STATE OF MAINE

Department of Environmental Protection

Paul R. LePage
GOVERNOR

Patricia W. Aho
COMMISSIONER

November 3, 2011

Mr. Paul Morin
Sabattus Sanitary District
P.O. Box 310
22 Lisbon Road
Sabattus, ME. 04280

RE: Maine Pollutant Discharge Elimination System Permit #ME0101842
Maine Waste Discharge License Application #W002624-6C-G-R
FinalPermit

Dear Mr. Morin:

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

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

If you have any questions regarding the matter, please feel free to call me at 287-7693.

Sincerely,

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality

Enc.
cc: Denise Behr, DEP/CMRO
Lori Mitchell, DEP/CMRO
Sandy Mojica, USEPA

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

DEPARTMENT ORDER

IN THE MATTER OF

SABATTUS SANITARY DISTRICT	)	MAINE POLLUTANT DISCHARGE
PUBLICLY OWNED TREATMENT WORKS	)	ELIMINATION SYSTEM PERMIT
SABATTUS ANDROSCOGGIN COUNTY, ME.	)	AND
ME0101842	)	WASTE DISCHARGE LICENSE
W002624-6C-G-R **APPROVAL**	)	**RENEWAL**

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, *et. seq*. and *Conditions of Licenses*, 38 M.R.S.A., Section 414-A *et seq*., and applicable regulations, the Department of Environmental Protection (Department hereinafter) has considered the application of the SABATTUS SANITARY DISTRICT (District/permittee hereinafter) with its supportive data, agency review comments, and other related material on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The District has submitted a timely and complete application to the Department to renew combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101842/Waste Discharge License (WDL) #W002624-5L-E-R (permit hereinafter) which was issued on November 7, 2006, and is due to expire on November 7, 2011. The November 7, 2006, permit authorized the discharge of up to a monthly average flow of 0.12 million gallons per day (MGD) of secondary treated sanitary waste waters to the Sabattus River, Class C, in Sabattus, Maine. It is noted the November 7, 2006, permit was modified on March 23, 2011, to establish water quality based limits for inorganic arsenic, total copper and total lead.

PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the November 7, 2006, and March 23, 2011, permitting actions except that this permitting action is;

1. Reducing the monitoring frequency for mercury from 4/Year to 1/Year based on new state law that became effective on September 28, 2011.

2. Eliminating the requirement to conduct a toxicity reduction evaluation (TRE) for total cadmium and total lead as the District has fulfilled said requirement.

PERMIT SUMMARY (cont'd)

3. Incorporating the numeric interim mercury limits established in a permit modification dated May 23, 2000.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated September 30, 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 natural resource, that water quality will be maintained and protected;

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

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

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

4. The discharge will be subject to effluent limitations that require application of best practicable treatment (BPT).

ACTION

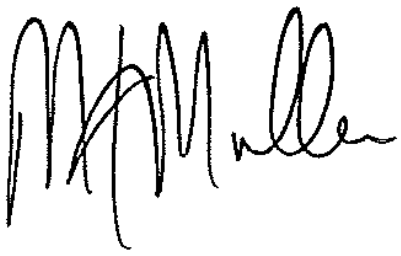
THEREFORE, the Department APPROVES the application of the SABATTUS SANITARY DISTRICT to discharge up to a monthly average flow of 0.120 million gallons per day (MGD) of secondary treated waste waters to the Sabattus River, Class C, in Sabattus, Maine. The discharges shall be subject to the attached conditions and all applicable standards and regulations including:

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

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

3. This permit becomes effective upon the date of signature below and expires at midnight five (5) years thereafter. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of the this permit, the terms and conditions of the this permit and all subsequent 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 Michael Mullen on behalf of Commissioner Patricia Aho. 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. 2011.11.03 13:43:45 -04'00'

Date of initial receipt of application September 27, 2011.
Date of application acceptance September 28, 2011.

This Order prepared by GREGG WOOD, BUREAU OF LAND & WATER QUALITY
ME0101842 2011 11/2/11

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Beginning upon permit issuance, the permittee is authorized to discharge **secondary treated waste waters** to the Sabattus River. Such treated waste water 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 as specified	Weekly Average as specified	Daily Maximum as specified	Monthly Average as specified	Weekly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Flow *[50050]*	0.120 MGD *[03]*	---	Report (MGD)	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
Biochemical Oxygen Demand (BOD_5) *[00310]* *(June 1 – Sept 30)* *(October 1 – May 31)*	17 lbs/Day 30 lbs/Day *[26]*	45 lbs/Day 45 lbs/Day *[26]*	50 lbs/Day 50 lbs/Day *[26]*	17 mg/L 30 mg/L *[19]*	45 mg/L 45 mg/L *[19]*	50 mg/L 50 mg/L *[19]*	1/Week 1/Week *[01/07]*	Composite Composite *[24]*
BOD_5 % Removal **(1)** *[81010]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Total Suspended Solids (TSS) *[00530]*	30 lbs/Day *[26]*	45 lbs/Day *[26]*	50 lbs/Day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/Week *[01/07]*	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)** *[31633]* *(May 15 – September 30)*	---	---	---	126/100 ml **(3)** *[13]*	---	949/100 ml *[13]*	1/Week *[01/07]*	Grab *[GR]*
Total Residual Chlorine **(4)** *[50060]*	---	---	---	0.1 mg/L *[19]*	---	0.28 mg/L *[19]*	1/Day *[01/01]*	Grab *[GR]*

SPECIAL CONDITIONS

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

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average as specified	**Weekly Average** as specified	**Daily Maximum** as specified	**Monthly Average** as specified	**Weekly Average** as specified	**Daily Maximum** as specified	**Measurement Frequency** as specified	**Sample Type** as specified
pH (Std. Units) *[00400]*	---	---	---	---	---	6.0-9.0 *[12]*	1/Day *[01/01]*	Grab *[GR]*
Total Phosphorus[5] *[00665]* *(June 1 – September 30)*	Report lbs/Day *[26]*	---	Report lbs/Day *[26]*	Report mg/L *[19]*	---	Report mg/L *[19]*	2/Month *[02/30]*	Composite *[24]*
Arsenic (Total)[6] *[01002]* *Upon permit issuance*	Report lbs./day *[26]*	---	---	Report ug/L *[28]*	---	---	1/Quarter *[01/90]*	Composite *[24]*
Arsenic (Inorganic)[7] *[01252]* *Upon EPA test method approval*	0.00036 lbs./day *[26]*	---	---	3.6 ug/L *[28]*	---	---	1/Quarter *[01/90]*	Composite *[24]*
Copper (Total) *[01042]*	0.024 lbs./day *[26]*	---	0.031 lbs./day *[26]*	48 ug/L *[28]*	---	62 ug/L *[28]*	1/Quarter *[01/90]*	Composite *[24]*
Lead (Total) *[01051]*	0.0041 lbs./day *[26]*	---	---	8 ug/L *[28]*	---	---	1/Quarter *[01/90]*	Composite *[24]*
Mercury (Total)[8] *[71900]*	---	---	---	0.0045 ug/L *[28]*		0.0068 ug/L *[28]*	1/Year *[01/YR]*	Grab *[GR]*

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

SURVEILLANCE LEVEL TESTING – Beginning upon permit issuance and lasting through twelve months prior to permit expiration.

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity (WET) [9]								
A-NOEL								
Ceriodaphnia dubia *[TDA3B]*	---	---	---	---	---	Report % *[23]*	1/Year *[01/YR]*	Composite *[24]*
Salvelinus fontinalis *[TDA6F]*	---	---	---	---	---	Report % *[23]*	1/Year *[01/YR]*	Composite *[24]*
C-NOEL								
Ceriodaphnia dubia *[TBP3B]*	---	---	---	---	---	Report % *[23]*	1/Year *[01/YR]*	Composite *[24]*
Salvelinus fontinalis *[TBQ6F]*	---	---	---	---	---	Report % *[23]*	1/Year *[01/YR]*	Composite *[24]*
Analytical Chemistry[10,11] *[51168]*	---	---	---	---	---	Report ug/L ***[28]***	1/Year *[01/YR]*	Composite/Grab *[24/GR]*

SCREENING LEVEL TESTING – Beginning twelve months prior to permit expiration and every five years thereafter.

	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity (WET) [9]								
A-NOEL								
Ceriodaphnia dubia *[TDA3B]*	---	---	---	---	---	Report % *[23]*	1/Quarter *[01/90]*	Composite *[24]*
Salvelinus fontinalis *[TDA6F]*	---	---	---	---	---	Report % *[23]*	1/Quarter *[01/90]*	Composite *[24]*
C-NOEL								
Ceriodaphnia dubia *[TBP3B]*	---	---	---	---	---	Report % *[23]*	1/Quarter *[01/90]*	Composite *[24]*
Salvelinus fontinalis *[TBQ6F]*	---	---	---	---	---	Report % *[23]*	1/Quarter *[01/90]*	Composite *[24]*
Analytical Chemistry[10,11] *[51168]*	---	---	---	---	---	Report ug/L ***[28]***	1/Quarter *[01/90]*	Composite/Grab *[24/GR]*
Priority pollutant[11] *[50008]*	---	---	---	---	---	Report ug/L ***[28]***	1/Year *[01/YR]*	Composite/Grab *[24/GR]*

SPECIAL CONDITIONS

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

Footnotes:

Sampling Locations:

Influent sampling for BOD_5 and TSS shall be sampled at a point after the headworks.

Effluent sampling for all parameters shall be sampled for all parameters at the end of the chlorine contact chamber on a year-round basis.

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

Sampling – 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 for wastewater by the State of Maine's Department of Health and Human Services. 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 most current 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.

1. **Percent removal** - The treatment facility shall maintain a minimum of 85 percent removal of both BOD_5 and TSS. The percent removal shall be based on a monthly average calculation using influent and effluent concentrations. The percent removal 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.

SPECIAL CONDITIONS

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

Footnotes:

2. ***E. coli* bacteria** - Limits are seasonal and apply between May 15th and September 30th of each calendar year. The Department reserves the right to 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 –** Monitoring for TRC is only required when elemental chlorine or chlorine-based compounds are in use for effluent disinfection. The permittee shall utilize approved test methods that are capable of bracketing the TRC limitation in this permit.

5. **Total Phosphorus** – See **Attachment B** of this permit for the Department's sampling and analysis protocol.

6. **Arsenic (Total)– Beginning the effective date of this permit and lasting through EPA approval of a test method for inorganic arsenic**, the permittee shall conduct 1/Quarter testing for total arsenic and report the monthly average mass and concentration results on the applicable DMR's. All detectable analytical test results shall be reported to the Department including results which are detected below the Department's RL of 5 ug/L. If the concentration result is at or above RL, the concentration and corresponding mass shall be reported at those levels.

7. **Arsenic (Inorganic)** - The limitations and monitoring requirements are not in effect until the USEPA approves of a test method for inorganic arsenic. Once effective, compliance will be based on a 12-month rolling average basis beginning 12 months after the effective date of the limits. Following USEPA approval of a test method for inorganic arsenic and based on recent available data, the permittee may request that the Department reopen this permit in accordance with Special Condition K, *Reopening on Permit For Modifications*, of this permit to establish a schedule of compliance for imposition of the numeric inorganic arsenic limitations.

