STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

JAMES P. BROOKS
ACTING COMMISSIONER

May 25, 2011

VIA ELECTRONIC MAIL

Mr. Darold Wooley
Superintendent
Lincoln Sanitary District
P.O. Box 56
Lincoln, Maine 04457
lincolnsanitarydistrict@myfairpoint.net

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101796
Maine Waste Discharge License (WDL) Application #W001479-6D-E-R
Final Permit/License – Lincoln Sanitary District

Dear Mr. Wooley:

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

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

Enclosure

Stakeholder Service List
Sandy Mojica, USEPA

Distribution List Name: Penobscot River Stakeholders 3/22/2011

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

IN THE MATTER OF

LINCOLN SANITARY DISTRICT	)	MAINE POLLUTANT DISCHARGE
LINCOLN, PENOBSCOT COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS	)	AND
ME0101796	)	WASTE DISCHARGE LICENSE
W001479-6D-E-R **APPROVAL**	)	**RENEWAL**

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 ("the Department," hereinafter) has considered the application of the LINCOLN SANITARY DISTRICT ("the LSD," or "permittee," hereinafter), with its supportive data, agency review comments, and other related material on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The LSD has submitted a timely and complete application to the Department for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101796/Maine Waste Discharge License (WDL) #W001479-5L-D-M ("permit," hereinafter) which was issued by the Department on December 16, 2003 and expired on March 31, 2008. The 12/16/03 permit authorized the discharge of up to a monthly average flow of 1.07 million gallons per day (MGD) of secondary treated sanitary waste waters and an unspecified quantity of primary treated combined sanitary and storm water to the Penobscot River, Class C, in Lincoln, Maine. The main stem of the Penobscot River in the vicinity of the LSD discharge was reclassified to a Class B waterway in 2005.

PERMIT SUMMARY

This permitting action is similar to the 12/16/03 permitting action in that it is carrying forward all the terms and conditions of the permit with a few exceptions. This permitting action is different in that it is:

1) Establishing whole effluent toxicity (WET), analytical chemistry and priority pollutant testing requirements based on *Surface Water Toxics Control Program*, 06-096 CMR 530, (effective October 12, 2005).

PERMIT SUMMARY (cont'd)

2) Establishing more stringent technology based monthly average (geometric mean) and daily maximum limitations for *E. coli* bacteria based on reclassification of the Penobscot River at point of discharge from a Class C to a Class B waterway.

3) Establishing monthly average and daily maximum water quality based mass and concentration limits for total copper.

4) Modifying the secondary bypass outfall designation from Outfall #001C to Outfall #002A to coincide with the outfall designation in the DEP compliance tracking database.

5) Establishing a Department Best Professional Judgment daily maximum flow "Report only" limitation (Outfall 001A) in order to monitor flows associated with wet weather events.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated May 25, 2011 and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.

2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.

3. The provisions of the State's antidegradation policy, 38 MRSA Section 464(4)(F), will be met, in that:

    a. Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;

    b. Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;

    c. The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;

    d. Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and

    e. Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.

4. The discharge(s) will be subject to effluent limitations and terms and conditions that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the application of the LINCOLN SANITARY DISTRICT to discharge up to a monthly average flow of 1.07 million gallons per day (MGD) of secondary treated sanitary waste waters and an unspecified quantity of excess combined sanitary and storm water receiving primary treatment only from a municipal waste water treatment facility to the Penobscot River, Class B, in Lincoln, Maine. The discharges shall be subject to the attached conditions and all applicable standards and regulations:

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

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

3. This permit and the authorization to discharge become effective upon the date of signature below and expire at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the authorization to discharge and the terms and conditions of this permit and all modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective April 1, 2003)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

This permit is digitally signed by Teco Brown on behalf of Acting Commmissioner James P. Brooks. It is digitally signed pursuant to 10 M.R.S.A. § 9418. It has been filed with the Board of Environmental Protection as of the signature date.
2011.05.25 17:21:07 -04'00'

Date of initial receipt of application November 29, 2007.
Date of application acceptance December 3, 2007.

This Order prepared by Phyllis Arnold Rand, BUREAU OF LAND & WATER QUALITY
ME0101796 2011

SPECIAL CONDITIONS
A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Beginning the effective date of this permit, the permittee is authorized to discharge secondary treated waste waters to the Penobscot River. Such treated waste water discharges shall be limited and monitored by the permittee as specified below. The italicized numeric values bracketed in the table below and on the following pages are code numbers that Department personnel utilize to code Discharge Monitoring Reports.

SECONDARY TREATED WASTE WATERS - OUTFALL #001A

Effluent Characteristic	**Discharge Limitations**						**Minimum Monitoring Requirements**	
	Monthly Average	**Weekly Average**	**Daily Maximum**	**Monthly Average**	**Weekly Average**	**Daily Maximum**	**Measurement Frequency**	**Sample Type**
Flow *[50050]*	1.07 MGD *[03]*	---	Report MGD *[03]*	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
Biochemical Oxygen Demand (BOD_5) *[00310]*	268 lbs/Day *[26]*	402 lbs/Day *[26]*	Report lbs/Day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	2/Week *[02/07]*	Composite *[24]*
BOD5 % Removal(1) *[81010]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Total Suspended Solids (TSS) *[00530]*	268 lbs/Day *[26]*	402 lbs/Day *[26]*	Report lbs/Day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	2/Week *[02/07]*	Composite *[24]*
TSS % Removal(1) *[81011]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Settleable Solids *[00545]*	---	---	---	---	---	0.3 ml/L *[25]*	5/Week *[05/07]*	Grab *[GR]*
E. coli Bacteria(2) *(May 15 – September 30)* *[31633]*	---	---	---	64/100 ml(3) *[13]*	---	427/100 ml *[13]*	2/Week *[02/07]*	Grab *[GR]*
Total Residual Chlorine(4) *[50060]*	---	---	---	---	---	1.0 mg/L *[19]*	1/Day *[01/01]*	Grab *[GR]*
pH (Std. Units) *[00400]*	---	---	---	---	---	6.0-9.0 *[12]*	5/Week *[05/07]*	Grab *[GR]*

FOOTNOTES: See pages 9 – 13 of this permit for applicable footnotes.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. Beginning the effective date of this permit, discharges shall be limited and monitored by the permittee as specified below.

SECONDARY TREATED WASTE WATERS - OUTFALL #001A

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Copper (Total) *[01042]*	0.11 lbs/day *[26]*	---	0.14 lbs/day *[26]*	24 ug/L *[28]*	---	30 ug/L *[28]*	1/Year *[01/YR]*	Composite *[24]*

The italicized bracketed numeric values in the table above and tables that follow are not limitations but are code numbers used by Department personnel to code the Discharge Monitoring Reports (DMR).

FOOTNOTES: See pages 9 – 13 of this permit for applicable footnotes.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd) – OUTFALL #001A

3. ***SCREENING LEVEL*** **-** Beginning 12 months prior to expiration of the permit and every five years thereafter.

SECONDARY TREATED WASTE WATERS - OUTFALL #001A

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity[5]						
Acute – NOEL						
Ceriodaphnia dubia (Water flea) *[TDA3B]*	---	---	---	Report % *[23]*	1/Year *[01/YR]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TDA6F]*	---	---	---	Report % *[23]*	1/Year *[01/YR]*	Composite *[24]*
Chronic – NOEL						
Ceriodaphnia dubia (Water flea) *[TBP3B]*	---	---	---	Report % *[23]*	1/Year *[01/YR]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TBQ6F]*	---	---	---	Report % *[23]*	1/Year *[01YR]*	Composite *[24]*
Analytical chemistry[6] *[51477]*	---	---	---	Report ug/L *[28]*	1/Quarter *[01/90]*	Composite/Grab *[24]*
Priority Pollutant [7] *[50008]*	---	---	---	Report ug/L *[28]*	1/Year *[01/YR]*	Composite/Grab *[24]*

FOOTNOTES: See pages 9 – 13 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

4. During the period beginning the effective date of the permit, the permittee is authorized to bypass secondary treatment. Such CSO related bypasses of secondary treatment discharges[13] may only occur in response to wet weather events when the influent to the waste water treatment facility exceeds a peak hourly flow rate of 1,944 gallons per minute (2.8 MGD) or in accordance with the most current approved Wet Weather Flow Management Plan. Approval of said bypass will be reviewed and may be modified or terminated pursuant to Special Condition M, *Reopening of Permit For Modification*, if there is a substantial change in the volume or character of pollutants in the collection/treatment system, if new information regarding CSO management becomes available or if necessary for implementation of an approved CSO Master Plan. Bypasses shall be monitored and reported as specified below.

PRIMARY TREATED WASTE WATERS - OUTFALL #002A (Secondary Treatment Bypass)

Effluent Characteristic	**Discharge Limitations**				**Minimum Monitoring Requirements**	
	Monthly Average as specified	**Daily Maximum** as specified	**Monthly Average** As specified	**Daily Maximum** as specified	**Measurement Frequency** as specified	**Sample Type** as specified
Flow, MGD *[50050]*	Report (Total MGD) *[03]*	Report (MGD) *[03]*	---	---	Continuous *[99/99]*	Recorder *[RC]*
Surface Loading Rate[9] *[50997]*	---	Report (gpd/sf) *[07]*	---	---	1/Discharge Day[8] *[01/DS]*	Calculate *[CA]*
Overflow Use, Occurrences[10] *[74062]*	---	---	Report (# of days) *[93]*	---	1/Discharge Day[8] *[01/DS]*	Record Total *[RT]*
BOD_5 *[00310]*	---	---	---	Report mg/L *[19]*	1/Discharge Day[8] *[01/DS]*	Composite *[CP]*
BOD5 % Removal[1,11] *[81010]*	Report (%) *[23]*	---	---	---	1/Month *[01/30]*	Calculate *[24]*
TSS *[00530]*	---	---	---	Report mg/L *[19]*	1/Discharge Day[8,10] *[01/DS]*	Composite *[CP]*
TSS % Removal[1,11] *[81011]*	Report (%) *[23]*	---	---	---	1/Month *[01/30]*	Calculate *[CA]*
E. coli Bacteria[2] *[31633]* (May 15 – September 30)	---	---	---	427/100 mL *[13]*	1/Discharge Day[8, 10] *[01/DS]*	Grab[12] *[GR]*
Total Residual Chlorine[2] *[50060]*	---	---	---	1.0 mg/L *[19]*	1/Discharge Day[8] *[01/DS]*	Grab[12] *[GR]*

SPECIAL CONDITIONS

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

Footnotes:

Sampling Locations:

Influent sampling for BOD_5 and TSS shall be sampled (composite) at a point between the flow control structure at the headworks and the bar rack.

Effluent receiving secondary treatment (Outfall #001A) shall be sampled (composite and grab) for all parameters specified in Special Condition A(1) after the chlorine contact chamber on a year-round basis. Sampling of the secondary effluent shall be conducted prior to combining with the primary treated effluent during a bypass event.

Effluent receiving primary treatment (Outfall #002A) shall be sampled (composite and grab samples) for all parameters specified in Special Condition A(2) after primary clarification but before combining with the secondary treated effluent.

Any change in sampling location(s) must be reviewed and approved by the Department in writing.

Sampling and analysis must be conducted in accordance with; a) methods approved in 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Human Services for waste water testing. Samples that are sent to another POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 or laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended February 13, 2000).

All 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. See **Attachment A** of this permit for a list of the Department's RLs. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the RL achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL or reporting an estimated value ("J" flagged) is not acceptable and will be rejected by the Department. Reporting analytical data and its use in calculations must follow established Department guidelines specified in this permit or in available Department guidance documents.

SPECIAL CONDITIONS

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

Footnotes:

1. **Percent removal** – For secondary treated waste waters, the facility shall maintain a minimum of 85 percent removal of both BOD_5 and TSS. For both primary treated and secondary treated waste waters, the percent removal shall be based on a monthly average value calculated based on 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.

2. ***E. coli* bacteria** - Limits are seasonal and apply between May 15 and September 30 of each calendar year. The Department reserves the right to require disinfection on a year-round basis to protect the health and welfare of the public.

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 in effect anytime elemental chlorine or chlorine based compounds are utilized to disinfect the discharge(s). The permittee shall utilize an EPA-approved test method capable of bracketing the TRC limitations specified in this permitting action.

