due to the permittee's low effluent flows.

- h. Total Residual Chlorine (TRC): This permitting action is carrying forward the daily maximum technology-based concentration limit of 1.0 mg/L for TRC and a minimum monitoring frequency requirement of once per day. Limitations on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Department licensing/permitting actions impose the more stringent of either a water quality-based or BPT-based limit.

End-of-pipe acute and chronic water quality based concentration thresholds are calculated as follows:

Acute (A) Criterion	Chronic (C) Criterion	Modified A & C Dilution Factors	Calculated	
			Acute Threshold	Chronic Threshold
0.019 mg/L	0.011 mg/L	758:1 (Mod. A) 3,030:1 (C)	14.4 mg/L	33.3 mg/L

The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds. The BPT-based limit of 1.0 mg/L is more stringent than the calculated acute water quality-based threshold of 14.4 mg/L and is therefore being carried forward in this permitting action. This permitting action is carrying forward the minimum monitoring frequency once per day (1/Day) based on Department guidance for POTWs permitted to discharge between 0.1 and 0.5 MGD.

A review of the DMR data for the period March 2005 – March 2010 indicates the daily maximum concentration values have been reported as follows:

Total Residual Chlorine

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance Status
Daily Maximum	1.0	0.9 – 1.0	1.0	25	100%

- i. pH: This permitting action is carrying forward the pH range limitation of 6.0 – 9.0 SU pursuant to Department rule found at 06-096 525(3)(III)(c), which is considered BPT for secondary treated wastewater. This permitting action is carrying forward the minimum monitoring frequency requirement of 1/Day based on Department guidance.

A review of the DMR data for the period March 2005 – March 2009 indicates the daily maximum concentration values have been reported as follows:

pH

Value	Limit (SU)	Range (SU)	Number of DMRs	Compliance Status
Daily Maximum	6.0 – 9.0	6.6 – 8.6	60	100%

- j. Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing: Maine law, 38 M.R.S.A., Sections 414-A and 420, prohibits 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. 06-096 CMR 530 sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

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

06-096 CMR 530(2)(B) categorizes dischargers subject to the toxics rule into one of four levels (Levels I through IV). Level IV dischargers are *“those dischargers having a chronic dilution factor of at least 500 to 1 and a permitted flow of less than 1 million gallons per day.”* The chronic dilution factor associated with the discharge from the permittee is 3,030 to 1 and has a permitted flow of 0.34 MGD. Therefore, the permittee is considered a Level IV facility for purposes of toxics testing. 06-096 CMR 530 (D)(1) states that *“routine testing requirements for Level IV are waived, except that the Department shall require an individual discharger to conduct testing under the following conditions:*

- (a) The discharger's permit application or information available to the Department indicate that toxic compounds may be present in toxic amounts; or*
- (b) Previous testing conducted by the discharger or similar dischargers indicates that toxic compounds may be present in toxic amounts.”*

The 4/10/06 permit amendment waived testing for this facility. Previous toxics testing conducted by this facility indicates the discharge did not exceed the critical ambient water quality standards for test organisms or chemical compounds. Therefore, this permitting action is carrying forward the toxics testing waiver pursuant to 06-096 CMR 530 and Department best professional judgment.

06-096 CMR 530(2)(D)(4) states, *“all dischargers having waived or reduced testing must file statements with the Department on or before December 31 of each year describing the following:*

- (a) 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;*
- (b) Changes in the operation of the treatment works that may increase the toxicity of the discharge; and*
- (c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge.”*

This permitting action establishes Special Condition L, *Statement for Reduced/Waived Toxics Testing*, pursuant to 06-096 CMR 530(2)(D)(4). An example certification statement is included as Fact Sheet **Attachment C**. It is noted, however, that if future WET or chemical-specific testing indicates the discharge exceeds or demonstrates a reasonable potential to exceed applicable critical water quality thresholds, this permit will be reopened in accordance with Special Condition M, *Reopening of Permit For Modifications*, to establish effluent limitations and revised monitoring requirements as necessary.

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

- k. Mercury: July 10, 2000 – Pursuant to *Certain deposits and discharges prohibited*, Maine law, 38 M.R.S.A. § 420 and *Waste discharge licenses*, 38 M.R.S.A. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W002595-59-C-R by establishing interim monthly average and daily maximum effluent concentration limits of 10.2 parts per trillion (ppt) and 15.2 ppt, respectively, and a minimum monitoring frequency requirement of two (2) tests per year for mercury. It is noted the limitations have not been incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of this permit as limitations and monitoring frequencies are regulated separately through 38 M.R.S.A. § 413 and 06-096 CMR 519. However, the interim limitations remain in effect and enforceable and any modifications to the limits and or monitoring requirements will be formalized outside of this permitting document.