SPECIAL CONDITIONS

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

Footnotes:

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

9. **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 threshold of 6.9%), which provides a point estimate of toxicity in terms of No Observed Effect Level, commonly referred to as NOEL or NOEC. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level with survival, reproduction and growth as the end
points. The critical acute and chronic thresholds were derived as the mathematical inverse of the applicable acute and chronic dilution factor of 14.5:1. It is noted the permittee has been granted authorization by the Department to utilize an alternate ambient water source as the diluent when conducting WET testing.

   a. **Surveillance level testing** - Beginning upon permit issuance and lasting until 12 months prior to permit expiration, the permittee shall conduct surveillance level WET testing. Acute and chronic tests shall be conducted on the the water flea (Ceriodaphnia dubia) and the brook trout (Salvelinus fontinalis) at a frequency of 1/Year for both species. Tests shall be conducted in a different calendar quarter each year such that a test is conducted in all four calendar quarters in the first four years of the term of the permit.

   b. **Screening level testing** - Beginning 12 months prior to permit expiration and every five years thereafter, the permittee shall conduct screening level WET testing at a minimum frequency of once per calendar quarter (1/Quarter) for four consecutive calendar quarters. Acute and chronic tests shall be conducted on the the water flea (Ceriodaphnia dubia) and the brook trout (Salvelinus fontinalis).

   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 of the form in **Attachment A** of this permit each time a WET test is performed. 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

SPECIAL CONDITIONS

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

Footnotes:

may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee shall evaluate test results being submitted and identify to the Department possible exceedences of the critical acute and chronic water quality thresholds of 6.9%.

See **Attachment D** of this permit for the Department's WET report form.

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

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

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

10. **Analytical chemistry** – Refers to a suite of chemical tests in **Attachment A** of the permit.

    a. **Surveillance level testing** – Beginning upon permit issuance and lasting until 12 months prior to permit expiration, the permittee shall conduct analytical chemistry testing at a minimum frequency of once per year (1/Year). Tests are to be conducted in a different calendar quarter of each year such that a test is conducted in all four calendar quarters in the first four years of the term of the permit.

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

11. **Priority pollutant testing** – Refers to a suite of chemical tests in **Attachment A** of the permit.

    a. **Screening level testing -** Beginning 12 months prior to permit expiration and lasting through permit expiration, the permittee shall conduct screening level priority pollutant testing at a minimum frequency of once per year (1/Year). Chapter 530 does not establish routine surveillance level testing priority pollutant testing.

SPECIAL CONDITIONS

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

Footnotes:

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

B. NARRATIVE EFFLUENT LIMITATIONS

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

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

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

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

C. TREATMENT PLANT OPERATOR

The treatment facility must be operated by a person holding a minimum of a **Grade II** certificate (or Registered Maine Professional Engineer) pursuant to *Sewerage Treatment Operators*, 32 M.R.S.A. §§ 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.

SPECIAL CONDITIONS

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. The licensee shall conduct an Industrial Waste Survey (IWS) at any time a new industrial user proposes to discharge within its jurisdiction, an existing user proposes to make a significant change in its discharge, or at an alternative minimum, once every license cycle. The IWS shall identify, in terms of character and volume of pollutants, any Significant Industrial Users discharging into the POTW subject to Pretreatment Standards under section 307(b) of CWA, 40 CFR Part 403, or 06-096 CMR Chapter 528 Pretreatment Program.

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

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. WET WEATHER FLOW MANAGEMENT PLAN

The permittee shall maintain an up-to-date 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 revised plan shall include operating procedures for a range of intensities, address solids handling procedures (including septic waste and other high strength wastes if applicable) and provide written operating and maintenance procedures during the events. **The permittee shall review their plan annually and record any necessary changes to keep the plan up to date.**

SPECIAL CONDITIONS

G. OPERATION & MAINTENANCE (O&M) PLAN

Within 90 days of completion of new and or substantial upgrades of the waste water treatment facility, the permittee shall submit an updated O&M Plan to their Department inspector for review and comment. The plan shall provide a systematic approach by which the permittee shall at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit.

By December 31 of each year or within 90 days of any process changes or minor equipment upgrades, the permittee shall evaluate and modify the O&M Plan including site plan(s) and schematic(s) for the 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 personnel upon request.

H. DISPOSAL OF SEPTAGE/TRANSPORTED WASTES IN WASTE WATER TREATMENT FACILITY

The permittee is prohibited from introducing septage in the waste water treatment facility for treatment.

I. SCHEDULE OF COMPLIANCE

This permitting action is establishing a schedule of compliance for the monthly average mass and concentration limits for inorganic arsenic as follows:

Beginning upon issuance of this minor revision and lasting through EPA approval of a test method for inorganic arsenic, the permittee shall conduct 1/Quarter testing for total arsenic and report the mass and concentration results on the applicable DMR’s.

Beginning 12 months after EPA approval of a test method for inorganic arsenic, the permittee shall be in compliance with the 12-month rolling average mass limit of 0.00036 lbs/days for inorganic arsenic.

Note: The applicable ambient water quality criteria for arsenic is currently undergoing review by the Department and other regulatory authorities. Should the criteria be changed during the term of this permit, the permit may be reopened and amended accordingly.

SPECIAL CONDITIONS

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

By December 31 of each calendar year, the permittee shall provide the Department with a certification describing any of the following that have occurred since the effective date of this permit ***[PCS Code 95799]***: See **Attachment E** 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.

K. REOPENING OF PERMIT FOR MODIFICATIONS

Upon evaluation of the tests results or monitoring requirements specified in Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at any time, and with notice to the permittee, modify this permit to: (1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional effluent or ambient water quality monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

SPECIAL CONDITIONS

L. MONITORING AND REPORTING

Monitoring results obtained during the previous month shall be summarized for each month and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department and postmarked on or before the thirteenth (13th) day of the month or hand-delivered to a Department Regional Office such that the DMR's are received by the Department on or before the fifteenth (15th) day of the month following the completed reporting period. A signed copy of the DMR and all other reports required herein shall be submitted to the Department's compliance inspector (unless otherwise specified) at the following address:

Department of Environmental Protection
Central Maine Regional Office
Bureau of Land and Water Quality
Division of Water Quality Management
17 State House Station
Augusta, Maine 04333

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.

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

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

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

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

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

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

Notes:

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

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

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

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

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

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

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

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

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

Comments:

ATTACHMENT B

Protocol for Total Phosphorus Sample Collection and Analysis for Waste Water and Receiving Water Monitoring Required by Permits

Approved Analytical Methods: EPA 365.1 (Rev. 2.0), 365.3, 365.4; SM 4500-P B.5, 4500-P E, 4500-P F; ASTM D515-88(A), D515-88(B); USGS I-4600-85, I-4610-91; OMAAOAC 973.55, 973.56

Sample Collection: The Maine DEP is requesting that total phosphorus analysis be conducted on composite effluent samples, unless a facility's Permit specifically designates grab sampling for this parameter. Facilities can use individual collection bottles or a single jug made out of glass or polyethylene. Bottles and/or jugs should be cleaned prior to each use with dilute HCL. This cleaning should be followed by several rinses with distilled water. Commercially purchased, pre-cleaned sample containers are an acceptable alternative. The sampler hoses should be cleaned, as needed.

Sample Preservation: During compositing the sample must be at 0-6 degrees C (without freezing). If the sample is being sent to a commercial laboratory or analysis cannot be performed the day of collection then the sample must be preserved using H_2SO_4 to obtain a sample pH of <2 su and refrigerated at 0-6 degrees C (without freezing). The holding time for a preserved sample is 28 days.

Note: Ideally, Total P samples are preserved as described above. However, if a facility is using a commercial laboratory then that laboratory may choose to add acid to the sample once it arrives at the laboratory. The Maine DEP will accept results that use either of these preservation methods.

Laboratory QA/QC: Laboratories must follow the appropriate QA/QC procedures that are described in each of the approved methods.

Sampling QA/QC: If a composite sample is being collected using an automated sampler, then once per month run a blank on the composite sampler. Automatically, draw distilled water into the sample jug using the sample collection line. Let this water set in the jug for 24 hours and then analyze for total phosphorus. Preserve this sample as described above.

ATTACHMENT C

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 D

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

AND

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: **September 30, 2011**

PERMIT NUMBER: **ME0101842**
LICENSE NUMBER: **W002624-6C-G-R**

NAME AND ADDRESS OF APPLICANT:

SABATTUS SANITARY DISTRICT
P.O. Box 310
22 Lisbon Road
Sabattus, ME. 04280

COUNTY: **Androscoggin County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

22 Lisbon Street
Sabattus, Maine 04280

RECEIVING WATER/CLASSIFICATION: **Sabattus/Class C**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Paul Morin**
Superintendent, WWTF
(207) 375 - 8008
E-mail: **ssdp@roadrunner.com**

1. APPLICATION SUMMARY

a. Application - The Sabattus Sanitary District (District/permittee hereinafter) has submitted a timely and complete application to the Department to renew combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101842/Waste Discharge License (WDL) #W002624-5L-E-R (permit hereinafter) which was issued on November 7, 2006, and is due to expire on November 7, 2011. The November 7, 2006, permit authorized the discharge of up to a monthly average flow of 0.12 million gallons per day (MGD) of secondary treated sanitary waste waters to the Sabattus River,

1. APPLICATION SUMMARY (cont'd)

Class C, in Sabattus, Maine. It is noted the November 7, 2006, permit was modified on March 23, 2011, to establish water quality based limits for inorganic arsenic, total copper and total lead.

b. Source Description: The waste water treatment facility receives sanitary waste water flows generated by approximately 1,500 residential users within the District's boundaries. The collection system is a separated system approximately 10 miles in length with forty (40) pump stations and no combined sewer overflow (CSO) points. Two (2) of the pump stations have on-site generators to provide back-up power in the event of a power failure and the remaining thirty eight (38) stations have emergency generator receptacles and manual transfer switches such that back-up power via a portable generator can be supplied to the stations in the event of a power failure. None of the pump stations have constructed emergency overflow/bypasses. The treatment facility is not authorized by this permit to accept septage from local septage haulers.

c. Waste Water Treatment: Waste water generated in the Town of Sabattus is conveyed to the facility via a sewer collection system containing eight (8) major pump stations and thirty two (32) smaller lift stations. At the facility headworks building, waste water passes through a bar rack for screening, then is pumped (without treatment) through the 0.1 million gallon (MG) former primary (Imhoff) tank. Waste water flow is split between two package treatment units, each of which contain a 75,000 gallon aeration tank for extended diffused aeration, a 37,000 gallon secondary clarifier, and a 48,119 gallon aerobic sludge digester, which also utilizes diffused aeration. Treated effluent is then conveyed to four sand filter units, each measuring 135 feet by 77 feet, for polishing. Seasonally, waste water is then disinfected with sodium hypochlorite in a 187 gallon chlorination mix chamber and an 8,000 gallon chlorine contact tank. Detention time in the contact tank is 19 minutes under peak flow and 95 minutes under average flow conditions. Effluent is then dechlorinated with sodium metabisulfite or ascorbic acid in a 160 gallon dechlorination chamber. Detention time in the dechlorination chamber is 23 seconds under peak flow and 115 seconds under average flow conditions. Final treated effluent is discharged to the Sabattus River through a 12-inch diameter outfall pipe, which splits into three diffuser pipes positioned six feet apart.

Sludge is pumped from the aerobic sludge digester to a 24,235 gallon sludge storage tank, then to a 7,480 gallon sludge stabilization tank. Sludge is then conveyed to two on-site reed beds.

See **Attachment A** of this Fact Sheet for location map and aerial photograph showing the layout of the facility and **Attachment B** for a schematic of the waste water treatment facility.