5. **Whole effluent toxicity (WET) testing** - Definitive WET testing is a multi-concentration testing event (a minimum of five dilutions bracketing the critical acute and chronic dilutions of 0.24% and 0.06% respectively), which provides a point estimate of toxicity in terms of No Observed Effect Level, commonly referred to as NOEL or NOEC. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level with survival, reproduction and growth as the end points.

    a. **Screening level testing** - Beginning 12 months prior to expiration of the permit and every five years thereafter, the permittee shall initiate screening level WET tests at a frequency of once per year (any calendar quarter). Testing shall be conducted on the water flea (*Ceriodaphnia dubia*) and the brook trout (*Salvelinus fontinalis).* WET test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days after receiving the test results from the laboratory conducting the testing. The permittee shall evaluate test results being submitted and identify to the Department possible exceedences of the critical acute and chronic water quality thresholds of 0.24% and 0.06%. Surveillance level testing for the first four years of

SPECIAL CONDITIONS

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

Footnotes:

the term of this permit have been waived in accordance with the criteria in 06-096 CMR 530 (D)(3)(b).

Toxicity tests must be conducted by an experienced laboratory approved by the Department. See **Attachment B** of this permit for a copy of the Department's WET report form. The laboratory must follow procedures as described in the following U.S.E.P.A. methods manuals.

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

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

The permittee is also required to analyze the effluent for the parameters specified in the WET chemistry section and the parameters specified in the analytical chemistry section in **Attachment A** of this permit each time a WET test is performed.

6. **Analytical chemistry** – Refers to a suite of chemical tests listed in **Attachment A** of this permit. Screening level testing shall be conducted once per quarter (1/Quarter) for four consecutive calendar quarters beginning 12 months prior to expiration of the permit and every five years thereafter. With the exception of total copper, surveillance level analytical testing has been waived pursuant to 06-096 CMR 530 (D)(3)(b).

   Analytical chemistry and priority pollutant testing shall be conducted on samples collected at the same time as those collected for whole effluent toxicity tests, when applicable, and shall be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve the most current minimum reporting levels of detection as specified by the Department.

7. **Priority pollutant testing** – Priority pollutant testing refers to analysis for levels of priority pollutants listed in 06-096 CMR 525 (4)(VI). Screening level testing shall be conducted once per year (1/Year) beginning 12 months prior to expiration of the permit and every five years thereafter. Surveillance level priority pollutant testing is not required pursuant to 06-096 CMR 530 (2)(D).

SPECIAL CONDITIONS

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

Footnotes:

Priority pollutant and analytical chemistry testing shall be conducted on samples collected at the same time as those collected for whole effluent toxicity tests when applicable. Priority pollutant and analytical chemistry testing shall be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve minimum reporting levels of detection as specified by the Department.

Test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee shall evaluate test results being submitted and identify to the Department, possible exceedences of the acute, chronic or human health AWQC as established in 06-096 CMR 584. For the purposes of DMR reporting, enter a "1" for yes, testing done this monitoring period or "NODI-9" monitoring not required this period.

8. **Discharge Day** - A discharge day is defined as a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

9. **Surface Loading Rate** – For the purposes of this permitting action is defined as the average hourly rate per overflow occurrence in a discharge day. The licensee should provide this information to establish data on the effectiveness of peak flows receiving primary treatment only.

10. **Overflow occurrence** – An overflow occurrence is defined as the period of time between initiation of flow from the primary bypass and ceasing discharge from the primary bypass. Overflow occurrences are reported in discharge days.

    Multiple intermittent overflow occurrences in one discharge day are reported as one overflow occurrence and are sampled according to the measurement frequency specified. One composite sample for BOD5 and total suspended solids shall be collected per discharge day and shall be of flow proportioned from each intermittent overflow during that 24-hour period.

    For overflow occurrences exceeding one day in duration, sampling shall be performed each day of the event according to the measurement frequency specified. For example, if an overflow occurs for all or part of three discharge days, the permittee shall take three composite samples for BOD5 and TSS, initiating samples at the start of the overflow and each subsequent discharge day thereafter and terminating samples at the end of the discharge day or the end of the overflow occurrence. Samples shall be flow proportioned.

SPECIAL CONDITIONS

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

Footnotes:

11. **BOD_5 and TSS percent removal** - The permittee shall analyze both the influent of the treatment plant and effluent of the primary clarifiers for BOD_5 and TSS during the discharge of treated excess combined sewer waste waters from Outfall 002A and report the percent (%) removal on the monthly Discharge Monitoring Report (DMR). Composite samples for BOD_5 and TSS are not required to be collected when Outfall 002A (CSO-related bypass of secondary treatment) is active for a single continuous discharge event lasting less than 60 minutes or during intermittent discharge events over a course of the 24-hour reporting period lasting less than 120 minutes. As an attachment to the DMR, the permittee shall report the individual BOD_5 and TSS test results used to calculate the percent removal rates reported. For the purpose of calculating BOD_5 and TSS percent (%) removals on the treated excess combined sewer waste water, the influent sample shall only be collected during overflow occurrences.

    For facilities whose normal staffing hours do not include weekends, or whose weekend staffing time is limited to minimum facility oversight (i.e. permit required daily grab sample analysis, setting up composite samplers, or performing routine observations of treatment plant functions), bypass BOD_5 /TSS composite samples collected after one hour before the end of normal staffing hours on Friday through 22 hours before normal staffing time on Monday may be held beyond the maximum holding time of twenty-four hours and analyzed as soon as possible during staffed hours on the Monday following the weekend. Composite samples with extended holding times must remain refrigerated until analyzed, and must conform to any other bypass sampling procedures as defined in this document. Any reported extended holding time composite sample results must be flagged to distinguish them from samples that were analyzed within the proper holding time.

12. **Grab samples** for *E.* coli and total residual chlorine at Outfall #002A are only required to be collected when Outfall #002A is active for a single continuous discharge event lasting greater than 120 minutes and between the hours of 7:00 AM – 4:00 PM during the normal work week (Monday through Friday).

13. **CSO-Related Bypasses of Secondary Treatment** – For the purposes of this permitting action, this term refers to structures and or processes at the waste water treatment facility that provide equivalent to primary treatment and disinfection of waste water that bypasses the biological treatment portion of the facility in an effort to mitigate the discharge of
    untreated combined sanitary waste water and storm water from the pump station bypass in Special Condition J of this permit.

SPECIAL CONDITIONS

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 license 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 III** certificate (or higher) or must be a Maine Registered Professional Engineer pursuant to *Sewerage Treatment Operators*, Title 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.

E. 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;

SPECIAL CONDITIONS

E. NOTIFICATION REQUIREMENT (cont'd)

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.

F. 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 November 29, 2007; 2) the terms and conditions of this permit; and 3) only from Outfalls #001A and #002A. Discharges of waste water from any other point source are not authorized under this permit, and shall be reported in accordance with Standard Condition B(5), *Bypasses*, of this permit.

G. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

During the effective period of this permit, the permittee is authorized to **receive** and **introduce** into the treatment process or solids handling stream up to a daily maximum of **3,600 gallons per day** [**and a monthly total of 108,000 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.

SPECIAL CONDITIONS

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

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.

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 I that provides for full treatment of transported wastes without adverse impacts.

SPECIAL CONDITIONS

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

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 *Standards for the Addition of Transported Wastes to Wastewater Treatment Facilities*, 06-095 CMR 555 (effective March 9, 2009) and the terms and conditions of this permit.

H. MERCURY

All mercury sampling (4/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 analyses shall be conducted in accordance with EPA Method 1631E, Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry. See **Attachment C,** *Effluent Mercury Test Report,* of this permit for the Department's form for reporting mercury test results.

I. WET WEATHER FLOW MANAGEMENT PLAN

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

SPECIAL CONDITIONS

J. PUMP STATION BYPASSES

Discharges from emergency bypass structures in pump stations are not authorized by this permit. The permittee shall make provisions to monitor the pump station listed below to determine the frequency and quantity (via measurement or estimation) of waste water discharged from the bypass structure.

Outfall Number	Outfall Location	Receiving Water and Class
003	Creamery Court	Mattanawcook Str., Class C

Discharges from the pump station shall be reported in accordance with Standard Condition B(5) (Bypass) of this permit.

K. OPERATION & MAINTENANCE (O&M) PLAN

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

By December 31 of each year, **and 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.

SPECIAL CONDITIONS

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

By December 31 of each calendar year ***[PCS Code 95799]***, the permittee shall provide the Department with a certification describing any of the following that have occurred since the effective date of this permit. See **Attachment D** of the Fact Sheet for an acceptable certification form to satisfy this Special Condition.

(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.

In addition, in the comments section of the certification form, the permittee shall provide the Department with statements describing;

(d) Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge.

(e) Increases in the type or volume of hauled wastes accepted by the facility.

The Department reserves the right to reinstate annual (surveillance level) testing or other toxicity testing if new information becomes available that indicates the discharge may cause or have a reasonable potential to cause exceedences of ambient water quality criteria/thresholds.

M. MONITORING AND REPORTING

Monitoring results obtained during the previous month shall be summarized for each month and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department and **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to a Department Regional Office such that the DMR's are received by the Department on or before the fifteenth (15th) day of the month** following the completed reporting period.

SPECIAL CONDITIONS

M. MONITORING AND REPORTING (cont'd)

A signed copy of the DMR and all other reports required herein shall be submitted to the following address:

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

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.

Additional monthly reporting requires submitting an electronic version of, *"DEP-49-CSO Form For Use With Non-Dedicated CSO Primary Clarifiers"* (**Attachment D** of this permit) to the Department inspector at the address above and to the CSO Coordinator at the address below:

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

N. REOPENING OF PERMIT FOR MODIFICATIONS

Upon evaluation of the tests results or monitoring requirements specified in Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at 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.

O. SEVERABILITY

In the event that any provision or part thereof, of this permit is declared to be unlawful by a reviewing court, the remainder of the permit shall remain in full force and effect, and shall be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

ATTACHMENT A

Printed 1/22/2009

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

Licensed Flow (MGD)		**Flow for Day (MGD)[1]**	**Flow Avg. for Month (MGD)[2]**
Acute dilution factor			
Chronic dilution factor		**Date Sample Collected**	Date Sample Analyzed
Human health dilution factor			
Criteria type: M(arine) or F(resh)			

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.

			Effluent Limits, %			Receiving Water or Ambient	**Effluent Concentration (ug/L or as noted)**		**Possible Exceedence [7]**		
			Acute	Chronic			WET Result, % Do not enter % sign	Reporting Limit Check	Acute	Chronic	
	WHOLE EFFLUENT TOXICITY										
	Trout - Acute										
	Trout - Chronic										
	Water Flea - Acute										
	Water Flea - Chronic										
	WET CHEMISTRY										
	pH (S.U.) (9)					(8)					
	Total Organic Carbon (mg/L)					(8)					
	Total Solids (mg/L)										
	Total Suspended Solids (mg/L)										
	Alkalinity (mg/L)					(8)					
	Specific Conductance (umhos)										
	Total Hardness (mg/L)					(8)					
	Total Magnesium (mg/L)					(8)					
	Total Calcium (mg/L)					(8)					
	ANALYTICAL CHEMISTRY [3]										

	Also do these tests on the effluent with WET. Testing on the receiving water is optional	Reporting Limit	Effluent Limits, ug/L Acute[6]	Chronic[6]	Health[6]			Reporting Limit Check	**Possible Exceedence [7]** Acute	Chronic	Health
	TOTAL RESIDUAL CHLORINE (mg/L) (9)	0.05				NA					
	AMMONIA	NA				(8)					
M	ALUMINUM	NA				(8)					
M	ARSENIC	5				(8)					
M	CADMIUM	1				(8)					
M	CHROMIUM	10				(8)					
M	COPPER	3				(8)					
M	CYANIDE	5				(8)					
M	LEAD	3				(8)					
M	NICKEL	5				(8)					
M	SILVER	1				(8)					
M	ZINC	5				(8)					

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

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

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

Notes:

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

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

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

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

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

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

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

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

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

Comments:

ATTACHMENT B

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
WHOLE EFFLUENT TOXICITY REPORT
FRESH WATERS

Facility Name _____ MEPDES Permit # _____

Facility Representative _____ Signature _____

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

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

Chlorinated? _____ Dechlorinated? _____

Results	**% effluent**	
	water flea	**trout**
A-NOEL		
C-NOEL		

Effluent Limitations	
A-NOEL	
C-NOEL	

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

place * next to values statistically different from controls

for trout show final wt and % incr for both controls

Reference toxicant	water flea		trout	
	A-NOEL	C-NOEL	A-NOEL	C-NOEL
toxicant / date				
limits (mg/L)				
results (mg/L)				