Maine law 38 M.R.S.A., §420 1-B,(B)(1) states that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413, subsection 11. A review of the Department's database for the period July 2005 through the present indicates mercury test results reported have ranged from 1.1 ppt to 3.1 ppt with an arithmetic mean (number of DMRs = 10) of 1.8 ppt.

- l. Transported Wastes: The previous permitting action authorized the permittee to receive up to a daily maximum of 5,000 gallons per day of transported wastes. *Standards For The Addition of Transported Wastes to Wastewater Treatment Facilities*, 06-096 CMR 555 (effective March 9, 2009), limits the quantity of transported wastes received at a facility to 1% of the design capacity of the treatment facility if the facility utilizes a side stream or storage method of introduction into the influent flow, or 0.5% of the design capacity of the facility if the facility does not utilize the side stream or storage method of introduction into the influent flow. A facility may receive more than 1% of the design capacity on a case-by-case basis. The permittee has requested the Department carry forward the daily quantity of transported wastes that it is authorized to receive (up to 5,000 gpd) as it utilizes the side stream or storage method of introduction into the influent flow. Further, the permittee has stated that the transported waste is diluted with 3,000-6,000 gallons of holding tank wastes from Telstar High School, which lessens the strength of the waste metered into the influent flow. This permitting action is carrying forward authorization for the permittee to receive up to a daily maximum of 5,000 gpd of transported wastes. Because the permittee has stated that the addition of more than 3,000 gpd of transported wastes into the treatment process could possibly cause or contribute to upset conditions of the treatment process, this permitting action is limiting the permittee to introduce up to a maximum of 3,000 gpd of transported wastes into the wastewater treatment process or solids handling stream. The Department approved the permittee's Septage Management Plan submitted to the Department on 6/22/10.

The Department has determined that under normal operating conditions, the treatment of 3,000 gpd of transported wastes at the facility will not cause or contribute to upset conditions of the treatment process.

7. 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 Androscoggin River to meet standards for Class B waters.

8. PUBLIC COMMENTS

Public notice of this application was made in the *Bethel Citizen* newspaper on or about 6/24/10. The Department receives public comments on an application until the date a final agency action is taken on the 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 *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