2. PERMIT SUMMARY

a. Terms and conditions: is carrying forward all the terms and conditions of the November 7, 2006, and March 23, 2011, permitting actions except that this permitting action is;

1. Reducing the monitoring frequency for mercury from 4/Year to 1/Year based on new state law that became effective on September 28, 2011.

2. Eliminating the requirement to conduct a toxicity reduction evaluation (TRE) for total cadmium and total lead as the District has fulfilled said requirement.

3. Incorporating the numeric interim mercury limits established in a permit modification dated May 23, 2000.

b. History – The most relevant regulatory actions regarding the waste water treatment facility include, but are not limited to, the following:

August 1, 1990 - The Department issued WDL #W002624-59-C-R for the Sabattus facility which superseded WDL #W002624-45-A-R issued on March 23, 1984.

August 5, 1994 - The U.S. Environmental Protection Agency (EPA) issued National Pollutant Discharge Elimination System (NPDES) permit #ME0101842 for the Sabattus facility, superseding an earlier NPDES permit issued on March 28, 1986.

December 11, 1995 – The Department issued a letter to Sabattus stating that 1994 ambient water quality sampling revealed that the Sabattus River was not meeting Class C water standards for dissolved oxygen. The Department noted that at the time of sampling, Sabattus was discharging below licensed BOD limits while river flow was above the 7Q10 flow. The Department anticipated that nutrient loading to the River from Sabattus Pond was significant enough that it was unlikely that additional loading would be allowed in Sabattus' discharge during warmer months. The Department advised Sabattus to investigate alternate waste water disposal methods.

December 19, 1995 – The Department issued a letter to Sabattus stating that insufficient river water quality data existed to allow reissuance of Sabattus' WDL. Based on existing data, the Department was unable to determine the relationship between Sabattus' discharge and the discharge of algae from Sabattus Pond in the river's failure to attain Class C water standards. The Department noted that additional river monitoring was planned for the future.

February 5, 1996 – The EPA issued a modification of NPDES permit #ME0101842 to the Sabattus Sanitary District, reducing federal surveillance level WET testing requirements from the four acute and chronic tests per year specified in a NPDES permit issued August 5, 1994, to one chronic test per year.

2. PERMIT SUMMARY (cont'd)

April 6, 1999 – The EPA issued a letter to Sabattus stating that beginning with the 1996 NPDES modification, Sabattus' federal testing requirements for Priority Pollutants consist of one test per year.

September 2, 1999 – The Board of Environmental Protection (BEP) issued #L-19911-36-A-N, approving a new water level and minimum flow regime for Sabattus Pond. This Order carried forward the previously established minimum flow of 2.5 cubic feet per second (CFS) from the Sabattus Pond dam.

March 2, 2000 – The Department notified Sabattus that statistical evaluations of WET and chemical specific test results conducted on June 14, 1999, indicated several "reasonable potentials to exceed" ambient water quality standards and licensed mass limits. Pursuant to Department Rule Chapter 530.5, *Surface Water Toxics Control Program*, the Department required Sabattus to submit a Toxic Reduction Evaluation for arsenic to the Department. Sabattus subsequently agreed to monitor for arsenic in its effluent on a quarterly basis.

May 23, 2000 – The Department administratively modified the 8/1/90 WDL by establishing interim mean and maximum technology based concentration limitations of 4.5 ng/L and 6.8 ng/L, respectively for mercury.

September 1, 2000 – The Department issued #S-022065-SC-A-N, granting the Sabattus Sanitary District Program Approval for sludge application. The Program Approval establishes sewage sludge monitoring requirements and management protocols, and provides standards for determining when site-specific licenses are necessary for utilization or storage of sewage sludge.

January 12, 2001 - The Department received authorization from the EPA to administer the NPDES program in Maine. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permit program.

March 29, 2001 – The inter-local Sabattus Lake Dam Commission issued a new water level and minimum flow Order for Sabattus Pond. This Order supersedes BEP Order #L-19911-36-A-N, dated September 2, 1999, and carries forward the 2.5 CFS minimum flow requirement.

November 12, 2001 – The Department issued combination MEPDES permit ME0101842/Waste Discharge License (WDL) #W002624-5L-D-R for a five-year term.

April 10, 2006 – The Department administratively modified the 11/12/01 permit by establishing applicable monitoring requirement pursuant to a revised Department rule found at Chapter 530, *Surface Water Toxics Control Program*, promulgated on October 12, 2005.

2. PERMIT SUMMARY (cont'd)

November 7, 2006 – The Department issued combination MEPDES permit ME0101842/WDL #W002624-5L-E-R for a five-year term.

March 23, 2011 – The Department issued MEPDES permit modification ME0101842/WDL #W002624-6C-F-M that established monthly average and or daily maximum water quality based mass and concentration limits for inorganic arsenic, total copper and total lead.

September 27, 2011 – The District submitted a timely and complete application to the Department to renew the combination MEPDES permit and WDL.

3. CONDITIONS OF PERMITS

Maine law, 38 M.R.S.A. Section 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S.A., Section 420 and Department rule 06-096 CMR Chapter 530, *Surface Water Toxics Control Program,* require the regulation of toxic substances not to exceed levels set forth in Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants,* and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER STANDARDS

Maine law, 38 M.R.S.A., Section 467(1)(D)(3) classifies the Sabattus River at the point of discharge as a Class C waterway. Maine law, 38 M.R.S.A., Section 465(4) describes the standards for Class C waters.

Maine law 38 M.R.S.A. §465(4)(B) (as amended via P.L. 2005, Chapter 409) states in part, *The dissolved oxygen content of Class C water may be not less than 5 parts per million or 60% of saturation, whichever is higher, except that in identified salmonid spawning areas where water quality is sufficient to ensure spawning, egg incubation and survival of early life stages, that water quality sufficient for these purposes must be maintained. In order to provide additional protection for the growth of indigenous fish, the following standards apply.*

(1) The 30-day average dissolved oxygen criterion of a Class C water is 6.5 parts per million using a temperature of 22 degrees centigrade or the ambient temperature of the water body, whichever is less, if:

4. RECEIVING WATER STANDARDS (cont'd)

(a) A license or water quality certificate other than a general permit was issued prior to March 16, 2004 for the Class C water and was not based on a 6.5 parts per million 30-day average dissolved oxygen criterion; or

(b) A discharge or a hydropower project was in existence on March 16, 2005 and required but did not have a license or water quality certificate other than a general permit for the Class C water.

(1)This criterion for the water body applies to licenses and water quality certificates issued on or after March 16, 2004.

(2) In Class C waters not governed by subparagraph (1), dissolved oxygen may not be less than 6.5 parts per million as a 30-day average based upon a temperature of 24 degrees centigrade or the ambient temperature of the water body, whichever is less. This criterion for the water body applies to licenses and water quality certificates issued on or after March 16, 2004.

The department may negotiate and enter into agreements with licensees and water quality certificate holders in order to provide further protection for the growth of indigenous fish. Agreements entered into under this paragraph are enforceable as department orders according to the provisions of sections 347-A to 349.

Between May 15th and September 30th, the number of Escherichia coli bacteria of human and domestic animal origin in Class C waters may not exceed a geometric mean of 126 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. The board shall adopt rules governing the procedure for designation of spawning areas. Those rules must include provision for periodic review of designated spawning areas and consultation with affected persons prior to designation of a stretch of water as a spawning area.

Discharges to Class C waters may cause some changes to aquatic life, except that the receiving waters must be of sufficient quality to support all species of fish indigenous to the receiving waters and maintain the structure and function of the resident biological community. This paragraph does not apply to aquatic pesticide or chemical discharges approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency for the purpose of restoring biological communities affected by an invasive species.

5. RECEIVING WATER CONDITIONS

An 11.41-mile Class C segment of Sabattus River is listed in a table entitled, *Category 5-A: Rivers And Streams Impaired By Pollutants Other Than Those Listed In 5-B Through 5-D (TMDL Required)* in a document entitled The 2010 Integrated Water Quality Monitoring and Assessment Report, published by the Department. The table states that macro-invertebrate data collected by the Department indicates aquatic life standards are impaired. The impairment is due to insufficient dissolved oxygen and excessive nutrient loading due to Sabattus Lake's eutrophic state and point and non-point source loadings from the municipal waste water treatment facility and agricultural runoff. The Department collected additional ambient water quality data during the summer of calendar year 2002 to supplement a data set collected in August of calendar year 2000. To address the aforementioned water quality issues, the Department is required to prepare a Total Maximum Daily Load (TMDL) report for review and approval by the EPA. The Department has not completed the TMDL as of the date of this permitting action.

In April 2003, the Department prepared a final document entitled, Sabattus River Data Report, August 2002 Survey, April 2003, DEPLW0591. In May of 2006, the Department prepared a draft document entitled, Revised Sabattus River Assessment and Modeling Report, May 2006, DEPLWxxxx. The Exeecutive Summary of the draft assessment and modeling report contains the following text:

The Sabattus River is included on Maine's list (section 303d, clean water act, category 5-A) for non-attainment of aquatic life standards, requiring a TMDL (total maximum daily load assessment). This is a revised version of a previous draft (November 2004) and supersedes that draft. Subsequent to the 2004 draft, sediment oxygen demand (SOD) sampling was performed. Also, an updated water quality model became available (QUAL2, version 5), requiring re-calibration and re-assessment. The model focuses on the segment between Sabattus Pond (actually the first bridge below the outlet dam) and Lisbon Center (dam at Mill Street), a distance of approximately 9 miles. The Sabattus Sanitary District (SSD) discharges treated wastewater (0.12 MGD) to the Sabattus River approximately 0.9 mile below Sabattus Pond. During August 2000 and August 2002, water quality surveys were performed to collect data for a water quality model. A water quality model was developed for the Sabattus River.

During 2000 and 2002, actual data indicated attainment of dissolved oxygen (DO) standards. 2002 data represent drought conditions. The Lisbon impoundment (Upper Lisbon Dam) stratified during 2002. Standards now include a legislative exemption for DO in stratified impoundments.

Modeling indicates non-attainment of Class C daily minimum DO standard of 5 mg/l at critical low streamflow conditions and permit loading. The cause of the non-attainment is chiefly SOD in combination with hydraulic alteration caused by dams on the river. Model simulation indicates that the monthly average DO standard of 6.5 mg/l can only be achieved with a reduction in SOD. Elimination of the point sources alone would not result in attainment of average monthly DO standards although algae growth would be

5. RECEIVING WATER CONDITIONS (cont'd)

significantly reduced. The model was set up under the assumption that the goals of the Sabattus Pond TMDL were achieved (15 ug/l TP). It can be reasonably expected that with a reduction in nutrients and algae from the lake the SOD would naturally decline over time.

Dam removal results in little improvement in daily average DO because any gain in DO from increased reaeration and reduced travel time is offset by a significant reduction in algal growth/concentration (along with associated oxygen input). No dam related reduction in SOD was assumed for the dam removal modeling scenarios but would be expected due to increased flushing. Depending upon the SOD reduction attributable to dam removal, the dam removal scenario may significantly increase DO within the associated impoundments.

A major source of existing SOD is likely legacy loading from the pond. Historically, Sabattus Pond has experienced significant algae blooms, ultimately resulting in high organic loading to the river which settles as SOD. The outlet dam has been operated in a manner to flush as much algae/nutrients from the pond into the river. As recently as 2002 the dam has been reconfigured to provide a top release. This release of water from the upper portion of the lake contains the greater concentration of algae. In addition this warmer upper water adversely impacts the river.