Comments _____

Laboratory conducting test

Company Name _____ Company Rep. Name (Printed) _____

Mailing Address _____ Company Rep. Signature _____

City, State, ZIP _____ Company Telephone # _____

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

ATTACHMENT C

Maine Department of Environmental Protection

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

Sampling Location:

Weather Conditions: _____

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

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

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

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory: _____

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

Please Enter Effluent Limits for your facility

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

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

CERTIFICATION

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

By: _____ Date: _____

Title: _____

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

ATTACHMENT D

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
CSO ACTIVITY AND VOLUMES

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

CSO EVENT NO.	START DATE OF STORM	PRECIP. DATA		FLOW DATA (GALLONS PER DAY) OR BLOCK ACTIVITY("1")							
		TOTAL INCHES	MAX. HR. INCHES	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	EVENT OVERFLOW GALLONS	EVENT DURATION HRS
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											
16											
17											
18											
19											
20											
21											
22											
23											
24											
25											
	TOTALS										

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
MAINE WASTE DISCHARGE LICENSE

FACT SHEET

May 25, 2011

PERMIT NUMBER: **ME01010796**
LICENSE NUMBER: **W001479-6D-E-R**

NAME AND ADDRESS OF APPLICANT:

LINCOLN SANITARY DISTRICT
P.O. Box 56
Lincoln, Maine 04457

COUNTY: **Penobscot County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

56 Haynes Street
Lincoln, Maine 04457

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

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Darold Wooley, Supt.**
(207) 794-8244
lincolnsanitarydistrict@myfairpoint.net

1. APPLICATION SUMMARY

a. Application: The LSD has submitted a timely and complete application to the Department for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101796/Maine Waste Discharge License (WDL) #W001479-5L-D-M ("permit," hereinafter) which was issued by the Department on December 16, 2003 and expired on
March 31, 2008. The 12/16/03 permit authorized the discharge of up to a monthly average flow of 1.07 million gallons per day (MGD) of secondary treated sanitary waste waters and an unspecified quantity of primary treated combined sanitary and storm water to the Penobscot River, Class C, in Lincoln, Maine. The main stem of the Penobscot River in the vicinity of the LSD discharge was reclassified to a Class B waterway in 2005.

2. PERMIT SUMMARY

a. Terms & conditions**:** This permitting action is similar to the 12/16/03 permitting action in that it is carrying forward all the terms and conditions with the following exceptions. This permitting action is different in that it is:

1) Establishing whole effluent toxicity (WET), analytical chemistry and priority pollutant testing requirements based on *Surface Water Toxics Control Program*, 06-096 CMR 530, (effective October 12, 2005).

2) Establishing more stringent technology based monthly average (geometric mean) and daily maximum limitations for *E. coli* bacteria based on reclassification of the Penobscot River at point of discharge from a Class C to a Class B waterway.

3) Establishing monthly average and daily maximum water quality based mass and concentration limits for total copper.

4) Modifying the secondary bypass outfall designation from Outfall #001C to Outfall #002 to coincide with the outfall designation in the DEP compliance tracking database.

5) Establishing a Department Best Professional Judgment daily maximum flow "Report only" limitation (Outfall 001A) in order to monitor flows associated with wet weather events.

b. History: The most current relevant regulatory actions for the LSD include the following:

April 30, 1997 – The Department issued WDL #W001479-46-B-R for a five-year term.

December 16, 1998 – The EPA and Department approved the District's December 11, 1998, CSO Abatement Implementation Schedule and CSO Abatement Plan.

December 17, 1998 – The EPA issued an Administrative Compliance Order (Docket No. 99-02) to Lincoln Sanitary District. The Administrative Order (AO) required the District to implement improvements/upgrades at the waste water treatment facility and CSO discharge elimination measures in accordance with the Master Plan and implementation schedule, both of which were approved by the EPA and the Department on 12/16/98.

March 31, 2000 – The EPA issued NPDES permit #ME0101796 for a five-year term. It is noted the NPDES permit contained reporting requirements for an internal wet weather waste stream that receives only primary treatment and disinfection, if necessary, before being combining with secondary treated and disinfected waste waters and discharge to the Penobscot River.

2. PERMIT SUMMARY (cont'd)

May 23, 2000 – The Department administratively modified the 4/30/97 WDL for the LSD facility by establishing interim monthly average and daily maximum concentration limits for mercury.

January 12, 2001 – The EPA granted the State of Maine authorization to administer the NPDES permitting program except for discharges on the main stem of the Penobscot River north of Indian Island in Old Town, Maine.

May 22, 2002 – The Department administratively modified the 4/30/97 WDL by waiving surveillance level (annual) whole effluent toxicity (WET) and chemical specific testing as the facility met the criteria established for the waiver pursuant to Department regulation Chapter 530.5 and associated program protocols.

March 31, 2003 - The Department issued WDL #W001479-5L-C-R for a five-year term.

October 31, 2003 - The State of Maine received authorization from the US EPA to administer the NPDES permitting program on the main stem of the Penobscot River north of Indian Island in Old Town, Maine.

December 16, 2003 – The Department modified the 3/31/03 WDL by incorporating the terms and conditions of the MEPDES permit program. The permit was issued for a five-year term.

April 20, 2006 - The Department issued a modification of the 12/16/03 MEPDES permit by incorporating WET and chemical specific testing requirements pursuant to 06-096 CMR 530.

November 29, 2007 – The LSD submitted a timely and complete application to the Department for renewal of the MEPDES permit.

c. Source Description: The waste water treatment facility receives sanitary waste water flows from a population of approximately 4,200 residential and commercial users within the District's boundaries in the Town of Lincoln. The waste water treatment facility is currently licensed to accept up to 3,600 gpd of septage. The LSD has an up-to-date septage management plan for the facility required by *Standards for the Addition of Transported Wastes to Wastewater Treatment* Facilities, 06-096 CMR 555 (effective March 9, 2009), that has been reviewed and approved by the Department.

The LSD owns and maintains a sewer collection system that is approximately 17.4 miles in length and is approximately 5% combined and 95% separated. The collection system has nine (9) pump stations, all with emergency power provisions and audio/visual alarm systems. Six (6) of the nine pump stations are hard-wired to the waste water treatment

2. PERMIT SUMMARY (cont'd)

facility. There are no CSOs associated with the collection system but the Creamery Court pump station has an emergency bypass port and must be monitored for bypass occurrences by this permitting action. See Special Condition I, *Pump Station Bypasses*, of this permit.

d. Waste Water Treatment: The LSD waste water treatment facility commenced operations in April of 1982 and provides a secondary level of treatment via a bar rack, two aerated grit chambers, a comminutor, two primary clarifiers, each measuring 40 feet in diameter and 10 feet deep, four air-driven rotating biological contactors (RBCs) with coarse bubble diffused aeration and a total media surface area of 488,000 square feet and two circular final clarifiers each measuring 40 feet in diameter and 10 feet deep. The effluent is seasonally disinfected with sodium hypochlorite in a chlorine contact chamber measuring 55 feet by 10 feet providing approximately 44 minutes of detention at 1.07 MGD. Flow is measured by an ultrasonic flow meter prior to being discharged to the east bank of the Penobscot River via Outfall #001A through an iron pipe measuring 18 inches in diameter and at a depth of 8.5 feet below mean low water. The waste water treatment facility is designed to provide secondary treatment for an average daily flow of 1.07 MGD and a peak hourly capacity of 2.80 MGD.

During wet weather events (greater than the design flows cited above) an overflow structure at the headworks of the facility diverts the excess flow to a treatment train where the waste water receives treatment via a bar rack, a vortex de-gritter, a primary clarifier and disinfection with sodium hypochlorite if necessary, prior to combining with the secondary treated waste water for discharge to the Penobscot River via Outfall #001A. This treatment process was constructed in response to EPA's 12/16/98 Administrative Order and completed in February 2000. The LSD also updated their Wet Weather Flow Management Plan in February 2000 which was reviewed and approved by the Department.

Biosolids generated at the facility is dewatered via a one-meter belt filter press and disposed of by way of land application between February and May of each year and composted on-site on a year-round basis. On average, the facility generates approximately 12 dry tons of biosolids per month.

3. CONDITIONS OF PERMITS

Conditions of Licenses, 38 M.R.S.A. Section 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, *Certain Deposits and Discharges Prohibited*, 38 M.R.S.A. Section 420 and *Surface Water Toxics Control Program*, 06-096

3. CONDITIONS OF PERMITS (cont'd)

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, 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 STANDARDS

Classification of major river basins, 38 M.R.S.A. § 467(7)(A)(3), indicates the Penobscot River main stem, from the Maine Central Railroad bridge in Bangor to a line extended in an east-west direction from the confluence of Reeds Brook in Hampden, is classified as a Class B waterway. The Legislature finds that the free-flowing habitat of this river segment provides irreplaceable social and economic benefits and that this use must be maintained. Maine law, 38 M.R.S.A., Section 465(3) describes standards for classification of Class B waters as follows:

Class B waters must be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; navigation; and as habitat for fish and other aquatic life. The habitat must be characterized as unimpaired.

The dissolved oxygen content of Class B waters may not be less than 7 parts per million or 75% of saturation, whichever is higher, except that for the period from October 1st to May 14th, in order to ensure spawning and egg incubation of indigenous fish species, the 7-day mean dissolved oxygen concentration may not be less than 9.5 parts per million and the 1-day minimum dissolved oxygen concentration may not be less than 8.0 parts per million in identified fish spawning areas. Between May 15th and September 30th, the number of Escherichia coli bacteria of human and domestic animal origin in these waters may not exceed a geometric mean of 64 per 100 milliliters or an instantaneous level of 236 per 100 milliliters. In determining human and domestic animal origin, the department shall assess licensed and unlicensed sources using available diagnostic procedures.

Discharges to Class B waters may not cause adverse impact to aquatic life in that the receiving waters must be of sufficient quality to support all aquatic species indigenous to the receiving water without detrimental changes in the resident biological community.

5. RECEIVING WATER CONDITIONS

The State *of Maine 2008 Integrated Water Quality Monitoring and Assessment Report*, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the receiving waterbody at the point of discharge (Hydrologic Unit Code ME0102000502_231R) as, "Category 5A: Rivers and Streams Impaired by Pollutants Other Than

5. RECEIVING WATER CONDITIONS (cont'd)

Those Listed in 5B (TMDL Required)." Specifically, this portion of the river has ongoing nutrient issues (algal blooms) and depressed dissolved oxygen levels.

In addition, the Report lists all freshwaters in Maine in "*Category 4A: Rivers and Streams With Impaired Use, TMDL Completed.* 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. The Report states that a regional scale TMDL has been approved. In addition, 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. See the discussion on compliance in section 6(i) of this Fact Sheet.

In the summers of 1997, 2001 and 2007, the Department conducted ambient water quality sampling on a 103-mile segment of the Penobscot River from Millinocket to Bucksport. Reports entitled, *Penobscot River Modeling Report, Final, June 2000*, *Penobscot River Data Report May 2002*, and *Penobscot River Modeling Report Draft, March 2003*, prepared by the Department, indicate there are sections of non-attainment of dissolved oxygen standards as a result of algal blooms in portions of the Class B sections of the river. In addition, the Department has issued a report entitled, *Penobscot River Phosphorus Waste Load Allocation, May 2011* stating seasonal mass based limitations are necessary for the four industrial dischargers on the river and monitoring for total phosphorus for five municipal waste water treatment facilities. The Department has no information at this time that the permittee causes or contributes to non-attainment of the standards for Class B waters.