9. DEPARTMENT CONTACTS

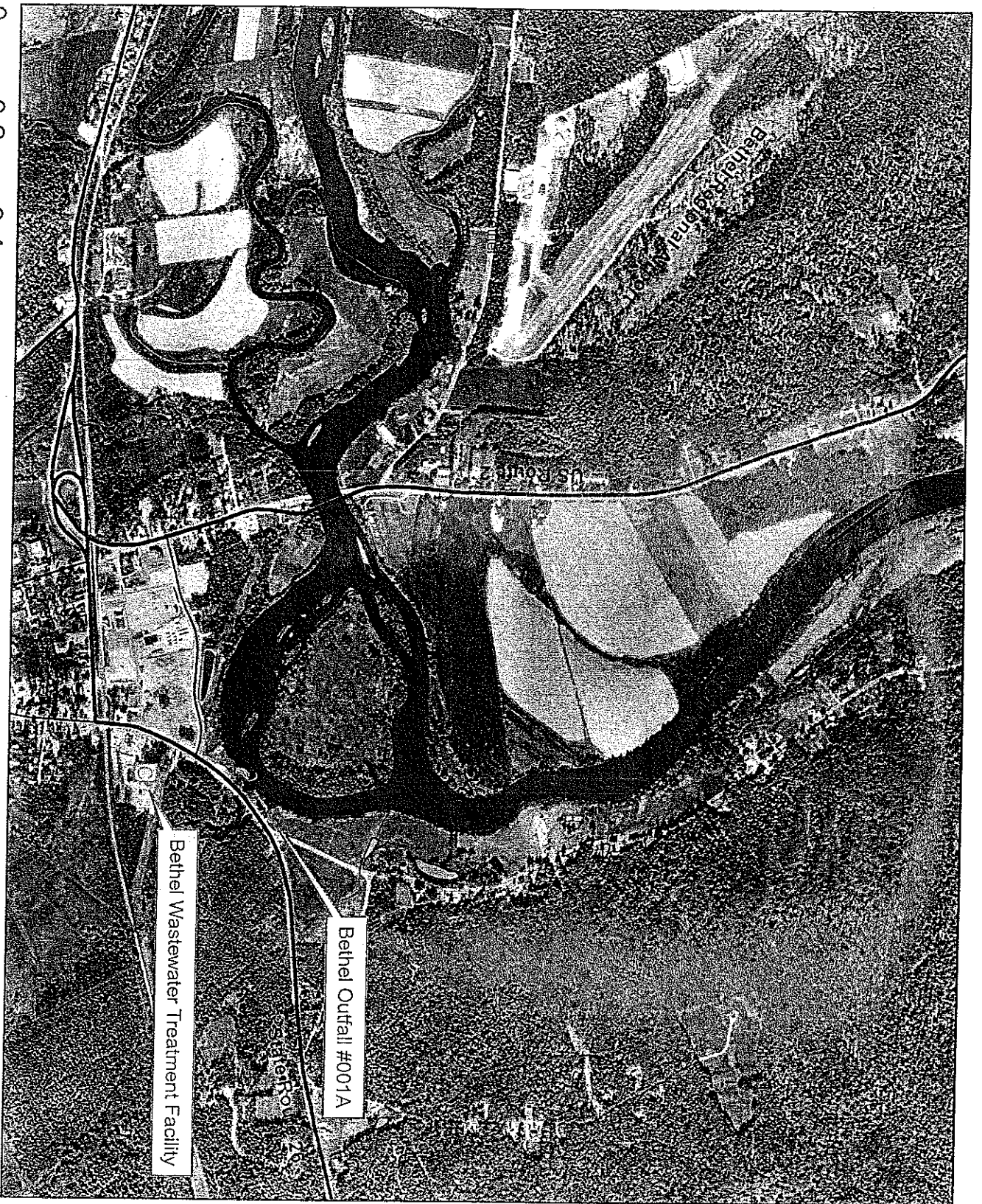
Additional information concerning this permitting action may be obtained from, and written comments sent to:

Phyllis A. Rand
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-7658 Fax: (207) 287-3435
e-mail: phyllis.a.rand@maine.gov

10. RESPONSE TO COMMENTS

During the period of August 3, 2010 through the issuance date of the permit/license, the Department solicited comments on the proposed draft permit/license to be issued for the discharge from the permittee. The Department did not receive comments from the permittee, state or federal agencies or interested parties that resulted in any substantive changes in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.

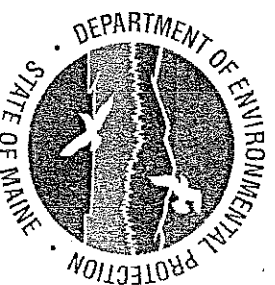
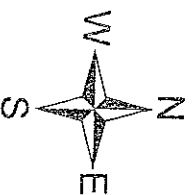
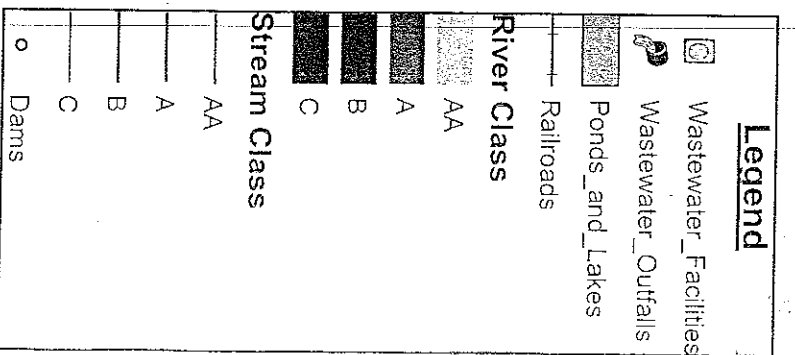
ATTACHMENT C



0 0.2 0.4 0.8
Miles

Bethel, Maine

Map created by:
Bill Hinkel
Division of Water Resource Regulation
Maine Department of Environmental Protection
March 18, 2005



ATTACHMENT B

Bethel W.P.C.F.
"2000"