There are currently no numeric algae bloom standards for rivers. An algae concentration of 12 ug/l (as chl-a) was used to represent the maximum concentration of algae that would maintain the designated use of recreation on and in the water. Criteria of from 8 – 15 ug/l have been suggested for this standard. The 8 ug/l represents the definition of algae blooms for lakes. The 2000 and 2002 data showed chl-a concentrations greater than 12 ug/l. Model simulations indicated a required 85-93% phosphorous removal from the SSD discharge or removal of the Lisbon dam to attain this concentration level under low flow conditions.

The minimum required flow at the pond outlet dam is less than ½ the flow measured during 2002 under drought conditions. It is recommended that the minimum flow be increased to 6 cfs and/or monitoring be required to better assess the actual low flow. A flow of 2.5 cfs will not attain class C minimum DO standards in the river even without the SSD discharge, the major impact being SOD.

The major impact of the SSD discharge is the nutrient load and its impact upon algae growth in the Lisbon impoundment. Any direct (DO uptake) or indirect (SOD) impact from BOD/TSS at current performance loading is small. It is problematic that a reduction in phosphorous to address algae growth at Lisbon may result in lower DO in a natural impoundment above Crowley Rd. due to reduction in algal oxygen input.

5. RECEIVING WATER CONDITIONS (cont'd)

The section entitled "Discussion" in the back of the modeling report has the following text;

Based upon actual data collection during 2002, the Sabattus River is attaining daily minimum DO standards under low flow, performance loading conditions. This assumes that the river flow during this period is representative of actual low flow (7Q10) and

takes into consideration the legislative exemption for DO in stratified impoundments. Modeling for performance loading supports the data in this conclusion if the low DO result for the naturally impounded segment (4.83 mg/l) is evaluated in the context of the low model calibration at this location.

Algal standards can only be addressed through nutrient (phosphorous) reductions and/or dam removal. Model simulations indicate a required 85-93% P removal from SSD or removal of the Lisbon dam to attain a maximum algal concentration of 12 ug/l (as chl-a).

Model simulation indicates that the monthly average DO standard of 6.5 mg/l can only be achieved with a reduction in SOD. Elimination of the point sources alone would not result in attainment of average monthly DO standards although algae growth would be significantly reduced. The model was set up under the assumption that the goals of the Sabattus Pond TMDL were achieved (15 ug/l TP). It can be reasonably expected that with a reduction in nutrients and algae from the lake the SOD would naturally decline over time.

The major impact of the Sabattus Sanitary District discharge is the nutrient discharge and its impact upon algae growth in the Lisbon impoundment. Any direct (DO uptake) or indirect (SOD) impact from BOD/TSS at current performance loading is small. It is problematic that a reduction in P to address algae growth at Lisbon may result in lower DO in the natural impoundment above the falls due to reduction in algal oxygen input. Algae growth in the Lisbon impoundment could be addressed through dam removal.

The Department intends to collect additional ambient water quality data during the term of this permit to more accurately determine who is causing or contributing to the non-attainment and to what degree is each entity causing or contributing to the non-attaiment. If the Department determines the permittee is causing or contributing to the non-attainment, the Department may reopen this permit pursuant to Special Condition K, *Reopening of Permit For Modifications,* to establish more stringent limitations and or require additional monitoring of the discharge or the Sabattus River.

5. RECEIVING WATER CONDITIONS (cont'd)

In addition, the Report lists all freshwaters in Maine in "*Category 4-A: 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(h) of this Fact Sheet.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

a. Flow: The monthly average flow limitation of 0.120 MGD and a daily maximum reporting requirement in the previous permitting action are being carried forward in this permitting action. The monthly average limitation of 0.120 MGD is considered to be representative of the monthly average dry weather design flow of the waste water treatment facility.

A review of the Discharge Monitoring Report data for the period January 2008 through February 2011 indicates values have reported as follows:

Flow (DMRs=38)

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	0.120	0.067 – 0.124	0.10
Daily Maximum	Report	0.094 – 0.3	0.17

b. Dilution Factors – Based on a monthly average flow limit of 0.120 MGD and a receiving water flow of 2.5 cfs[(1)], the acute, chronic and harmonic mean dilution factors associated with the discharge may be calculated as follows:

$$\text{Dilution Factor} \Rightarrow \frac{\text{River Flow (cfs)(Conv. Factor)} + \text{Plant Flow (MGD)}}{\text{Plant Flow (MGD)}}$$

Acute: 1Q10 = 2.5 cfs $\Rightarrow \frac{(2.5 \text{ cfs})(0.6464) + (0.12 \text{ MGD})}{(0.12 \text{ MGD})} = 14.5:1$

Chronic: 7Q10 = 2.5 cfs $\Rightarrow \frac{(2.5 \text{ cfs})(0.6464) + (0.12 \text{ MGD})}{(0.12 \text{ MGD})} = 14.5:1$

Harmonic Mean: = 7.5 cfs $\Rightarrow \frac{(7.5 \text{ cfs})(0.6464) + (0.12 \text{ MGD})}{(0.12 \text{ MGD})} = 41.4:1$

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

Footnotes:

1) The 7Q10 and 1Q10 critical low flow values for the Sabattus River take into consideration the minimum low flow requirements in the April 16, 2001 Water Level Order approved for Sabattus Lake by the Sabattus Lake Dam Commission and low flow data for the Sabattus River collected by the Department in calendar year 2002.

2) The harmonic mean dilution factor is approximated by multiplying the chronic dilution factor by three (3). This multiplying factor is based on guidelines for estimation of human health dilution presented in the USEPA publication Technical Support Document for Water Quality-Based Toxics Control (Office of Water; EPA/505/2-90-001, page 88), and represents an estimation of harmonic mean flow.

c. Biochemical Oxygen Demand (BOD5) & Total Suspended Solids (TSS): - The previous permit established year-round monthly and weekly average BOD5 and TSS best practicable treatment (BPT) concentration limits of 30 mg/L and 45 mg/L respectively, that were based on secondary treatment requirements of the Clean Water Act of 1977 §301(b)(1)(B) as defined in 40 CFR 133.102 and Department rule Chapter 525(3)(III). The maximum daily BOD5 and TSS concentration limits of 50 mg/L were based on a Department best professional judgment of BPT. All three concentration limits are being carried forward in this permitting action and are applicable on a year-round basis.

As for mass limits, the previous permitting action established seasonal limitations. Technology based limits were derived based on the concentration limits cited above and the monthly average design flow of 0.12 MGD for the facility and were applicable between October 1 and May 31, referred to as the non-summer months. The mass limits were calculated as follows:

Monthly average: (0.12 MGD)(8.34)(30 mg/L) = 30 lbs/day
Weekly average: (0.12 MGD)(8.34)(45 mg/L) = 45 lbs/day
Daily maximum: (0.12 MGD)(8.34)(50 mg/L) = 50 lbs/day

For the summer months (June 1 – September 30) water quality limits were established as limitations necessary to comply with the 30-day rolling average Class C dissolved oxygen criteria of 6.5 mg/L at 22°C in the receiving water based on a Department best professional judgment given water quality data and modeling at the time of permit issuance.The mass limits were derived as follows:

Monthly average: (0.12 MGD)(8.34)(17 mg/L) = 17 lbs/day
Weekly average: (0.12 MGD)(8.34)(45 mg/L) = 45 lbs/day
Daily maximum: (0.12 MGD)(8.34)(50 mg/L) = 50 lbs/day

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

A review of the DMR data for the period January 2008 – February 2011 indicates values have been reported as follows:

Summer (June 1 – September 30)

BOD Mass (DMRs=12)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	17	1 – 4.2	2.3
Weekly Average	45	2 – 9	4.4
Daily Maximum	50	2 - 9	4.4

BOD Concentration (DMRs=12)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	17	2 – 6	3.2
Weekly Average	45	2 – 11	5.4
Daily Maximum	50	2 - 11	5.4

Non-summer (October 1 – May 31))

BOD Mass (DMRs=26)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	30	2 – 25	10
Weekly Average	45	1 – 35	16
Daily Maximum	50	1 - 35	16

BOD Concentration (DMRs=26)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	1 – 27	11.1
Weekly Average	45	2 – 36	17
Daily Maximum	50	2 - 36	17

Year-round

TSS mass (DMRs=38)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	30	1 - 12	4.5
Weekly Average	45	1 – 26	7.6
Daily Maximum	50	1 - 26	7.6

TSS concentration (DMRs=38)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	2 – 17	7.5
Weekly Average	45	2 - 27	8.8
Daily Maximum	50	2 - 27	8.8

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

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

A review of the DMR data for the period January 2008 – February 2011 indicates values have been reported as follows:

BOD % Removal (DMRs=26)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	89 - 99	96

TSS % Removal (DMRs=5)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	97 - 99	98

Monitoring frequencies for BOD and TSS of 1/Week are being carried forward from the previous permitting action and are based on Department policy for facilities with a monthly average flow limitation greater than 0.10 MGD but less than 0.50 MGD.

d. Settleable Solids - The previous permit established a daily maximum concentration limit of 0.3 ml/L (considered by the Department to be representative of BPT) with a monitoring frequency of 5/Week. The limitation is being carried forward in this permitting action.

A review of the DMR data for the period January 2008 through February 2011 indicates the permitee has reported values as follows;

Settleable solids (DMRs=38)

Value	Limit (ml/L)	Range (ml/L)	Average (ml/L)
Monthly Average	85	0.0 - <0.3	0.1

e. Escherichia coliform (*E. coli.)* bacteria: The previous permitting action established a seasonal (May 15 – September 30) monthly average and daily maximum *E. coli* bacteria limits of 142 colonies/100 ml and 949 colonies/100 ml on a Department BPT for facilities that discharge to Class C waterbodies. Subsequent to issuance of the pervious permit, the State Legislature adopted more stringent AWQC for *E. coli* bacteria. The newer criteria for Class C waters are 126 colonies/100 ml as a monthly average and 236 colonies/100 ml as a daily maximum. Therefore the more stringent monthly average limitation of 126 colonies/100 ml is being established in this permit. The Department has made the determination that after taking into consideration the dilution associated with the discharge, the daily maximum BPT limit of 949 colonies/100 ml established in the previous permitting action is protective of the newer AWQC for bacteria.

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

A review of the DMR data for the period May 2008 through September 2010 indicates values have been reported as follows:

***E coli*. bacteria (DMRs = 15)**

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly Average	142	1 – 12	4
Daily Maximum	949	1 - 93	21

f. Total Residual Chlorine - The previous permitting action established a technology based (BPT) limit of 0.1 mg/L and a daily maximum water quality based limit of 0.27 mg/L that are being carried forward in this permitting action. Limits on total residual chlorine (TRC) are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. The Department imposes the more stringent of the water quality or technology based limits in permitting actions. End-of-pipe water quality based concentration thresholds may be calculated as follows:

Parameter	Acute Criteria	Chronic Criteria	Acute Dilution	Chronic Dilution	Acute Limit	Chronic Limit
Chlorine	19 ug/L	11 ug/L	14.5:1	14.5:1	0.27 mg/L	0.16 mg/L

Example calculation: Acute – 0.019 mg/L (14.5) = 0.27 mg/L

To meet the new water quality based thresholds calculated above, the permittee must continue to dechlorinate the effluent prior to discharge. The Department has established daily maximum and monthly average best practicable treatment (BPT) limitations of 0.3 mg/L and 0.1 mg/L respectively, for facilities that need to dechlorinate their effluent unless calculated water quality based limits are lower than the BPT limits. In the case of the permittee's facility, the calculated acute water quality based limit is lower than 0.3 mg/l, thus the daily maximum water quality based limit of 0.27 mg/L is imposed. As for the monthly average, the calculated chronic water quality based limit is higher than the BPT limit of 0.1 mg/L, thus the monthly average BPT limit of 0.1 mg/L is imposed.