If ambient water quality monitoring or future modeling determines that at full permitted discharge limits the permittee's discharge is causing or contributing to the non-attainment of standards, this permit will be reopened per Special Condition N, *Reopening of Permit For Modifications*, to impose more stringent limitations to meet water quality standards.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Secondary Treated Effluent:

a. Flow: The monthly average flow limitation of 1.07 MGD in the previous permitting action is being carried forward in this permitting action and is representative of the monthly average design flow for the waste water treatment facility. This permitting action is establishing a Department Best Professional Judgment daily maximum flow "Report only" limitation in order to monitor flows associated with wet weather events.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Secondary Treated Effluent:

A summary of the monthly Discharge Monitoring Report (DMR) data for the period February 2006 – February 2011 (n=59) indicates the facility has discharged effluent flows in the range of 0.26 MGD to 1.27 MGD with an average daily maximum flow of 0.63 MGD.

b. Dilution Factors - The Department established applicable dilution factors for the discharge in accordance with freshwater protocols established in *Surface Water Toxics Control Program*, 06-096 CMR 530 (effective October 9, 2005). With a permitted flow limit of 1.07 MGD the dilution factors are as follows:

Modified Acute[(1)] = 676 cfs $\Rightarrow \frac{(676 \text{ cfs})(0.6464^{(2)}) + (1.07 \text{ MGD})}{(1.07 \text{ MGD})} = 408:1$

Acute: 1Q10 = 2,703 cfs $\Rightarrow \frac{(2{,}703 \text{ cfs})(0.6464) + (1.07 \text{ MGD})}{(1.07 \text{ MGD})} = 1{,}634:1$

Chronic: 7Q10 =2,822 cfs $\Rightarrow \frac{(2{,}882 \text{ cfs})(0.6464) + (1.07 \text{ MGD})}{(1.07 \text{ MGD})} = 1{,}703:1$

Harmonic Mean: = 5,678 cfs $\Rightarrow \frac{(5{,}678 \text{ cfs})(0.6464) + (1.07 \text{ MGD})}{(1.07 \text{ MGD})} = 3{,}431:1$

Footnotes: (1) 06-096 CMR 530 (4)(B)(1) states that analyses using numeric 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. The 1Q10 is the lowest one day flow over a ten-year recurrence interval. The regulation goes on to say that where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater
proportion of the stream design, up to including all of it. The Department has made the determination that the discharge does not receive rapid and complete mixing with the receiving water, therefore the default stream flow of ¼ of the 1Q10 is applicable in acute statistical evaluations pursuant to 06-096 CMR 530.

(2) Conversion factor, cubic feet per second to million gallons per day.

c. Biochemical Oxygen Demand (BOD5) & Total Suspended Solids (TSS): The previous permitting established monthly and weekly average BOD5 and TSS best practicable treatment (BPT) concentration limits of 30 mg/L and 45 mg/L respectively, which were based on secondary treatment requirements in 06-096 CMR 525(3)(III). The maximum daily BOD5 and TSS concentration limits of 50 mg/L were based on a Department best professional judgment of BPT. All three concentration limits are being carried forward in this permitting action.

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

Secondary Treated Effluent:

c. Biochemical Oxygen Demand (BOD5) & Total Suspended Solids (TSS) (cont'd):

As for mass limitations, the previous permitting action established monthly average and weekly average limitations based on a monthly average limit of 1.07 MGD that are being carried forward in this permitting action. The limitations were calculated as follows:

Monthly average: (1.07 MGD)(8.34)(30 mg/L) = 268 lbs/day
Weekly average: (1.07 MGD)(8.34)(45 mg/L) = 402 lbs/day

No daily maximum mass limitations (report only) for BOD5 or TSS were established in the previous permitting action as doing so may discourage the LSD from treating as much waste water through the secondary treatment system during wet weather events.

The permittee's BOD5 percent removal rates for the period of February 2006 – February 2011 ranged from 86% - 99% (n=52) and TSS from 86% - 99%, respectively. The previous permitting action established a requirement of 85% removal for BOD5 and TSS pursuant to 06-096 CMR 525(3)(III)(a&b)(3) that is being carried forward in this permitting action.

Monitoring frequencies for BOD and TSS of 2/Week are being carried forward from the previous permitting action and are based on Department policy for facilities with a monthly average flow greater than 1.0 MGD but less than 5.0 MGD.

A review of the DMR data for the period February 2006 – February 2011 indicates the monthly average and daily maximum mass and concentration values for BOD5 & TSS have been reported as follows:

BOD_5 Mass

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)	Number of DMRs	Compliance
Monthly Average	268	8 – 145	46	59	100%
Weekly Average	402	8 – 195	70	59	100%
Daily Maximum	Report	11 – 249	104	59	N/A

BOD_5 Concentration

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance
Monthly Average	30	3 – 19	10	59	100%
Daily Maximum	50	3 – 19	12	59	100%

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

Secondary Treated Effluent:

c. Biochemical Oxygen Demand (BOD5) & Total Suspended Solids (TSS) (cont'd):

TSS mass

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)	Number of DMRs	Compliance
Monthly Average	268	8 – 90	46	59	100%
Weekly Average	402	10 – 215	73	59	100%
Daily Maximum	Report	12 – 305	120	59	N/A

TSS concentration

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance
Monthly Average	30	4- 17	10	59	100%
Daily Maximum	50	7 – 30	14	59	100%

d. Settleable Solids: The previous permitting action established a daily maximum concentration limit of 0.3 mL/L for settleable solids and is considered by the Department as a best professional judgment of BPT for secondary treated waste waters. A review of the DMR data for the period February 2006 – February 2011 indicates the daily maximum concentration values reported have ranged from 0.1 mL/L – 0.1 mL/L with an arithmetic mean of 0.1 mL/L. The previous permitting action established a monitoring frequency of 5/Week that is being carried forward in this permitting action.

e. *E. coli* bacteria: The previous permitting action established seasonal (May 15 – September 30) monthly average and daily maximum *E. coli* bacterial limits of 142 colonies/100 mL and 949 colonies/100 mL, respectively. The limits were based on the State of Maine Water Classification Program as established in Maine law, 38 M.R.S.A, *§*465(3) for Class C waterbodies. The main stem of the Penobscot River in the vicinity of the LSD discharge was reclassified to a Class B waterway in 2005. *Standards for the Classification of Fresh Surface Waters*, 38 M.R.S.A, *§*465(2), establishes monthly average and daily maximum ambient water quality based *E. coli* thresholds of 64 colonies/100 mL and 236 colonies/100 mL, respectively. However, the Department has developed an alternative approach to calculating daily maximum limits that considers the dilution of the receiving water for freshwater dischargers. Based on this approach, the Department has determined that any facility in Class B waters with a dilution of at least 1.1:1 would carry forward their existing end-of-pipe daily maximum *E. coli* limitation of 427 colonies/100mL. This permitting action is establishing monthly average and daily maximum BPT limits of 64 colonies/100 mL and 427 colonies/100 mL, respectively. A 2/Week monitoring requirement is being carried forward in this permitting action.

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

Secondary Treated Effluent:

e. *E. coli* bacteria (cont'd):

A review of the DMR data for the period February 2006 – February 2011 indicates the monthly average and daily maximum values have been reported as follows:

***E. coli* bacteria**

Value	Limit (#col/100 mL)	Range (#col/100 ml)	Arith. Mean (#col/100 mL)	Number of DMRs	Compliance
Monthly Average	142	3 – 30	10	25	100%
Daily Maximum	949	9 – 586	121	25	100%

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

Parameter	Acute Criteria	Chronic Criteria	Acute Dilution	Chronic Dilution	Acute Limit	Chronic Limit
Chlorine	19 ug/L	11 ug/L	408:1	1,703:1	7.8 mg/L	19 mg/L

Example calculation, Acute: 0.019 mg/L (408) = 7.8 mg/L

In the case of the LSD facility, the calculated acute water quality based threshold is higher than 1.0 mg/l; therefore, the BPT limit of 1.0 mg/L is imposed as a daily maximum limit.

A review of the DMR data for the period February 2006 – February 2011 indicates the daily maximum concentration values have been reported as follows:

Total Residual Chlorine

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)	Number of DMRs	Compliance
Daily Maximum	1.0	0.6 – 1.0	0.87	25	100%

g. pH Range: This permitting action is carrying forward the BPT-based pH daily maximum limits of 6.0 –9.0 standard units pursuant to 06-096 CMR 525(3)(III)(c). A review of the DMR data for the period February 2006 – February 2011 (n=59) indicates the pH range was 6.7 SU – 7.4 SU.

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

Secondary Treated Effluent:

h. Whole Effluent Toxicity (WET) and Chemical Specific Testing: 38 M.R.S.A., Sections 414-A and 420, prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. 06-096 CMR 530 and 06-096 CMR 584 set forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters. WET, priority pollutant and analytical chemistry testing as required by 06-096 CMR 530 are included in this permit in order to fully characterize the effluent. This permit also provides for reconsideration of effluent limits and monitoring schedules after evaluation of toxicity testing results. The monitoring schedule includes consideration of results currently on file, the nature of the wastewater, existing treatment and receiving water characteristics.

WET monitoring is required to assess and protect against impacts upon water quality and designated uses caused by the aggregate effect of the discharge on specific aquatic organisms. Acute and chronic WET tests are performed on invertebrate and vertebrate species. Priority pollutant and analytical chemistry testing are required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health AWQC as established in 06-096 CMR 584.

06-096 CMR 530 establishes four categories of testing requirements based predominately on the chronic dilution factor. The categories are as follows:

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

06-096 CMR 530 (D)(1) specifies the criteria to be used in determining the minimum monitoring frequency requirements for WET, priority pollutant and analytical chemistry testing. Based on the 06-096 CMR 530 (D)(1) criteria, the permittee's facility falls into the Level III frequency category as the facility has a chronic dilution factor of >500:1 and a flow of ≥ 1.0 MGD. 06-096 CMR 530 (D)(1) specifies that default screening and surveillance level testing requirements are as follows:

Screening level testing – Beginning 12 months prior to expiration of the permit and every five years thereafter.

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

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (CONT'D)

Secondary Treated Effluent:

h. Whole Effluent Toxicity (WET) and Chemical Specific Testing (cont'd):

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

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

A review of the data on file with the Department indicates that to-date, the permittee has fulfilled the WET and chemical-specific testing requirements of 06-096 CMR 530. See **Attachment A** of this Fact Sheet for a summary of the WET test results and **Attachment B** of this Fact Sheet for a summary of the chemical-specific test dates.

06-096 CMR 530 (3)(b) states in part, *Dischargers in Levels III and IV may be waived from conducting surveillance testing for individual WET species or chemicals provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedence as calculated pursuant to section 3(E).*

06-096 CMR 530 (3) (E) states "*For effluent monitoring data and the variability of the pollutant in the effluent, the Department shall apply the statistical approach in Section 3.3.2 and Table 3-2 of USEPA's "Technical Support Document for Water Quality-Based Toxics Control" (USEPA Publication 505/2-90-001, March, 1991, EPA, Office of Water, Washington, D.C.) to data to determine whether water-quality based effluent limits must be included in a waste discharge license. Where it is determined through this approach that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedence of water quality criteria, appropriate water quality-based limits must be established in any licensing action.*"

06-096 CMR 530(3) states, "*In determining if effluent limits are required, the Department shall consider all information on file and effluent testing conducted during the preceding 60 months. However, testing done in the performance of a Toxicity Reduction Evaluation (TRE) approved by the Department may be excluded from such evaluations.*"

WET evaluation

On 2/09/11, the Department conducted a statistical evaluation on the most recent 60 months of WET data that indicates the discharge does not have a reasonable potential (RP) to exceed the acute or chronic critical ambient water quality criteria (AWQC) thresholds (of 0.24% and 0.06%, respectively – mathematical inverses of the modified

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

Secondary Treated Effluent:

h. Whole Effluent Toxicity (WET) and Chemical Specific Testing (cont'd):

acute dilution factor of 408:1 and the chronic dilution factor of 1706:1). As a result, this permit modification is not establishing WET limitations.

Given the absence of exceedences or reasonable potential to exceed critical WET thresholds for the brook trout or water flea, the permittee meets the surveillance level monitoring frequency waiver criteria found at 06-096 CMR 530 (D)(3)(b). This permit is carrying forward the requirement for the permittee to conduct screening level WET testing at a frequency of once per year (1/Year) on the brook trout and water flea. Screening level testing shall be conducted beginning 12 months prior to expiration of the permit and every five years thereafter.

In accordance with Special Condition L, *06-096 CMR 530 (2)(D)(4) Statement For Reduced/Waived Toxics Testing*, of this permit, the permittee must annually submit to the Department a written statement evaluating its current status for each of the conditions listed.

Chemical evaluation

06-096 CMR 530 (4)(C) states, *"The background concentration of specific chemicals must be included in all calculations using the following procedures. The Department may publish and periodically update a list of default background concentrations for specific pollutants on a regional, watershed or statewide basis. In doing so, the Department shall use data collected from reference sites that are measured at points not significantly affected by point and non-point discharges and best calculated to accurately represent ambient water quality conditions The Department shall use the same general methods as those in section 4(D) to determine background concentrations. For pollutants not listed by the Department, an assumed concentration of 10% of the applicable water quality criteria must be used in calculations."* The Department has limited information on the background levels of metals in the water column in the Penobscot River in the vicinity of the permittee's outfall. Therefore, a default background concentration of 10% of the applicable water quality criteria is being used in the calculations of this permitting action.