Plant
Effluent
to River

Flow to Clarifiers

Oxidation Ditch

Sludge Thickeners

Return sludge

#1 Digester

#2 Digester

Flow meter

CHLORINE
CONTACT TANKS
with $CaCl_2$

CONTROL
BUILDING

Drain back to
HEADWORKS

Compost Pad

Reed Bed
Pump Station

Headworks
Building
Scheduling
grit removal
and pumping
to Ditch

ow
effluent

Reed bed #1

Reed bed #2

Reed bed #3

Reed bed #4

Reed Bed
Systems
4 tanks

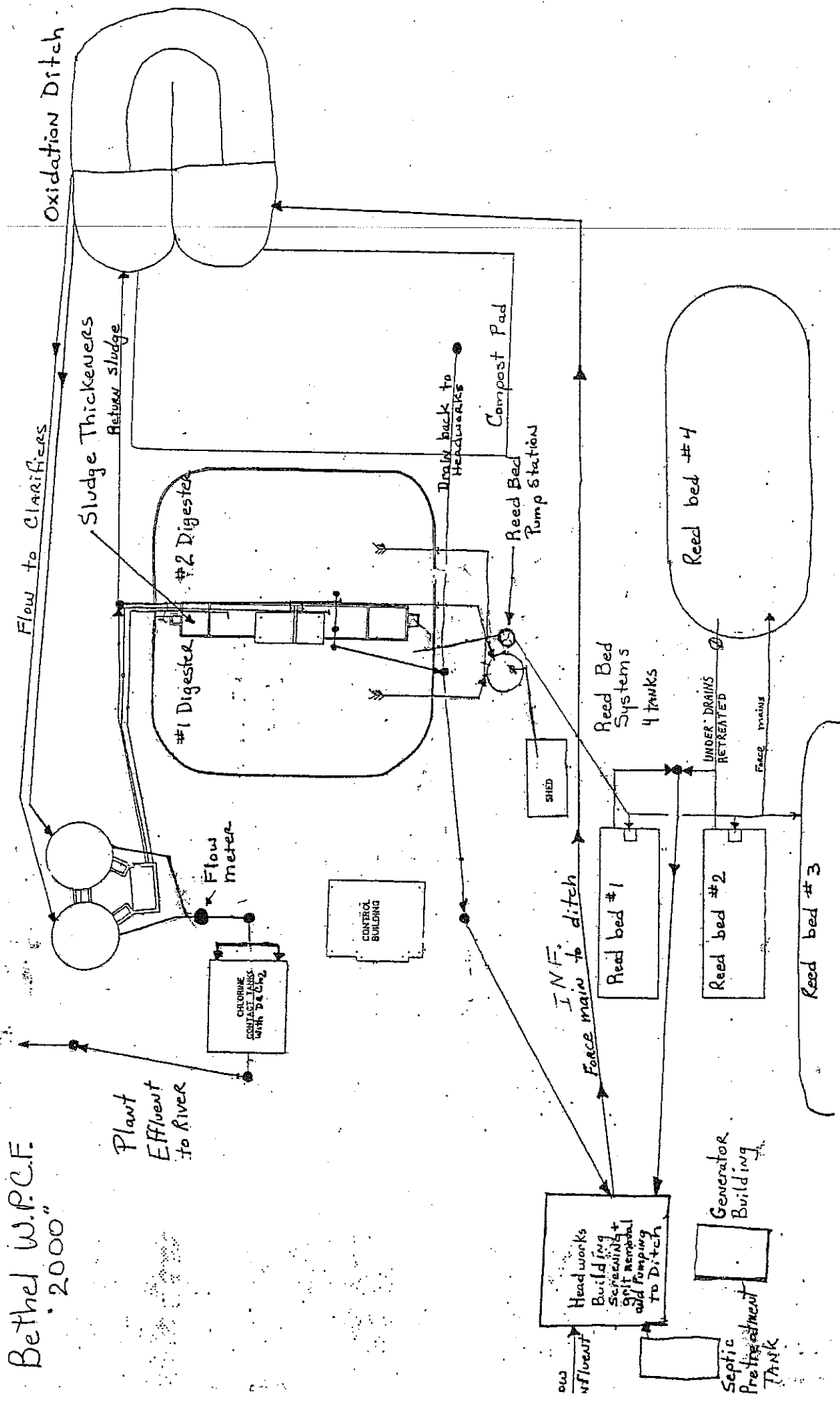
Generator
Building

Septic
Pre-treatment
TANK

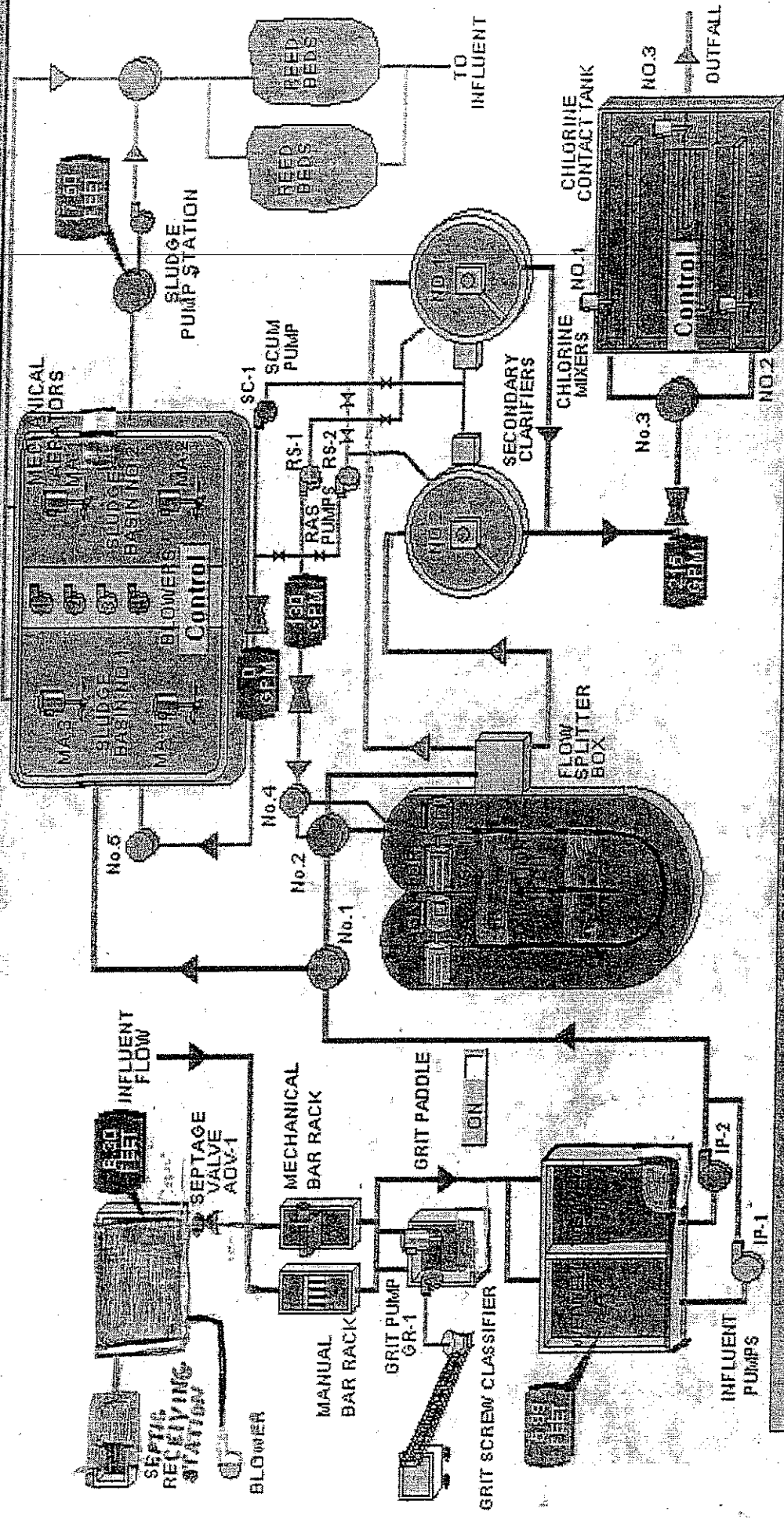
INF.
Face main to ditch

UNDER DRAINS
RETREATED

Face mains



Bethel Waste Water Treatment Plant



CURRENT ALARMS

Alarms

ATTACHMENT C

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

MEPDES# _____ Facility Name _____

Since the effective date of your permit have there been:	NO	YES (Describe in Comments)
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?		
3. changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge?		

COMMENTS:

Name(print) _____

Signature _____ Date _____

This document must be signed by the permittee or their legal representative.

This form may be used to meet the requirements of Chap 530(2)(D)(4). This Chapter requires all dischargers having waived or reduced Toxic testing to file a statement with the Department describing changes to the waste being contributed to their system as outlined above. As an alternative the discharger may submit a signed letter containing the same information.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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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).

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STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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 of 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 MAINTENANCE 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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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.

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STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

- (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.

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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.

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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

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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).

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- (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.

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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 contaminants 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.

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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.

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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.