A review of the DMR data for the period May 2008 through September 2010 indicates values have been reported as follows:

TRC (DMRs = 15)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	0.1	0.02 – 0.05	0.03
Daily Maximum	0.27	0.08 – 0.27	0.13

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

g. pH Range- The previous permitting action established a pH range limitation of 6.0 – 9.0 standard units pursuant to a Department rule found at Chapter 525(3)(III)(c). The limits are considered BPT and are being carried forward in this permitting action. A review of the DMR data indicates the limitation range has never been violated.

h. Mercury: Pursuant to Maine law, 38 M.R.S.A. §420 and Department rule, 06-096 CMR Chapter 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL # W002624-5L-D-R by establishing interim monthly average and daily maximum effluent concentration limits of 4.5 parts per trillion (ppt) and 6.8 ppt, respectively, and a minimum monitoring frequency requirement of four tests per year for mercury. The interim mercury limits were scheduled to expire on October 1, 2001. However, effective June 15, 2001, the Maine Legislature enacted Maine law, 38 M.R.S.A. §413, sub-§11 specifying that interim mercury limits and monitoring requirements remain in effect. It is noted that the mercury effluent limitations have not been incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of this permit as the limits and monitoring frequencies are regulated separately through Maine law, 38 M.R.S.A. §413 and Department rule Chapter 519. The interim mercury limits are being incorprated in this permit to consolidate data management efforts.

Maine law 38 M.R.S.A., §420 1-B,(B)(1) states that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413, subsection 11. A review of the Department's data base for the period April 2004 through the present indicates mercury results reported to the Department have ranged from 1.2 ppt to 4.6 ppt with an arithmetic mean of 2.4 ppt. Therefore, the monitoring requirement is being reduced to 1/Year.

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

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

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

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

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

Department rule Chapter 530 (2)(D) specifies the criteria to be used in determining the minimum monitoring frequency requirements for WET, priority pollutant and analytical chemistry testing. Based on the Chapter 530 criteria, the permittee's facility falls into the Level I frequency category as the facility has a chronic dilution factor ≤20:1. Chapter 530(2)(D)(1) specifies that routine surveillance and screening level testing requirements are as follows:

Screening level testing

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

Surveillance level testing

Level	WET Testing	Priority pollutant testing	Analytical chemistry
I	2 per year	Not required	4 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 Chapter 530. See **Attachment C** of this Fact Sheet for a summary of the WET test results and **Attachment D** of this Fact Sheet for a summary of the chemical-specific test dates.

Department rule Chapter 530(D)(3)(b) states in part that for Level I facilities *"… may reduce surveillance testing to one WET or specific chemical series per year provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedence as calculated pursuant to section 3(E)"*.

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

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

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

The chemical specific water quality based mass and concentration limitations established in the March 23, 2011, permit modification are being carried forward in this permitting action. The italicized text that follows is taken from the Fact Sheet of the March 23, 2011, permit modification as it relates to the statistical evaluation conducted at that time and the derivation of the limits.

WET evaluation

On 9/27/10, the Department conducted a statistical evaluation on the most recent 60 months of WET data that indicates that the permittee has submitted a test result of 7.0% for thr brook trout on 7/17/06 that has a reasonable potential to exceed or have a reasonable potential (RP) to exceed the chronic critical ambient water quality criteria (AWQC) thresholds (7.0% – mathematical inverse of the applicable dilution factors). Pursuant to Chapter 530(3)(D)(2), a C-NOEL limit of 7.0% for the brook trout is being established in this permit modification along with a default surveillance level testing frequency of 2/Year. No results have been submitted for the water flea that exceed of have a reasonable to exceed the critical acute or chronic AWQC threshold of 7.0%.

Given the absence of exceedences or reasonable potential to exceed critical WET thresholds for the water flea, the permittee meets the surveillance level monitoring frequency reduction criteria found at Department rule Chapter 530(D)(3)(b). Therefore, the surveillance and screening level WET monitoring requirements in the November 7, 2006 are being carried forward in this permit modification.

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

The Department has reviewed the WET tests on file and determined the brook trout test on 7/17/06 that had a reasonable potential to exceed the chronic critical AWQC threshold of 7% no longer falls within the 60-month statistical evaluation period required by Chapter 530. Therefore, the C-NOEL limitation of 7% for the brook trout is being eliminated in this permitting action and the surveillance leveling monitoring requirement is being reduced to 1/Year pursuant to Chapter 530(D)(3)(b).

In accordance with Department rule Chapter 530(2)(D)(4) and Special Condition J, *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

Chapter 530 (promulgated on October 12, 2005) §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 Sabattus 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.

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

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

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

Chapter 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 9/27/10 statistical evaluation (Report ID #306), all pollutants of concern (inorganic arsenic, copper and lead) are to be limited based on the segment allocation method.

Chapter 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."

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

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. This multiplier is not utilized for inorganic arsenic. See the discussion under the heading Arsenic (inorganic) on page 6 of this Fact Sheet.

The Sabattus River is a tributary to the Androscoggin River. One municipal waste water treatment facility that is subject to the Department's Chapter 530 testing requirements discharges to the Sabattus River. The waste water treatment facility is the Sabattus Sanitary District located approximately 5 miles upstream from the other facility, Maine Electronics, that has a MEPDES permit to discharge to the Sabattus River. As previously cited, Chapter 530 requires that AWQC must be met at the confluence of the Sabattus River and the Androscoggin River as well as at the individual discharge points on the Sabattus River after taking into consideration historic discharge levels for the two facilities as well as an allocation dedicated to background (10% of AWQC) and a reserve (15% of 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 dischargers 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 District's facility, historical averages for arsenic, copper and lead were calculated as follows:

Arsenic (inorganic)

Mass limits

Mean concentration = 4.48 ug/L or 0.00448 mg/L
Permit flow limit = 0.12 MGD
Historical average mass = (0.00448 mg/L)(8.34)(0.12 MGD) = 0.0045 lbs/day

The 9/27/10 statistical evaluation indicates the historical average mass of total arsenic discharged by the District's facility is 100% of the arsenic discharged by the facilities on the Sabattus River. The Maine Electronics facility was not considered in the Department's evaluation as they have never discharged. Maine Electronics has always

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

discharged to the Town of Lisbon's municipal waste water treatment facility. However, Maine Electronics maintains a MEPDES permit to discharge to the Sabattus River in the event the Town of Lisbon severs the contract to treat the waste water from Maine Electronics. Therefore, an allocation for all three parameters must be set aside for the Maine Electronics facility. The most current MEPDES permit renewal for the Maine Electronics facility was issued on May 13, 2010. Text from the 5/13/10 Fact Sheet regarding the deriving limitations for the two facilities is as follows:

Department rule Chapter 584, Surface Water Quality Criteria for Toxic Pollutants, promulgated on October 12, 2005 (subsequent to the previous permitting action) adopted a more stringent human health criteria of 0.012 ug/L for inorganic arsenic. A statistical evaluation was conducted on December 4, 2009 (Report ID 194) on the data for the Sabattus Sanitary District to establish limitations of concern and the remaining balance of the allocation for each pollutant was apportioned to the MEI facility.

The 12/4/09 statistical evaluation indicates arsenic is a pollutant of concern at the Sabattus Sanitary District and therefore, water quality based limitations will need to imposed on both facilities. A new mass limit for inorganic arsenic has been derived utilizing the segment allocation methodology outlined in the Department's guidance in Attachment C of this Fact Sheet. The inorganic arsenic limit for the MEI facility was calculated as follows:

Harmonic mean = 13.5 cfs (0.6464) = 8.73 MGD

Human Health (w & o) AWQC = 0.012 ug/L or 0.000012 mg/L

Taking into consideration 15% of the AWQC reserve and 10% for background for a total of 25%, the assimilative capacity of the Sabattus River at the confluence of the Androscoggin River can be calculated as follows:

(0.000012 mg/L)(0.75)(8.34 lbs/gal)(8.73 MGD) = 0.000655 lbs/day

Based on the 12/4/09 statistical evaluation utilizing the segment allocation methodology, the Sabattus Sanitary District has been given a mass allocation of 0.000364 lbs for inorganic arsenic. Thus, the balance of the assimilative capacity is being allocated to the MEI facility. The calculation is as follows:

0.000655 lbs/day – 0.000364 lbs/day = 0.000291 lbs/day

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

For concentration limitations for the Sabattus Sanitary District, this permitting action is deriving the concentration by back-calculating from the mass limit and the monthly average permit flow limits of 0.12 MGD.

Concentration limits

Monthly average concentration for inorganic arsenic;

$$\frac{0.000364 \text{ lbs/day}}{(0.12 \text{ MGD})(8.34 \text{ lbs/gal.})} = 0.00363 \text{ mg/L or } 3.6 \text{ ug/L}$$

Department rule Chapter 530 (C)(6) states:

All chemical testing must be carried out by approved methods that permit detection of a pollutant at existing levels in the discharge or that achieve detection levels as specified by the Department. When chemical testing results are reported as less then, or detected below the Department's specified detection limits, those results will be considered as not being present for the purposes of determining exceedences of water quality criteria.

The USEPA has not approved a test method for inorganic arsenic as of the date of issuance of this permit. Therefore, there is no way for the permittee to formally demonstrate compliance with the monthly average water quality based mass and concentration limits for inorganic arsenic established in this permitting action. Therefore, beginning upon issuance of this permit and lasting through the date in which the USEPA approves a test method for inorganic arsenic the permittee is being required to monitor for total arsenic. Once a test method is approved, the Department will notify the permittee in writing and the limitations and monitoring requirements for inorganic arsenic become effective thereafter.

As of the date of this permitting action, the Department has limited data on the percentage of inorganic arsenic (approximately 50%) in total arsenic test results. Based on a literature search conducted by the Department, the inorganic fraction can range from 1% - 99% depending on the source of the arsenic. Generally speaking, ground water supplies derived from bedrockwells will likely tend to have higher fractions of inorganic arsenic (As^{+3}-arsentite and/or As^{+5}- arsenate) than one may find in a food processing facility where the inorganic fraction is low and the organic fraction (arsenobetaine, arsenoribosides) is high. Until the Department and the regulated community in Maine develop a larger database to establish statistically defensible ratios of inorganic and organic fractions in total arsenic test results, the Department is making a rebuttable presumption that the effluent contains a ratio of 50% inorganic arsenic and 50% organic arsenic in total arsenic results.

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

Being that the only approved test methods for compliance with arsenic limits established in permits is for total arsenic, the Department converted the water quality based end-of pipe monthly average concentration value of 3.6 ug/L for inorganic arsenic calculated on the previous page of this Fact Sheet into an equivalent total arsenic threshold (assuming 50% of the total arsenic is inorganic arsenic). This results in a total arsenic end-of-pipe monthly average concentration threshold of 7.2 ug/L. The calculation is as follows:

$$\frac{\text{3.6 ug/L inorganic arsenic}}{\text{0.5 ug/L inorganic arsenic/ 1.0 ug/L total arsenic}} = \text{7.2 ug/L total arsenic}$$

Therefore, a total arsenic value greater than 7.2 ug/L is potentially exceeding the water quality based end-of pipe monthly average concentration value of 3.6 ug/L for inorganic arsenic. Only the results greater than the total arsenic threshold of 7.2 ug/L will be considered a potential exceedence of the inorganic limit of 3.6 ug/L. It is noted the Department's current RL for total arsenic is 5.0 ug/L.