06-096 CMR 530 (4)(E), states "*In allocating assimilative capacity for toxic pollutants, the Department shall hold a portion of the total capacity in an unallocated reserve to allow for new or changed discharges and non-point source contributions. The unallocated reserve must be reviewed and restored as necessary at intervals of not more than five years. The water quality reserve must be not less than 15% of the total assimilative quantity."* Therefore, the Department is reserving 15% of the applicable water quality criteria in the calculations of this permitting action.

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

Secondary Treated Effluent:

h. Whole Effluent Toxicity (WET) and Chemical Specific Testing (cont'd):

06-096 CMR 530 (3)(E) states *"... that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedence of water quality criteria, appropriate water quality-based limits must be established in any licensing action."*

06-096 CMR 530 (4)(F) states in part **"***Where there is more than one discharge into the same fresh or estuarine receiving water or watershed, the Department shall consider the cumulative effects of those discharges when determining the need for and establishment of the level of effluent limits. The Department shall calculate the total allowable discharge quantity for specific pollutants, less the water quality reserve and background concentration, necessary to achieve or maintain water quality criteria at all points of discharge, and in the entire watershed. The total allowable discharge quantity for pollutants must be allocated consistent with the following principles.*

Evaluations must be done for individual pollutants of concern in each watershed or segment to assure that water quality criteria are met at all points in the watershed and, if appropriate, within tributaries of a larger river.

The total assimilative capacity, less the water quality reserve and background concentration, may be allocated among the discharges according to the past discharge quantities for each as a percentage of the total quantity of discharges, or another comparable method appropriate for a specific situation and pollutant. Past discharges of pollutants must be determined using the average concentration discharged during the past five years and the facility's licensed flow.

The amount of allowable discharge quantity may be no more than the past discharge quantity calculated using the statistical approach referred to in section 3(E) [Section 3.3.2 and Table 3-2 of USEPA's "Technical Support Document for Water Quality-Based Toxics Control"] of the rule, but in no event may allocations cause the water quality reserve amount to fall below the minimum referred to in 4(E) [15% of the total assimilative capacity]. Any difference between the total allowable discharge quantity and that allocated to existing dischargers must be added to the reserve."

See **Attachment C** of this Fact Sheet for Department guidance that establishes protocols for establishing waste load allocations. The guidance states that the most protective of water quality becomes the facility's allocation. According to the 2/09/11 statistical evaluation (Report ID #342), the pollutant of concern (copper) is to be limited based on the segment allocation method.

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

Secondary Treated Effluent:

h. Whole Effluent Toxicity (WET) and Chemical Specific Testing (cont'd):

06-096 CMR 530 (3)(D)(1) states, "*For specific chemicals, effluent limits must be expressed in total quantity that may be discharged and in effluent concentration. In establishing concentration, the Department may increase allowable values to reflect actual flows that are lower than permitted flows and/or provide opportunities for flow reductions and pollution prevention provided water quality criteria are not exceeded. With regard to concentration limits, the Department may review past and projected flows and set limits to reflect proper operation of the treatment facilities that will keep the discharge of pollutants to the minimum level practicable.*"

As not to penalize the permittee for operating at flows less than the permitted flow, the Department is establishing concentration limits based on a back calculation from the mass limit utilizing a multiplier of 2.0.

It is noted the Penobscot Indian Nation (PIN) has informally notified the Department of its intent to formally petition the Department to adopt a site specific fish consumption rate for a segment(s) of the Penobscot River for use in calculating human health based ambient water quality criteria (AWQC) specified by 06-096 CMR Department rule, Chapter 584, *Surface Water Quality Criteria For Toxic Pollutants*. Once petitioned, a formal public process as outlined in **Attachment E** of this Fact Sheet will be invoked and adhered to. Should an alternate fish consumption rate be adopted, this permit may be reopened pursuant to Special Condition N, *Reopening of Permit For Modifications,* of this permit to establish new or revised water quality based limits for pollutants that exceed or have a reasonable potential to exceed human health AWQC.

Segment allocation methodology

Historical Average:

For the segment allocation methodology, the historical average quantity (mass) for each pollutant of concern for each facility is calculated utilizing the arithmetic mean of the concentrated values reported for each pollutant, a conversion factor of 8.34 lbs/gallon and the monthly average permit limit for flow. The historical mass discharged for each pollutant for each facility is mathematically summed to determine the total mass discharged for each pollutant in the watershed. Based on the individual discharger's historical average, each discharger is assigned a percentage of the whole which is then utilized to determine the percent of the segment allocation for each pollutant for each facility. For the permittee, historical averages for total copper were calculated as follows:

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

Secondary Treated Effluent:

h. Whole Effluent Toxicity (WET) and Chemical Specific Testing (cont'd):

Copper

Historical average mass
Mean concentration = 6.0 ug/L or 0.006 mg/L
Permit flow limit = 1.07 MGD
Historical average mass = (0.006 mg/L)(8.34)(1.07 MGD) = 0.05 lbs/day

The 2/09/11 statistical evaluation indicates the historical average mass of copper discharged by the permittee is 0.36% of the copper discharged by the facilities on the Penobscot River and its tributaries. Therefore, the permittee's acute and chronic segment allocations for copper are calculated as 0.36% of the copper discharged on the Penobscot River and its tributaries. The Department has calculated an acute assimilative capacity of 35.94 lbs/day and a chronic assimilative capacity of 30.51 lbs/day of copper at Bangor, the most downstream facility on the Penobscot River. Therefore, the mass segment allocations for copper for the permittee can be calculated as follows:

Daily maximum: (Acute assimilative capacity mass)(% of total copper discharged)
(35.94 lbs/day)(0.0036) = 0.13 lbs/day

Monthly average: (Chronic assimilative capacity mass)(% of total copper discharged)
(30.51 lbs/day)(0.0036) = 0.11 lbs/day

Total Copper Concentration limits:

Daily mass limit = 0.13 lbs/day

$$\frac{(0.13 \text{ lbs/day})}{(8.34 \text{ lbs/gal})(1.07 \text{ MGD})} = 0.015 \text{ mg/L}$$

(0.015 mg/L)(1,000 ug/mg)(2) = 30 ug/L

Monthly average mass limit = 0.11 lbs/day

$$\frac{(0.11 \text{ lbs/day})}{(8.34 \text{ lbs/gal})(1.07 \text{ MGD})} = 0.012 \text{ mg/L}$$

(0.012 mg/L)(1,000 ug/mg)(2) = 24 ug/L

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

Secondary Treated Effluent:

h. Whole Effluent Toxicity (WET) and Chemical Specific Testing (cont'd):

As for the remaining chemical specific parameters tested to date, none of the test results in the 60-month evaluation period exceed or have a reasonable potential to exceed applicable acute, chronic or human health AWQC. Therefore, this permitting action is carrying forward the waived surveillance level reporting and monitoring frequency for analytical chemistry and priority pollutant testing. As with reduced WET testing, the permittee must file an annual certification with the Department pursuant to Special Condition L, *06-096 CMR 530 (2)(D)(4) Statement For Reduced/Waived Toxics Testing*.

Beginning 12 months prior to the expiration date of the permit and every five years thereafter, the permittee shall conduct default screening level analytical chemistry testing at 1/Quarter and priority pollutant testing of 1/Year.

i. Mercury: On May 23, 2000, pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S.A. § 420, *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 #W001479-5L-D-M by establishing interim monthly average and daily maximum effluent concentration limits of 17.3 parts per trillion (ppt) and 26.0 ppt, respectively, and a minimum monitoring frequency requirement of four (4) 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.

38 M.R.S.A., §420 1-B,(B)(1) states that a facility is not in violation of the ambient water quality criteria 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 data base for the period February 2006 – February 2011 indicates mercury test results have ranged from 2.5 ppt to 14.2 ppt with an arithmetic mean (n=19) of 4.5 ppt.

j. Transported Wastes: The previous permitting action authorized the permittee to accept and treat up to 3,600 gpd 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

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

Secondary Treated Effluent:

j. Transported Wastes (cont'd):

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. With a design capacity of 1.07 MGD, 3,600 gpd only represents 0.3% of said capacity. The Department has reviewed and approved the permittee's most current Septage Management Plan and determined that under normal operating conditions, the addition of 3,600 gpd of septage to the facility will not cause or contribute to upset conditions of the treatment process.

Primary Treated Effluent (Outfall #002A):

For those flows in excess of the daily and peak hourly design flows received at the treatment facility which are greater than that which can be treated to a secondary level of treatment, the Department has made a best professional judgment that primary treatment and disinfection constitutes appropriate and best practicable treatment. The reporting requirements for the parameters in Special Condition A(2) of this permit (Flow, Surface Loading Rate, Overflow Occurrences and BOD5 and TSS percent removal rates) and the daily maximum limits for *E. coli* bacteria and total residual chlorine were established in the 12/16/03 permit based on a Department best professional judgment of the parameters deemed necessary to evaluate the performance of the primary treatment process and are consistent with the reporting requirements and limitations established in other MEPDES permits with secondary bypass capabilities. It is noted the secondary treated waste water and primary treated waste waters (during wet weather events) are disinfected independently and the primary treated waste stream combines with the secondary treated waste stream after the chlorine contact chamber.

k. Flow: This permitting action is carrying forward the monthly average and daily maximum flow reporting requirements.

A summary of the monthly Discharge Monitoring Report (DMR) data for the period February 2006 – February 2011 indicates the following:

Flow

Value	Limit (MGD)	Range (MGD)	Average (MGD)	Number of DMRs
Monthly Average	Report	0.11 – 1.53	0.53	25
Daily Maximum	Report	0.11 – 3.61	0.93	25

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

Primary Treated Effluent:

l. Surface Loading Rate: This permitting action is carrying forward the daily maximum surface loading rate reporting requirements.

A summary of the monthly Discharge Monitoring Report (DMR) data for the period February 2006 – February 2011 indicates the following:

Surface Loading Rate

Value	Limit (gpd/sf)	Range (gpd/sf)	Average (gpd/sf)	Number of DMRs
Daily Maximum	Report	163 – 9,226	2,109	24

m. Overflow Use, Occurrences: This permitting action is carrying forward the monthly average overflow use occurrences reporting requirements.

A summary of the monthly Discharge Monitoring Report (DMR) data for the period February 2006 – February 2011 indicates the following:

Overflow Use, Occurrences

Value	Limit (#days)	Range (#days)	Average (#days)	Number of DMRs
Daily Maximum	Report	1 – 8	2	25

n. BOD5 and TSS: This permitting action is carrying forward the monthly average BOD5 and TSS reporting requirements.

A summary of the monthly Discharge Monitoring Report (DMR) data for the period February 2006 – February 2011 indicates the following:

BOD5

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs
Daily Maximum	Report	23 – 91	46	25

TSS

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs
Daily Maximum	Report	10 – 157	58	25

The permittee's BOD5 and TSS percent removal rates for the period of February 2006 – February 2011 (n=24) ranged from -21% to 38% and from -30% to 88%, respectively.

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

Primary Treated Effluent:

o. *E. coli*: The previous permitting action established a daily maximum water quality based *E. coli* limit of 949 colonies/100 mL based on a Department best professional judgment of BPT for this type of waste stream and treatment process. This permitting action is revising the daily maximum water quality based *E. coli* limit from 949 col/100mL to 427 col/100mL based on Department best professional judgment of BPT for this type of waste stream and treatment process and based on the 2005 reclassification of the Penobscot River at the point of discharge from a Class C to a Class B waterway. Further discussion of *E. coli* limits can be found in Section 6e of this Fact Sheet. The permittee reported two *E. coli* results of 18 col/100 mL and 98 col/100 mL for the period February 2006 – February 2011.

p. Total residual chlorine: The previous permitting action established a daily maximum technology based limit of 1.0 mg/L based on a Department best professional judgment of BPT for this type of waste stream and treatment process and is being carried forward in this permitting action.

A summary of the monthly Discharge Monitoring Report (DMR) data for the period February 2006 – February 2011 indicates the following:

Total Residual Chlorine

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance
Daily Maximum	1.0	0.1 – 1.1	0.7	4	50%

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

The Department has made a best professional judgment determination that as permitted, the discharge will not cause or contribute the failure of the receiving water to meet the standards of its ascribed classification and the designated uses of the river will continue to be maintained and protected.

If ambient water quality monitoring or future modeling determines that at full permitted discharge limits the permittee's discharge is causing or contributing to the non-attainment of standards, this permit will be re-opened per Special Condition N, *Reopening of Permit For Modifications*, to impose more stringent limitations to meet water quality standards.

8. PUBLIC COMMENTS

Public notice of this application was made in the *Lincoln News* newspaper on or about November 1, 2007. 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 should be sent to:

Phyllis Arnold 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 March 24, 2011, through the issuance date of the permit/license, the Department solicited comments on the proposed draft permit/license to be issued for the discharge(s) from the permittee's facility. The Department received written comments from the Penobscot Indian Nation (PIN) in a letter to the Department dated April 25, 2011. No comments were received from state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Responses to the PIN's comments are as follows:

Comment #1: The PIN states, *While we support the total copper monitoring requirement, we believe that more frequent surveillance monitoring is needed in order to determine whether the discharge limitations are being met. It seems that a minimum frequency of once/year during the surveillance year would not adequately characterize copper levels of the effluent and provide sufficient data for determining compliance.*

Response #1: *Surface Water Toxics Control Program*, 06-096 CMR 530 (2)(D)(1) and 06-096 CMR 530 (2)(D)(3)(b)[effective October 12, 2005] states that dischargers categorized as "Level III" dischargers, as in the case of the permittee, are required to conduct annual surveillance-level tests for the parameters that do not meet the surveillance-level testing waiver criteria. For the permittee, total copper monitoring is required on an annual basis as this analyte did not meet the testing waiver criteria. The annual monitoring frequency prescribed in Special Condition A.2. of the permit is consistent with surveillance-level monitoring requirements for other Level III dischargers.

10. RESPONSE TO COMMENTS (cont'd)

Comment #2: The PIN states, *While we do not object to the lack of phosphorus monitoring requirements for this facility, we do believe that ME DEP should remain open to the idea of adding phosphorous monitoring here in the future if warranted from the results [of the] monitoring plan for the Phosphorus Waste Load Allocation.*

Response #2: Permit Special Condition N, "Reopening of Permit for Modifications" addresses the above concern.

ATTACHMENT A

WET TEST REPORT

Data for tests conducted for the period

04/Feb/2006 - 04/Feb/2011 period.

LINCOLN

NPDES= ME010179 Effluent Limit: Acute (%) = 0.061 Chronic (%) = 0.059

Species	Test	Percent	Sample date	Critical %	Exception	RP
TROUT	A_NOEL	100	11/27/2007	0.061		
TROUT	C_NOEL	100	11/27/2007	0.059		
WATER FLEA	A_NOEL	100	11/27/2007	0.061		
WATER FLEA	C_NOEL	25	11/27/2007	0.059		

ATTACHMENT B

PRIORITY POLLUTANT DATA SUMMARY

Date Range: **04/Feb/2006 - 04/Feb/2011 period.**

Facility Name: **LINCOLN** NPDES: **ME0101796**

Test Date	Monthly (Flow MGD)	Daily (Flow MGD)	Total Test Number	Test # By Group M	V	BN	P	O	A	Clean	Hg
08/28/2007	0.33	0.30	11	9	0	0	0	2	0	F	0
11/27/2007	0.71	1.01	135	13	28	46	25	12	11	F	0
12/26/2007	NR	NR	1	0	0	1	0	0	0	F	0
02/13/2008	0.60	0.65	12	9	0	0	0	3	0	F	0

A = Acid O = Others P = Pesticides

BN = Base Neutral M = Metals V = Volatiles

	12/26/2007	6.000	N
Parameter: BROMOFORM	**Test date**	**Result (ug/l)**	**Lsthan**
	11/27/2007	2.000	Y
Parameter: BUTYLBENZYL PHTHALATI	**Test date**	**Result (ug/l)**	**Lsthan**
	11/27/2007	2.000	Y
Parameter: CADMIUM	**Test date**	**Result (ug/l)**	**Lsthan**
	08/28/2007	1.000	Y
	11/27/2007	1.000	Y
	02/13/2008	1.000	Y
Parameter: CALCIUM	**Test date**	**Result (ug/l)**	**Lsthan**
	11/27/2007	23900.000	N
Parameter: CARBON TETRACHLORIDE	**Test date**	**Result (ug/l)**	**Lsthan**
	11/27/2007	2.000	Y
Parameter: CHLORDANE	**Test date**	**Result (ug/l)**	**Lsthan**
	11/27/2007	0.100	Y
Parameter: CHLORINE	**Test date**	**Result (ug/l)**	**Lsthan**
	11/27/2007	20.000	Y
Parameter: CHLOROBENZENE	**Test date**	**Result (ug/l)**	**Lsthan**
	11/27/2007	2.000	Y
Parameter: CHLORODIBROMOMETHAI	**Test date**	**Result (ug/l)**	**Lsthan**
	11/27/2007	2.000	Y
Parameter: CHLOROETHANE	**Test date**	**Result (ug/l)**	**Lsthan**
	11/27/2007	2.000	Y
Parameter: CHLOROFORM	**Test date**	**Result (ug/l)**	**Lsthan**
	11/27/2007	2.000	Y
Parameter: CHROMIUM	**Test date**	**Result (ug/l)**	**Lsthan**
	08/28/2007	10.000	Y
	11/27/2007	10.000	Y
	02/13/2008	10.000	Y
Parameter: CHRYSENE	**Test date**	**Result (ug/l)**	**Lsthan**
	11/27/2007	2.000	Y
Parameter: COPPER	**Test date**	**Result (ug/l)**	**Lsthan**
	08/28/2007	7.000	N
	11/27/2007	4.000	N
	02/13/2008	7.000	N
Parameter: CYANIDE	**Test date**	**Result (ug/l)**	**Lsthan**
	08/28/2007	5.000	Y
	11/27/2007	5.000	Y
	02/13/2008	5.000	Y
Parameter: D-BHC	**Test date**	**Result (ug/l)**	**Lsthan**
	11/27/2007	0.050	Y
Parameter: DIBENZO(A,H)ANTHRACE	**Test date**	**Result (ug/l)**	**Lsthan**
	11/27/2007	2.000	Y
Parameter: DICHLOROBROMOMETHAI	**Test date**	**Result (ug/l)**	**Lsthan**
	11/27/2007	2.000	Y

ATTACHMENT C

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

MEMORANDUM

DATE: October 2008

TO: Interested Parties

FROM: Dennis Merrill, DEP

SUBJECT: DEP's system for evaluating toxicity from multiple discharges

****

Following the requirements of DEP's rules, Chapter 530, section 4(F), the Department is evaluating discharges of toxic pollutants into a freshwater river system in order to prevent cumulative impacts from multiple discharges. This is being through the use of a computer program known internally as "DeTox". The enclosed package of information is intended to introduce you to this system.

Briefly, the DeTox program evaluates each wastewater facility within a watershed in three different ways in order to characterize its effluent: 1) the facility's past history of discharges, 2) its potential toxicity at the point of discharge on an individual basis, and 3) the facility's contribution to cumulative toxicity within a river segment in conjunction with other facilities. The value that is most protective of water quality becomes the value that is held in the DeTox system as an allocation for the specific facility and pollutant.

The system is not static and uses a five-year "rolling" data window. This means that, over time, old test results drop off and newer ones are added. The intent of this process is to maintain current, uniform facility data to estimate contributions to a river's total allowable pollutant loading prior to each permit renewal.

Many facilities are required to do only a relatively small amount of pollutant testing on their effluent. This means, statistically, the fewer tests done, the greater the possibility of effluent limits being necessary based on the facility's small amount of data. To avoid this situation, most facilities, especially those with low dilution factors, should consider conducting more than the minimum number of tests required by the rules.

Attached you will find three documents with additional information on the DeTox system:

- Methods for evaluating the effects of multiple discharges of toxic pollutants
- Working definitions of terms used in the DeTox system
- Reviewing DeTox Reports
- Prototype facility and pollutant reports

If you have questions as you review these, please do not hesitate to contact me at Dennis.L.Merrill@maine.gov or 287-7788.

Maine Department of Environmental Protection

Methods for evaluating the effects of multiple discharges of toxic pollutants.

Reference: DEP Rules, Chapter 530, section 4(F)

To evaluate discharges of toxic pollutants into a freshwater river system and prevent cumulative impacts from multiple discharges, DEP uses a computer program called "DeTox that functions as a mathematical evaluation tool.

It uses physical information about discharge sources and river conditions on file with the Department, established water quality criteria and reported effluent test information to perform these evaluations. Each toxic pollutant and associated water quality criterion for acute, chronic and/or human health effects is evaluated separately.

Each facility in a river drainage area has an assigned position code. This "address" is used to locate the facility on the river segment and in relation to other facilities and tributary streams. All calculations are performed in pounds per day to allow analysis on a mass balance. Pollutants are considered to be conservative in that once in the receiving water they will not easily degrade and have the potential to accumulate.

The process begins with establishing an assimilative capacity for each pollutant and water quality criterion at the most downstream point in the river segment. This calculation includes set-aside amounts for background and reserve quantities and assumed values for receiving water pH, temperature and hardness. The resulting amount of assimilative capacity is available for allocation among facilities on the river.

Each facility is evaluated to characterize its past discharge quantities. The historical discharge, in pounds per day, is figured using the average reported concentration and the facility's permitted flow. As has been past practice, a reasonable potential (RP) factor is used as a tool to estimate the largest discharge that may occur with a certain degree of statistical certainty. The RP factor is multiplied by the historical average to determine an allocation based on past discharges. The RP factor is also multiplied by the single highest test to obtain a maximum day estimate. Finally, the direct average without RP adjustment is used to determine the facility's percent contribution to the river segment in comparison to the sum of all discharges of the pollutant. This percent multiplied by the total assimilative capacity becomes the facility's discharge allocation used in evaluations of the segment loadings.

Additionally, individual facility discharges are evaluated as single sources, as they have been in the past to determine if local conditions are more limiting than a segment evaluation.

With all of this information, facilities are evaluated in three ways. The methods are:

1. The facility's past history. This is the average quantity discharged during the past five years multiplied by the applicable RP factor. This method is often the basis for an allocation when the discharge quantity is relatively small in comparison to the water quality based allocation.
2. An individual evaluation. This assumes no other discharge sources are present and the allowable quantity is the total available assimilative capacity. This method may be used when a local condition such as river flow at the point of discharge is the limiting factor.
3. A segment wide evaluation. This involves allocating the available assimilative capacity within a river segment based on a facility's percent of total past discharges. This method would be used when multiple discharges of the same pollutant to the same segment and the available assimilative capacity is relatively limited.

The value that is most protective of water quality becomes the facility's allocation that is held in the system for the specific facility and pollutant. It is important to note that the method used for allocation is facility and pollutant specific and different facilities on the same segment for the same pollutant can have different methods used depending on their individual situations.

Discharge amounts are always allocated to all facilities having a history of discharging a particular pollutant. This does not mean that effluent limits will be established in a permit. Limits are only needed when past discharge amounts suggest a reasonable potential to exceed a water quality based allocation, either on an individual or segment basis. Similar to past practices for single discharge evaluations, the single highest test value is multiplied by a RP factor and if product is greater than the water quality allowance, an effluent limit is established. It is important to remember an allocation is "banking" some assimilative capacity for a facility even if effluent limits are not needed.

Evaluations are also done for each tributary segment with the sum of discharge quantities in tributaries becoming a "point source" to the next most significant segment. In cases where a facility does not use all of its assimilative capacity, usually due to a more limiting individual water quality criterion, the unused quantity is rolled downstream and made available to other facilities.

The system is not static and uses a five-year rolling data window. Over time, old tests drop off and newer ones are added on. These changes cause the allocations and the need for effluent limits to shift over time to remain current with present conditions. The intent is to update a facility's data and relative contribution to a river's total assimilative capacity prior to each permit renewal. Many facilities are required to do only minimal testing to characterize their effluents. This creates a greater degree of statistical uncertainty about the true long-term quantities. Accordingly, with fewer tests the RP factor will be larger and result in a greater possibility of effluent limits being necessary. To avoid this situation, most facilities, especially those with relatively low dilution factors, are encouraged to conduct more that a minimum number of tests. It is generally to a facility's long-term benefit to have more tests on file since their RP factor will be reduced.

Maine Department of Environmental Protection

Working Definitions of Terms Used in the DeTox System.