If a test result is determined to be a potential exceedence, the permittee shall submit a toxicity reduction evaluation (TRE) to the Department for review and approval within 45 days of receiving the test result of concern from the laboratory. Contact the Department's compliance inspector for a copy of the Department's December 2007 guidance on conducting a TRE for arsenic.

Maine law, 38 M.R.S.A., §414-A(2), Schedules of Compliance states "Within the terms and conditions of a license, the department may establish a schedule of compliance for a final effluent limitation based on a water quality standard adopted after July 1, 1977. When a final effluent limitation is based on new or more stringent technology-based treatment requirements, the department may establish a schedule of compliance consistent with the time limitations permitted for compliance under the Federal Water Pollution Control Act, Public Law 92-500, as amended. A schedule of compliance may include interim and final dates for attainment of specific standards necessary to carry out the purposes of this subchapter and must be as short as possible, based on consideration of the technological, economic and environmental impact of the steps necessary to attain those standards." Special Condition O, Schedule of Compliance – Inorganic Arsenic, of this permit modification establishes a schedule as follows:

> *Beginning upon issuance of this permit modification and lasting through a date on which the USEPA approves a test method for inorganic arsenic, the limitations and monitoring requirements for inorganic are not in effect. During this time frame, the permittee is required by Special Condition A, Effluent Limitations and Monitoring Requirements, of this permit to conduct 1/Quarter sampling and analysis for total arsenic.*

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

Upon receiving written notification by the Department that a test method for inorganic arsenic has been approved by the USEPA, the limitations and monitoring requirements for inorganic arsenic become effective and enforceable and the permittee is relieved of their obligation to sample and analyze for total arsenic.

The schedule of compliance reserves the final date for compliance with the limit for inorganic arsenic. This reservation stems from the fact the EPA has no schedule for approving a test method for inorganic arsenic nor does the Department have any authority to require the EPA to do so. Therefore, the Department considers the aforementioned schedule for inorganic arsenic to be as short as possible given the technological (or lack thereof) issue of not being able to sample and analyze for inorganic arsenic with an approved method.

Department rule Chapter 523, Waste Discharge License Conditions, § Section 7, Schedules of Compliance sub-§3, *Interim dates,* states in part, "*if a permit establishes a schedule of compliance which exceeds 1 year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.*

(i) The time between interim dates shall not exceed 1 year, except that in the case of a schedule for compliance with standards for sewage sludge use and disposal, the time between interim dates shall not exceed six months.

(ii)If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than 1 year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

Special Condition A, Effluent Limitations and Monitoring Requirements, of this permit requires that beginning upon issuance of this permit and lasting through USEPA approval of a test method for inorganic arsenic, the permittee shall conduct 1/quarter monitoring for total arsenic. Should the test method approval for inorganic arsenic extend more than one year from the date of the issuance of this permit the sampling and analysis for total arsenic will serve to satisfy the interim requirements specified by Department rule, Chapter 523, Waste Discharge License Conditions, Section 7, Schedules of Compliance, Sub-section 3, Interim dates.

Chapter 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.

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

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."

It is noted the calculations for establishing limitations for inorganic arsenic in this Fact Sheet do not increase the EOP concentration for inorganic arsenic by a factor of 1.5 due to uncertainty of the ratio between organic and inorganic fractions of total arsenic. However, the Department has given the permittee some flexibility by evaluating possible exceeedences using the rebuttable presumption that the effluent contains a ratio of 50% inorganic arsenic and 50% organic arsenic in total arsenic results. In other words, the equivalent total arsenic concentration threshold has been increased by a factor of 2.0.

Copper

Mass limits

Mean concentration = 15 ug/L or 0.015 mg/L
Permit flow limit = 0.12 MGD
Historical average mass = (0.015 mg/L)(8.34)(0.12 MGD) = 0.015 lbs/day

As with inorganic arsenic, the 9/27/10 statistical evaluation indicates the historical average mass of copper discharged by the District's facility is 100% of the copper discharged by the facilities on the Sabattus River. Text from the 5/13/10 Fact Sheet of the Maine Electronics permit regarding the derivation of limitations for the two facilities is in italicized text as follows;

Department rule Chapter 584, Surface Water Quality Criteria for Toxic Pollutants, promulgated on October 12, 2005 (subsequent to the previous permitting action) adopted more stringent chronic and acute AWQC for copper. The CCC (chronic) is 2.36 ug/L and CMC (acute) is 3.07 ug/L. It is noted the 12/4/09 statistical evaluation for the Sabattus River indicates the discharge of copper is also a concern for the Sabattus Sanitary District. Therefore, new mass limits for total copper are being been derived utilizing the segment allocation methodology outlined in the Department's guidance in Attachment C of this Fact Sheet. A statistical evaluation was conducted on December 4, 2009 (Report ID 194) on the data for the Sabattus Sanitary District to establish limitations of concern and the remaining balance of the allocation for each pollutant was apportioned to the MEI facility. The total copper limits established in this permit for the MEI facility was calculated as follows:

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

Monthly Average
Chronic - 7Q10 = 4.5 cfs (0.6464) = 2.91 MGD
Chronic AWQC = 2.36 ug/L or 0.00236 mg/L

Taking into consideration 15% of the AWQC reserve and 10% for background for a total of 25%, the assimilative capacity of the Sabattus River at the confluence of the Androscoggin River can be calculated as follows:

(0.00236 mg/L)(0.75)(8.34 lbs/gal)(2.91 MGD) = 0.0430 lbs/day

Based on the 12/4/09 statistical evaluation utilizing the segment allocation methodology, the Sabattus Sanitary District has been given a monthly average allocation of 0.023821 lbs for total copper. Thus, the balance of the assimilative capacity is being allocated to the MEI facility. The calculation is as follows:

0.0520 lbs/day – 0.023821 lbs/day = 0.0192 lbs/day

Since the adoption of Chapter 530, the Department has a developed a policy for establishing equitable concentration limits in permits that are greater than calculated end-of-pipe concentrations. In general, most dischargers subject to the Chapter 530 testing requirements are discharging at or about 50% of the flow limitations established in their permits. This provides the Department with the flexibility to establish higher concentration limits in the permit while still maintaining compliance with the water quality based mass limitations. With an actual discharge flow at ½ (0.5) of permitted flow rate, a concentration limit of two times (mathematical inverse of 0.5) the calculated end-of-pipe concentration, will maintain compliance with water quality based mass limits. Therefore, this permitting action is establishing concentration limitations that are two (2) times higher than the calculated end-of-pipe concentrations. The permittee must keep in mind, if flows greater than 50% of the permitted flow are realized, the concentration in the effluent must be reduced proportionally to maintain compliance with the mass limitations.

For concentration limitations for the Sabattus Sanitary District, this permitting action is deriving the concentration by back-calculating from the mass limit and the monthly average permit flow limits of 0.12 MGD and a multiplier of 2.0.

Concentration limits
Monthly average concentration for total copper;

$$\frac{0.0238 \text{ lbs/day}}{(0.12 \text{ MGD})(8.34 \text{ lbs/gal.})} = 0.0238 \text{ mg/L}$$

(0.0238 mg/L)(1,000 ug/mg)(2) = 48 ug/L

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

As for the daily maximum limits for the Sabattus Sanitary District, the 5/13/10 for the Maine Electronics facility contained the following italicized text;

Daily Maximum
Acute - 1Q10 = 4.2 cfs (0.6464) = 2.71 MGD
Acute AWQC = 3.07 ug/L or 0.00307 mg/L

Taking into consideration 15% of the AWQC reserve and 10% for background for a total of 25%, the assimilative capacity of the Sabattus River at the confluence of the Androscoggin River can be calculated as follows:

(0.00307 mg/L)(0.75)(8.34 lbs/gal)(2.71 MGD) = 0.0520 lbs/day

Based on the 12/4/09 statistical evaluation utilizing the segment allocation methodology, the Sabattus Sanitary District has been given a daily maximum allocation of 0.031041 lbs for total copper. Thus, the balance of the assimilative capacity is being allocated to the MEI facility. The calculation is as follows:

0.0520 lbs/day – 0.031041 lbs/day = 0.0210 lbs/day

For concentration limitations for the Sabattus Sanitary District, this permitting action is deriving the concentration limit by back-calculating from the mass limit and permitted flow limit of
0.12 MGD and a multiplier of 2.0.

Concentration limits

Daily maximum concentration for total copper;

$$\frac{0.0310 \text{ lbs/day}}{(0.12 \text{ MGD})(8.34 \text{ lbs/gal.})} = 0.031 \text{ mg/L}$$

(0.031 mg/L)(1,000 ug/mg)(2) = 62 ug/L

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

Lead

Mass limits

Mean concentration = 5.07 ug/L or 0.00507 mg/L
Permit flow limit = 0.12 MGD
Historical average mass = (0.00507 mg/L)(8.34)(0.12 MGD) = 0.050 lbs/day

As with inorganic arsenic and total copper, the 9/27/10 statistical evaluation indicates the historical average mass of lead discharged by the District's facility is 100% of the lead discharged by the facilities on the Sabattus River. Text from the 5/13/10 Fact Sheet of the Maine Electronics permit regarding the derivation of limitations for the two facilities is in italicized text as follows;

The 12/4/09 statistical evaluation for the Sabattus River indicates the discharge of lead (chronic) is also a concern for the Sabattus Sanitary District. Therefore, new monthly average mass limits for total lead are being been derived utilizing the segment allocation methodology outlined in the Department's guidance in Attachment C of this Fact Sheet and daily maximum mass limits for the MEI facility are being allocated based on 75% of the assimilative capacity of the receiving water at this time. A statistical evaluation was conducted on December 4, 2009 (Report ID 194) on the data for the

Sabattus Sanitary District to establish limitations of concern and the remaining balance of the allocation for each pollutant was apportioned to the MEI facility. The total lead limits established in this permitting action for the MEI facility were calculated as follows:

Monthly Average
Chronic - 7Q10 = 4.5 cfs (0.6464) = 2.91 MGD
Chronic AWQC = 0.41 ug/L or 0.00041 mg/L

Taking into consideration 15% of the AWQC reserve and 10% for background for a total of 25%, the assimilative capacity of the Sabattus River at the confluence of the Androscoggin River can be calculated as follows:

(0.00041 mg/L)(0.75)(8.34 lbs/gal)(2.91 MGD) = 0.007463 lbs/day

Based on the 12/4/09 statistical evaluation utilizing the segment allocation methodology, the Sabattus Sanitary District has been given a monthly average allocation of 0.004142 lbs for total lead. Thus, the balance of the assimilative capacity is being allocated to the MEI facility. The calculation is as follows:

0.007463 lbs/day – 0.004142 lbs/day = 0.003321 lbs/day

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

For concentration limitations for the Sabattus Sanitary District, this permitting action is deriving the concentration by back-calculating from the mass limit and the monthly average permit flow limits of 0.12 MGD and a multiplier of 2.0.

Concentration limits

Monthly average concentration for total lead;

$$\frac{0.004142 \text{ lbs/day}}{(0.12 \text{ MGD})(8.34 \text{ lbs/gal.})} = 0.0041 \text{ mg/L}$$

(0.0041 mg/L)(1,000 ug/mg)(2) = 8.2 ug/L

Chapter 530 does not establish monitoring frequencies for parameters that exceed or have a reasonable potential to exceed AWQC. Monitoring frequencies are established on case-by-case basis given the timing, severity and frequency of occurrences of the exceedences or reasonablepotential to exceed applicable critical water quality thresholds. Therefore, this permitting action is making a best professional judgment to establish the monitoring frequencies for the parameters of concern at the default surveillance level frequency of 1/Quarter specified in Chapter 530.