Allocation. The amount of pollutant loading set aside for a facility. Separate amounts are set for each *water quality criterion.* Each pollutant having a history of being discharged will receive an allocation, but not all allocations become *effluent limits.* Allocation may be made in three ways: *historical allocation, individual allocation* or *segment allocation.*

Assimilative capacity. The amount of a pollutant that river segment can safely accept from point source discharges. It is determined for the most downstream point in a river segment using the *water quality criterion* and river flow. Separate capacities are set for acute, chronic and human health criteria as applicable for each pollutant. Calculation of this capacity includes factors for *reserve* and *background* amounts.

Background. A concentration of a pollutant that is assumed to be present in a receiving water but not attributable to discharges. By rule, this is set as a rebuttable presumption at 10% of the applicable *water quality criterion.*

Effluent limit. A numeric limit in a discharge permit specifically restricting the amount of a pollutant that may be discharged. An effluent limit is set only when the highest discharge, including an adjustment for *reasonable potential,* is greater than a facility's water quality based *allocation* for a pollutant.

Historical allocation (or *RP history*). One of three ways of developing an *allocation.* The facility's average history of discharges, in pounds at design flow, is multiplied by the appropriate *reasonable potential* factor. An allocation using this method does not become an *effluent limit.*

Historical discharge percentage. For each pollutant, the average discharge concentration for each facility in a segment is multiplied by the permitted flow (without including a *reasonable potential* factor). The amounts for all facilities are added together and a percent of the total is figured for each facility. When a facility has no detectable concentrations, that pollutant is assumed to be not present and it receives no percentage.

Individual allocation. One of three ways of developing an *allocation.* The facility's single highest discharge on record multiplied by the appropriate *reasonable potential* factor is compared to a water quality based quantity with an assumption that the facility is the only point source to that receiving water. If the RP-adjusted amount is larger, the water quality amount may become an *effluent limit.*

Less than. A qualification on a laboratory report indicating the concentration of a pollutant was below a certain concentration. Such a result is evaluated as being one half of the Department's reporting limit in most calculations.

Reasonable potential (RP). A statistical method to determine the highest amount of a pollutant likely to be present at any time based on the available test results. The method produces a value or RP factor that is multiplied by test results. The method relies on an EPA guidance document, and considers the coefficient of variation and the number of tests. Generally, the fewer number of tests, the higher the RP factor.

Reserve. An assumed concentration of a pollutant that set aside to account for non-point source of a pollutant and to allow new discharges of a pollutant. By rule this is set at 15% of the applicable *water quality criterion.*

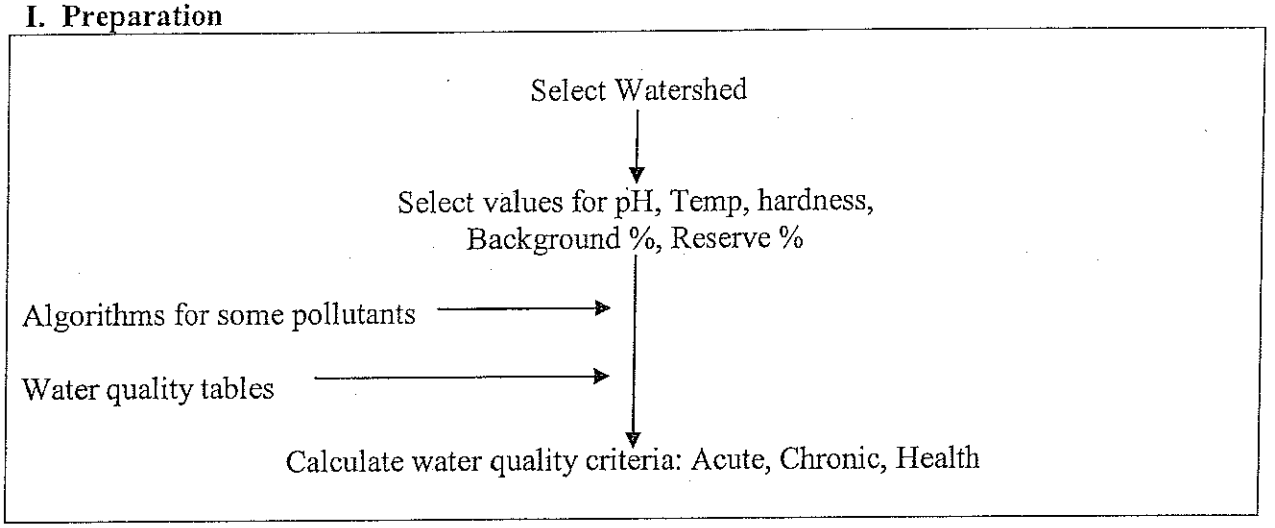
Segment allocation. One of three ways of developing an *allocation.* The amount is set by multiplying a facility's *historical discharge percentage* for a specific pollutant by the *assimilative capacity* for that pollutant and criterion. A facility will have different allocation percentages for each pollutant. This amount may become an *effluent limit.*

Tributary. A stream flowing into a larger one. A total pollutant load is set by adding the all facilities *allocations* on the tributary and treating this totaled amount as a "point source" to the next larger segment.

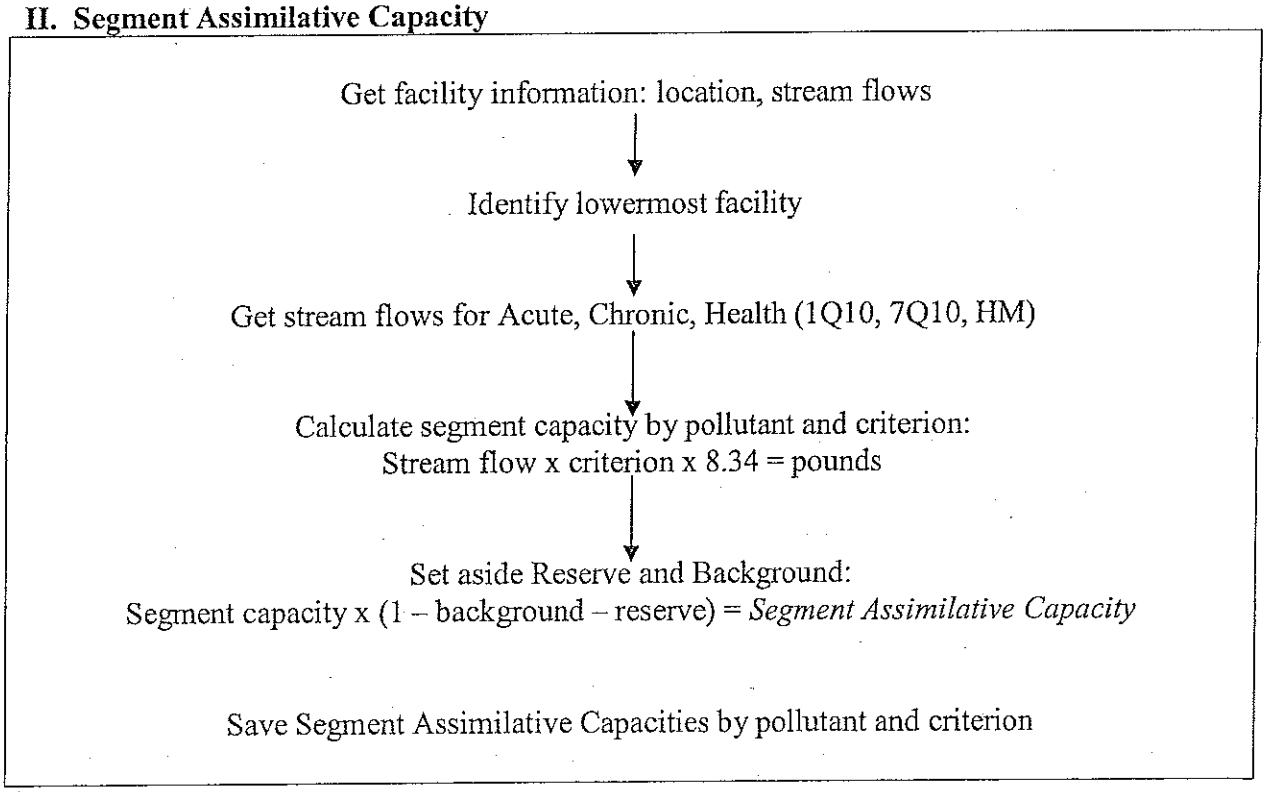
Water quality criteria. Standards for acceptable in-stream or ambient levels of pollutants. These are established in the Department's Chapter 584 and are expressed as concentrations in ug/L. There may be separate standards for acute and chronic protection aquatic life and/or human health. Each criterion becomes a separate standard. Different stream flows are used in the calculation of each.

Maine Department of Environmental Protection
General Processing Steps in "DeTox"

I. Preparation

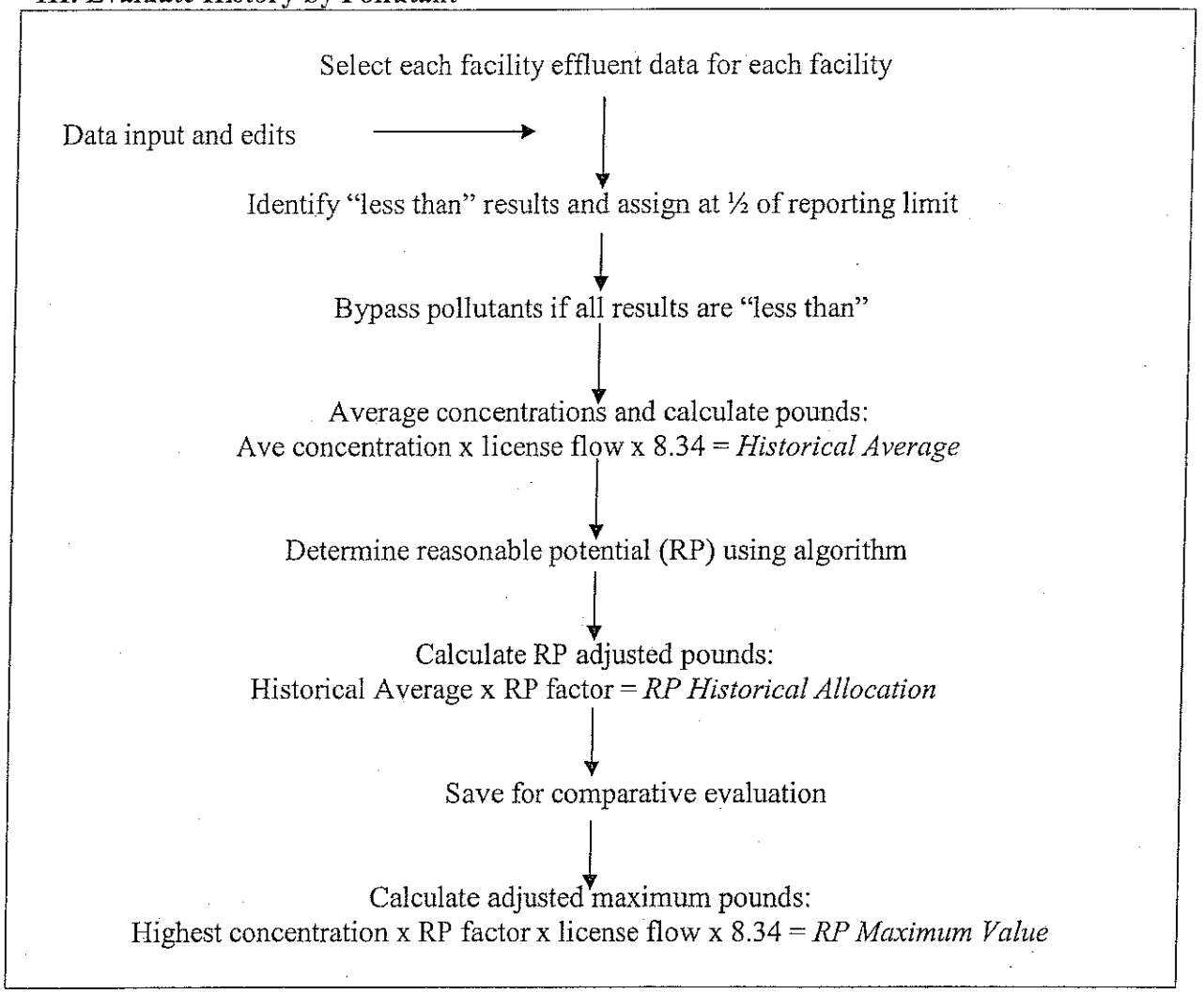


II. Segment Assimilative Capacity

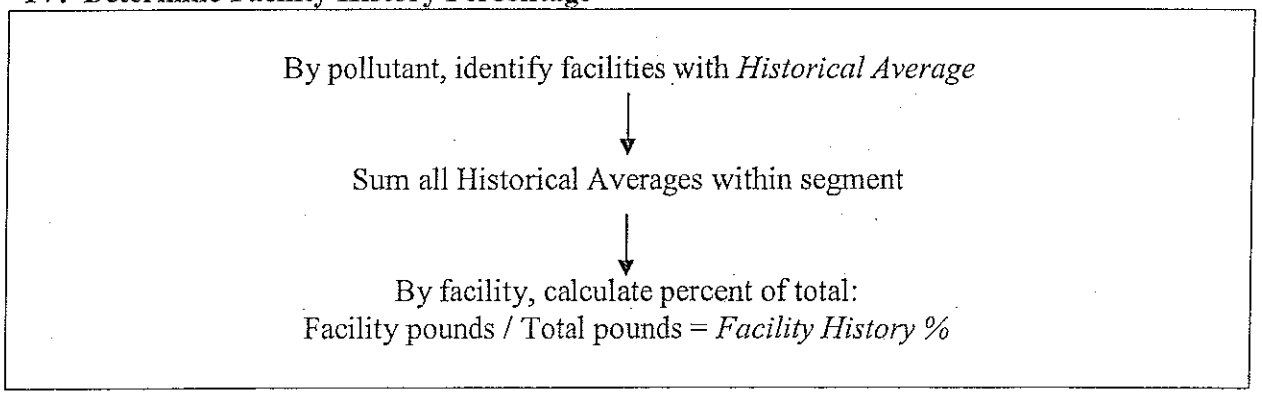


Maine Department of Environmental Protection
General Processing Steps in "DeTox"

III. Evaluate History by Pollutant



IV. Determine Facility History Percentage



V. Segment Allocation

By pollutant and criterion, select *Segment Assimilative Capacity*

↓

Select individual *Facility History %*

↓

Determine facility allocation:
Assimilative Capacity x Facility History % = *Segment Allocation*

↓

Save for comparative evaluation

VI. Individual Allocation

Select individual facility and dilution factor (DF)

↓

Select pollutant and water quality criterion

↓

By pollutant and criterion, calculate individual allocations:
[DF x 0.75 x criterion] + [0.25 x criterion] = Individual Concentration

↓

Determine individual allocation:
Individual Concentration x license flow x 8.34 = *Individual Allocation*

↓

Save for comparative evaluation

VII. Make Initial Allocation

By facility, pollutant and criterion, get:
Individual Allocation, Segment Allocation, RP Historical Allocation

↓

Compare allocation and select the smallest

↓

Save as *Facility Allocation*

VIII. Evaluate Need for Effluent Limits

By facility, pollutant and criterion select
Segment Allocation, *Individual Allocation* and *RP Maximum value*

↓

If *RP Maximum value* is greater than either *Segment Allocation* or *Individual Allocation*, use lesser value as *Effluent Limit*

↓

Save *Effluent Limit* for comparison

IX. Reallocation of Assimilative Capacity

Starting at top of segment, get *Segment Allocation*, *Facility Allocation* and *Effluent Limit*

↓

If *Segment Allocation* equals *Effluent Limit*, move to next facility downstream

↓

If not, subtract *Facility Allocation* from *Segment Allocation*

↓

Save difference

↓

Select next facility downstream

↓

Figure remaining *Segment Assimilative Capacity* at and below facility, less tributaries

↓

Add saved difference to get an adjusted *Segment Assimilative Capacity*

↓

Reallocate *Segment Assimilative Capacity* among downstream facilities per step V

↓

Repeat process for each facility downstream in turn

ATTACHMENT D

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.

ATTACHMENT E

Explanatory Statement of Process DEP Will Follow in the
Development of Site Specific Water Quality Criteria

References: 38 MRSA, section 420(2)(B) and DEP Rules, Chapters 2 and 584(3)(B)

The BEP has initial jurisdiction for issuance of permits that have limits based on site specific criteria ("SSC") developed pursuant to 38 MRSA, Section 420(2)(B). Typically, requests for SSC will come to the Department staff from one of two sources. A discharge source may have information from studies to indicate that statewide criteria are not appropriate for a given pollutant and location. Alternatively, third parties may have information regarding the unique or different uses of a particular water body or may have information about the relative toxicity of certain pollutants. In any event, a request for SSC must be supported by appropriate scientific studies conducted according to a plan of study approved in advance by the Department in consultation with EPA and the Bureau of Health if human health criteria are involved.

Because SSC are implemented through permit limits, they must be considered in the context of permit issuance or modification proceeding. If a permit issuance or renewal is not pending, any person can request that the Department open for modification a current permit for any cause described in 38 MRSA, Section 414-A(5). See also 38 MRSA, Section 341-D(3). Below are the steps that would likely be followed for consideration of SSC, with options for different processes depending on when and how a person intends to develop the technical information in support of the SSC request. This explanation of process is intended solely as advice to assist persons in exercising their options to request site specific criteria as part of a licensing proceeding under Chapter 584, and is not intended to be judicially enforceable.

1. Initial contact is made with DEP staff, indicating a desire to institute a Site Specific Criteria (SSC) proceeding. A petitioner must file with the Department a petition requesting that the BEP assume jurisdiction of the licensing action and making the necessary showing in support of the request for SSC, as described in 06-096 CMR Chapter 584. This will include, but is not limited to, the pollutants and/or issues of concern, and an outline of the proposed studies and process the party intends to use.

2. At the time a petition is filed with the Department, the petitioner must post a public notice in a newspaper having general circulation in the area that would be affected by the SSC. The Department will (by certified mail) notify potentially affected permitted discharge sources and interested parties of record for those permits. Any person may comment on the pending petition. A public hearing may be requested in accordance with the public notice. A service list of potentially interested parties will also be developed.

3. The DEP will prepare recommendations on whether BEP should dismiss or take up the petition. This, together with any comments received on the petition, will be forwarded to the BEP and the matter will be placed on the BEP's agenda. These materials will also be distributed to the service list.

4. The BEP will consider whether a petition includes the necessary information, as provided in Chapter 584. If the BEP grants initial approval of the petition, all permits that may be

affected by a decision to establish a SSC will be reopened for modification consideration in the same proceeding. If the petition is denied, the license that is the subject of the request, if it is being considered for renewal, will be sent back to the DEP for processing.

5. If the Board grants initial approval of the petition for SSC, the petitioner will prepare a plan of study for SSC investigations and submit it to the DEP staff. The topics to be included in the plan are described in Chapter 584(3)(B). The Department may hold pre-submission conferences with the petitioner and other interested parties. At that time, the parties will discuss issues such as the general scope of the study, the participants, existing studies, and any studies that may be proposed by other parties.

6. The DEP, EPA and, if human health criteria are involved, the Bureau of Health will review the Plan(s) of Study. The Department may approve, approve with conditions or not approve a Plan of Study. If a plan is not approved, the deficiencies and criteria for their correction will be clearly identified and opportunity provided for their correction. Department determinations on plans of study are not subject to appeal. All correspondence will be copied to the service list.

7. The approved Plan of Study will then be implemented. In order to capture seasonal variations, studies using sampling programs may continue for a year or more. Those relying on demographic surveys or literature searches may be done in less time.

8. A report of the studies will be provided to the DEP and the service list. Interested parties will be provided a time specified by the Department, but at least 30 days, in which to provide comments. DEP, EPA and, if appropriate, the Bureau of Health will review the report and comments and formulate a technical analysis.

9. The DEP will provide staff recommendations to the BEP as to whether a public hearing should be held. When requested by an affected licensee or when there is creditable conflicting technical information that a hearing will help clarify, a public hearing will be held. Copies of the study reports and all comments received will be provided to the BEP. If no hearing is recommended, the staff will provide a draft order for acceptance or denial of the SCC request.

10. The BEP will either schedule a public hearing or hear argument at a public meeting on staff recommendations.

11. If scheduled, a public hearing will be conducted pursuant to 5 MRSA, Chapter 375, Subchapter IV. Affected licensees have a right to participate in a public hearing and this constitutes their opportunity for hearing on license modifications that may result from SSC determinations. All other parties must petition to intervene in the hearing if they so desire. The Department will then prepare a summary of public comments and staff recommendations and place these on the BEP's agenda.

12. If the BEP decides to set SSC different from the state-wide criteria in Appendix A of Chapter 584, it will direct the staff to prepare permit modifications for affected discharge sources.

13. The staff will prepare draft permit modifications to each discharge source affected, and will notice EPA and other interested parties consistent with Chapter 522.

14. After receiving comments on the draft permits, the staff will prepare proposed permit modifications and place them on the BEP's agenda for consideration.

15. Once approved by the BEP, the modified permits will become valid and subject to the normal appeal provisions of law.

August 2006

CONTENTS

A. GENERAL PROVISIONS

1. **General compliance**. All discharges shall be consistent with the terms and conditions of this permit; any changes in production capacity or process modifications which result in changes in the quantity or the characteristics of the discharge must be authorized by an additional license or by modifications of this permit; it shall be a violation of the terms and conditions of this permit to discharge any pollutant not identified and authorized herein or to discharge in excess of the rates or quantities authorized herein or to violate any other conditions of this permit.

2. Other materials. Other materials ordinarily produced or used in the operation of this facility, which have been specifically identified in the application, may be discharged at the maximum frequency and maximum level identified in the application, provided:

(a) They are not

(i) Designated as toxic or hazardous under the provisions of Sections 307 and 311, respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law; or
(ii) Known to be hazardous or toxic by the licensee.

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

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

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

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

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

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

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

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

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

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

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

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

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

B. OPERATION AND MAINTENACE OF FACILITIES

1. General facility requirements.

(a) The permittee shall collect all waste flows designated by the Department as requiring treatment and discharge them into an approved waste treatment facility in such a manner as to

maximize removal of pollutants unless authorization to the contrary is obtained from the Department.

(b) The permittee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities.

(c) All necessary waste treatment facilities will be installed and operational prior to the discharge of any wastewaters.

(d) Final plans and specifications must be submitted to the Department for review prior to the construction or modification of any treatment facilities.

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

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

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

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

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

5. Bypasses.

(a) Definitions.

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

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

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

(c) Notice.

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

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

(d) Prohibition of bypass.

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

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

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

6. Upsets.

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

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

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

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

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

C. MONITORING AND RECORDS

1. General Requirements. This permit shall be subject to such monitoring requirements as may be reasonably required by the Department including the installation, use and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). The permittee shall provide the Department with periodic reports on the proper Department reporting form of monitoring results obtained pursuant to the monitoring requirements contained herein.

2. Representative sampling. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. If effluent limitations are based wholly or partially on quantities of a product processed, the permittee shall ensure samples are representative of times when production is taking place. Where discharge monitoring is required when production is less than 50%, the resulting data shall be reported as a daily measurement but not included in computation of averages, unless specifically authorized by the Department.

3. Monitoring and records.

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

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

(c) Records of monitoring information shall include:

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

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

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

D. REPORTING REQUIREMENTS

1. Reporting requirements.

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

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

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

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

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

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

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

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

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

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

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

(f) Twenty-four hour reporting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Publicly owned treatment works.

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

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

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

E. OTHER REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Maximum daily discharge limitation means the highest allowable daily discharge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEP INFORMATION SHEET

Appealing a Commissioner's Licensing Decision

Dated: May 2004 **Contact: (207) 287-2811**

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) in an administrative process before the Board of Environmental Protection (Board); or (2) in a judicial process before Maine's Superior Court. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

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

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner and the applicant a copy of the documents. All the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

1. *Aggrieved Status*. Standing to maintain an appeal requires the appellant to show they are particularly injured by the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.

5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.

6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.

7. *New or additional evidence to be offered.* The Board may allow new or additional evidence as part of an appeal only when the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or show that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2, Section 24(B)(5).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.

2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.

3. *The filing of an appeal does not operate as a stay to any decision.* An applicant proceeding with a project pending the outcome of an appeal runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision. The Board will notify parties to an appeal and interested persons of its decision.

II. APPEALS TO MAINE SUPERIOR COURT

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

ADDITIONAL INFORMATION

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

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.