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 reducing surveillance level reporting and monitoring frequency for analytical chemistry testing to 1/Year for the first four years of the term of the permit. As with reduced WET testing, the permittee must file an annual certification with the Department pursuant to Chapter 530 §2(D)(3) and Special Condition L, Chapter 530(2)(D)(4) Certification of the November 7, 2006, permit.

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

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

j. Total phosphorus – The November 2006 permit established a requirement for the District to monitor the discharge for total phosphorus at a frequency of 2/Month between June 1 and September 30 of each year that is being carried forward in this permitting action. A review of the DMR data for the period May 2008 through September 2010 indicates values have been reported as follows:

Total phosphorus – mass (DMRs = 12)

Value	Limit (lbs/day)	Range (lbs/day)	Mean (lbs/day)
Monthly Average	Report	0.93 – 4.29	2.67
Daily Maximum	Report	1.09 – 6.0	3.36

Total phosphorus – concentration (DMRs = 12)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	Report	2 – 5.05	3.70
Daily Maximum	Report	1.57 – 5.05	4.49

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has determined the existing and designated uses of the receiving water uses will be maintained and protected and the discharge will not cause or contribute to failure of the receiving water to meets assigned classification of Class C.

8. PUBLIC COMMENTS

Public notice of this application was made in the Lewiston Sun Journal newspaper on September 27, 2011. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

9. DEPARTMENT CONTACTS

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

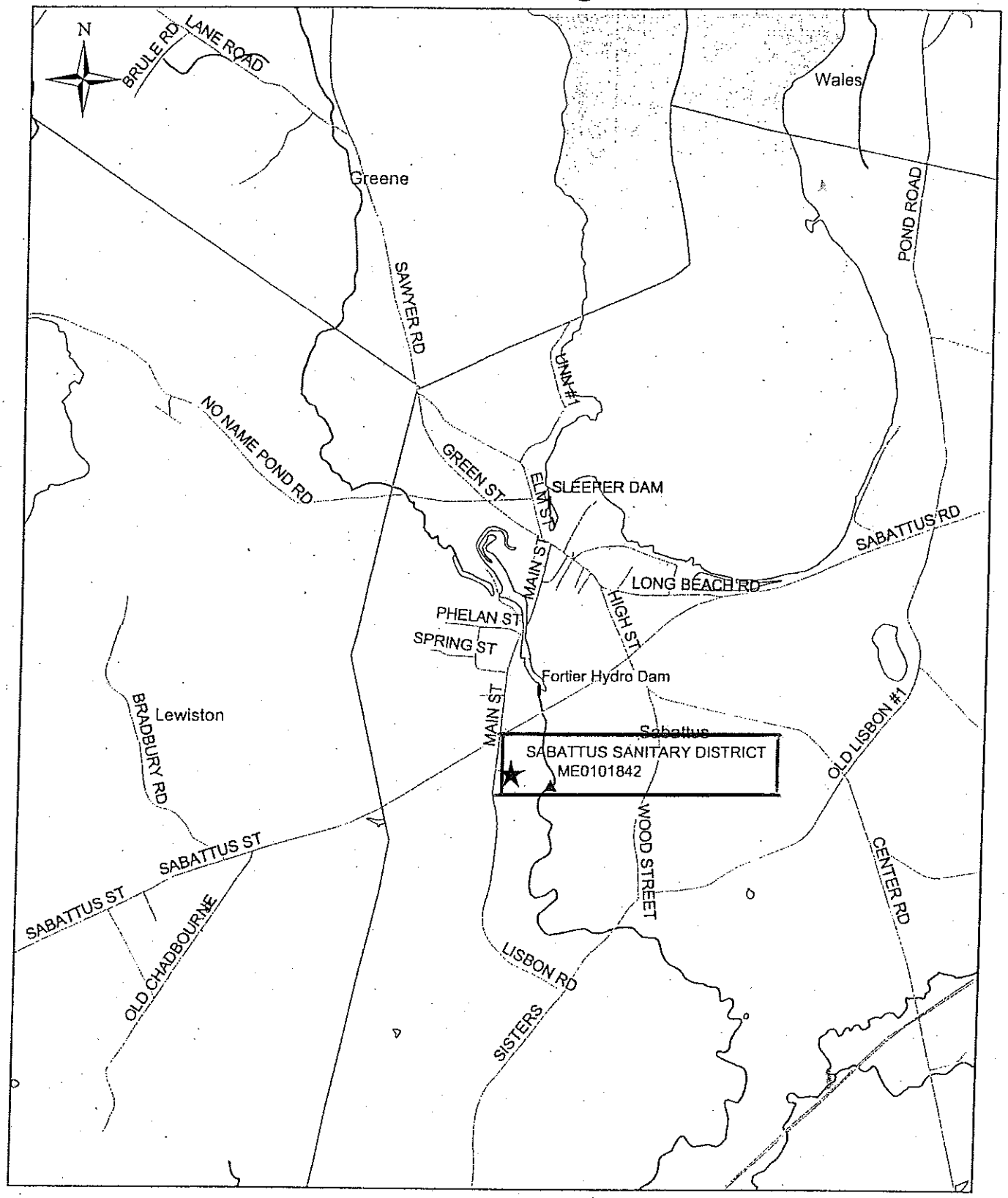
Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-7693
E-mail: gregg.wood@maine.gov

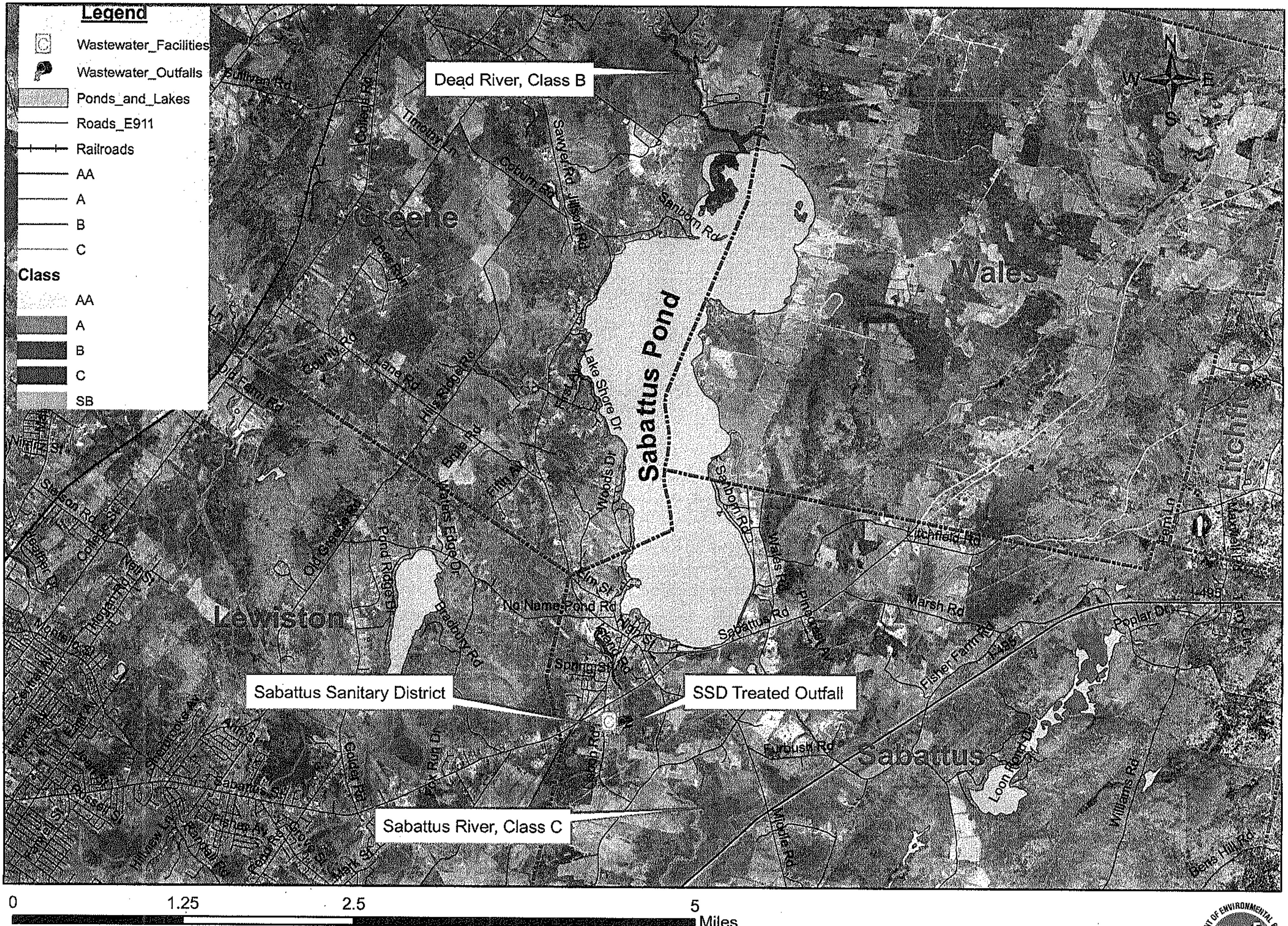
10. RESPONSE TO COMMENTS

During the period of September 30, 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 did not receive comments from the permittee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.

ATTACHMENT A

Wastewater Licensing Information





Sabattus Sanitary District Area Map, Sabattus, Maine

Map created by Maine DEP
August 21, 2006

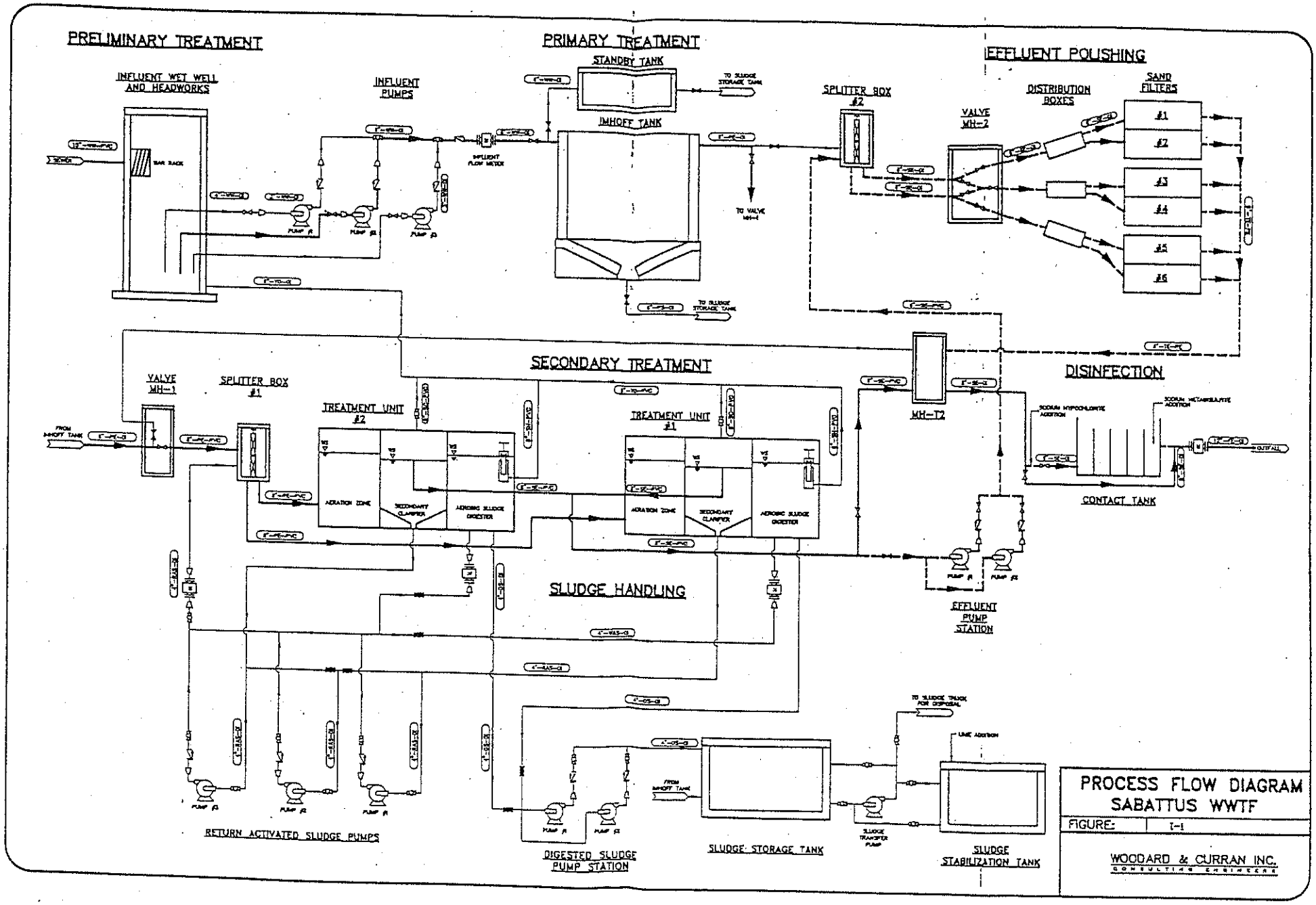
0 225 450 900 Feet

Sabattus Sanitary District Detail, Sabattus, Maine

Map created by Maine DEP
August 21, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION · STATE OF MAINE

ATTACHMENT B


PRELIMINARY TREATMENT
PRIMARY TREATMENT
EFFLUENT POUSHING
INFLUENT WET WELL AND HEADWORKS
INFLUENT PUMPS
STANDBY TANK
IMHOFF TANK
SPLITTER BOX #2
VALVE MH-2
DISTRIBUTION BOXES
SAND FILTERS
#1
#2
#3
#4
#5
#6
SECONDARY TREATMENT
DISINFECTION
VALVE MH-1
SPLITTER BOX #1
TREATMENT UNIT #2
TREATMENT UNIT #1
MH-T2
CONTACT TANK
SLUDGE HANDLING
EFFLUENT PUMP STATION
RETURN ACTIVATED SLUDGE PUMPS
DIGESTED SLUDGE PUMP STATION
SLUDGE STORAGE TANK
SLUDGE STABILIZATION TANK
PROCESS FLOW DIAGRAM
SABATTUS WWTF
FIGURE: I-1
WOODARD & CURRAN INC.

ATTACHMENT C

FACILITY WET EVALUATION REPORT

Facility: SABATTUS **Permit Number:** ME0101842 **Report Date:** 9/28/2011

Receiving Water: SABATTUS RIVER **Rapidmix:** Y

Dilution Factors: 1/4 Acute: 4.367 Acute: 14.467 Chronic: 14.4669

Effluent Limits: Acute (%): 6.912 Chronic (%): 6.912 **Date range for Evaluation: From** 28/Sep/2006 **To:** 28/Sep/2011

Test Type: A_NOEL

Test Species: TROUT

Test Date	Result (%)	Status
10/23/2006	100.000	OK
01/22/2007	100.000	OK
06/23/2008	100.000	OK
08/03/2009	100.000	OK
11/01/2010	100.000	OK
01/24/2011	100.000	OK
04/18/2011	100.000	OK

Species Summary:

Test Number: 7 **RP:** 2.000 **Min Result (%):** 100.000 **RP factor (%):** 50.000 **Status:** OK

Test Type: C_NOEL

Test Species: TROUT

Test Date	Result (%)	Status
10/23/2006	100.000	OK
01/22/2007	100.000	OK
06/23/2008	100.000	OK
08/03/2009	100.000	OK
11/01/2010	100.000	OK
01/24/2011	100.000	OK
04/18/2011	100.000	OK

FACILITY WET EVALUATION REPORT

Facility: SABATTUS **Permit Number:** ME0101842 **Report Date:** 9/28/2011

Receiving Water: SABATTUS RIVER **Rapidmix:** Y

Dilution Factors: 1/4 Acute: 4.367 Acute: 14.467 Chronic: 14.4669

Effluent Limits: Acute (%): 6.912 Chronic (%): 6.912 **Date range for Evaluation: From** 28/Sep/2006 **To:** 28/Sep/2011

Test Number: 7 **RP:** 2.000 **Min Result (%):** 100.000 **RP factor (%):** 50.000 **Status:** OK

Test Type: A_NOEL

Test Species: WATER FLEA

Test Date	Result (%)	Status
10/23/2006	100.000	OK
01/22/2007	100.000	OK
06/23/2008	100.000	OK
08/03/2009	100.000	OK
11/01/2010	100.000	OK
01/24/2011	100.000	OK
04/18/2011	100.000	OK

Species Summary:

Test Number: 7 **RP:** 2.000 **Min Result (%):** 100.000 **RP factor (%):** 50.000 **Status:** OK

Test Type: C_NOEL

Test Species: WATER FLEA

Test Date	Result (%)	Status
10/23/2006	25.000	OK
01/22/2007	50.000	OK
06/23/2008	100.000	OK
08/03/2009	100.000	OK
11/01/2010	100.000	OK
01/24/2011	100.000	OK
04/18/2011	100.000	OK

Species Summary:

Test Number: 7 **RP:** 2.000 **Min Result (%):** 25.000 **RP factor (%):** 12.500 **Status:** OK

ATTACHMENT D

CHEMICAL EVALUATION REPORT (WATERSHED)

9/27/2010

Report ID: 306 **Data Date Range:** 24/Sep/2005 - 24/Sep/2010

Facility: **SABATTUS** Permit Number: **ME0101842**

Receiving Water: **SABATTUS RIVER** Fresh or Salt: **F** Complete Mix: **Y**

Dilution Factors: Acute: **14.5** Chronic: **14.5** Health: **41.4** Licensed Flow: **0.1**

Water Quality Assumptions: Reserve (%): **15.0** Background (%): **10.0** Temperature: **25.0**

Hardness: **20.0** PH: **7.0** Salinity: **0.0**

Historical Average Date: 23/Sep/2010

Specific pollutants with reasonable potential: Number of parameters found = 5

Pollutant: **ARSENIC** Reporting Limit: **5.0** Sample Number: **6**

Coefficient of Variation: **0.6** Reasonable Potential Factor: **2.1**

Historical Average: **0.004487** RP Historical Average: **0.0094227**

Assimilative Capacity:	Acute	Chronic	Health	
Pounds per day	---	---	0.000364	S
Exceedence ug/L	---	---	0.36	
RP ug/L	---	---	0.17	

***** INDIVIDUAL RESULTS *****

					Exceedence or Reasonable Potential and Basis		
Flag	**Daily Flow**	**Date**	**Concentration**	**Mass**	**Acute**	**Chronic**	**Health**
IN	0.0810	07/17/2006	3.2	0.00216	---	---	---
IN	0.0810	07/17/2006	<5	---	---	---	---
IN	0.1200	10/23/2006	<5	---	---	---	---
IN	0.1200	01/23/2007	5	0.005	---	---	Y
IN	0.0700	06/23/2008	7.7	0.0045	---	---	---
IN	0.1010	08/03/2009	6	0.00505	---	---	Y

Pollutant: **CHLOROFORM** Reporting Limit: **5.0** Sample Number: **1**

Coefficient of Variation: **0.6** Reasonable Potential Factor: **6.2**

Historical Average: **0.029023** RP Historical Average: **0.1799426**

Assimilative Capacity:	Acute	Chronic	Health	
Pounds per day	N/A	N/A	0.16365	S
Exceedence ug/L	---	---	163.52	
RP ug/L	---	---	26.37	

***** INDIVIDUAL RESULTS *****

					Exceedence or Reasonable Potential and Basis		
Flag	**Daily Flow**	**Date**	**Concentration**	**Mass**	**Acute**	**Chronic**	**Health**
IN	0.0810	07/17/2006	29	0.01959	---	---	---

Pollutant: **COPPER** Reporting Limit: **3.0** Sample Number: **7**

Coefficient of Variation: **0.6** Reasonable Potential Factor: **2.0**

Historical Average: **0.014998** RP Historical Average: **0.029996**

Assimilative Capacity:	Acute		Chronic		Health
Pounds per day	0.031041	S	0.023821	S	---
Exceedence ug/L	31.02		23.80		---
RP ug/L	15.51		11.90		---

******* INDIVIDUAL RESULTS *******

Exceedence or Reasonable Potential and Basis

Flag	Daily Flow	Date	Concentration	Mass	Acute	Chronic	Health
IN	0.1200	11/02/2005	17	0.01701	Y	Y	---
IN	0.0810	07/17/2006	16.9	0.01142	---	---	---
IN	0.0810	07/17/2006	20	0.01351	---	---	---
IN	0.1200	10/23/2006	12	0.01201	---	---	---
IN	0.1200	01/23/2007	15	0.01501	Y	Y	---
IN	0.0700	06/23/2008	10	0.00584	---	---	---
IN	0.1010	08/03/2009	14	0.01179	---	---	---

Pollutant: **DICHLOROBROMOMETHANE** Reporting Limit: **3.0** Sample Number: **1**

Coefficient of Variation: **0.6** Reasonable Potential Factor: **6.2**

Historical Average: **0.004003** RP Historical Average: **0.0248186**

Assimilative Capacity:	Acute	Chronic	Health	
Pounds per day	N/A	N/A	0.016062	S
Exceedence ug/L	---	---	16.05	
RP ug/L	---	---	2.59	

******* INDIVIDUAL RESULTS *******

Exceedence or Reasonable Potential and Basis

Flag	Daily Flow	Date	Concentration	Mass	Acute	Chronic	Health
IN	0.0810	07/17/2006	4	0.0027	---	---	---

Pollutant: **LEAD** Reporting Limit: **3.0** Sample Number: **7**

Coefficient of Variation: **0.6** Reasonable Potential Factor: **2.0**

Historical Average: **0.005071** RP Historical Average: **0.010142**

Assimilative Capacity:	Acute	Chronic		Health
Pounds per day	---	0.004142	S	N/A
Exceedence ug/L	---	4.14		---
RP ug/L	---	2.07		---

******* INDIVIDUAL RESULTS *******

Exceedence or Reasonable Potential and Basis

Flag	Daily Flow	Date	Concentration	Mass	Acute	Chronic	Health
IN	0.1200	11/02/2005	10	0.01001	---	Y	---
IN	0.0810	07/17/2006	1	0.00068	---	---	---
IN	0.0810	07/17/2006	<3	---	---	---	---

IN	0.1200	01/23/2007	<3 20	---	---	---	---
IN	0.0700	06/23/2008	0.97	0.00057	---	---	---
IN	0.1010	08/03/2009	0.5	0.00042	---	---	---

ATTACHMENT E

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.

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.