STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

July 2, 2018

Mr. Charles Applebee
Interim Superintendent
Richmond Utilities District
P.O. Box 189
Richmond, ME. 04357

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100587
Maine Waste Discharge License (WDL) #W002616-6C-H-R
Final Permit

Dear Mr. Applebee:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL **renewal** which was approved by the Department of Environmental Protection. Please read this permit/license renewal and its attached conditions carefully. Compliance with this permit/license will protect water quality.

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. Your Department compliance inspector copied below is also a resource that can assist you with compliance. Please do not hesitate to contact them with any questions.

Thank you for your efforts to protect and improve the waters of the great state of Maine!

Sincerely,

Gregg Wood
Division of Water Quality Management
Bureau of Water Quality

Enc.

cc: Lori Mitchell, DEP/CMRO Denise Behr, DEP/CMRO
Sandy Mojica, USEPA, Marelyn Vega, USEPA Olga Vergara, USEPA

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
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BANGOR
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PRESQUE ISLE, MAINE 04769
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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

DEPARTMENT ORDER

IN THE MATTER OF

RICHMOND UTILITIES DISTRICT	)	MAINE POLLUTANT DISCHARGE
RICHMOND, KENNEBEC COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS	)	AND
#ME0100587	)	WASTE DISCHARGE LICENSE
#W002616-6C-H-R **APPROVAL**	)	**RENEWAL**

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

APPLICATION SUMMARY

The RUD has submitted a timely and complete application to the Department for the renewal of Waste Discharge License (WDL) #W002616-6C-F-R / Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100587, which was issued on March 1, 2013, for a five-year term. The 3/14/13 MEPDES permit authorized the monthly average discharge of up to 0.320 million gallons per day (MGD) of secondary treated municipal wastewaters from a publicly owned treatment works (POTW) to the Kennebec River, Class B, in Richmond, Maine.

PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions contained in the previous permitting action except this permit is:

1. Eliminating the waiver of the requirement to achieve 85% removal of biochemical oxygen demand (BOD) and total suspended solids (TSS) as there is no legal mechanism to grant said waiver.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated May 4, 2018, 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, *Classification of Maine waters*, 38 M.R.S § 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) Where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;

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

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

4. The discharge will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of the RICHMOND UTILITIES DISTRICT to discharge a monthly average flow of 0.320 million gallons per day of secondary treated municipal wastewaters to the Kennebec River, Class B, in Richmond, Maine, 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 after that date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the terms and conditions of 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. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective October 19, 2015)].

DONE AND DATED AT AUGUSTA, MAINE, THIS 2 DAY OF July, 2018.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
for Paul Mercer, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: February 26, 2018

Date of application acceptance: February 26, 2018

Filed
JUL 0 2 2018
State of Maine
Board of Environmental Protection

Date filed with Board of Environmental Protection: _____.

This Order prepared by GREGG WOOD, Bureau of Water Quality

SPECIAL CONDITIONS
EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge **secondary treated municipal wastewater via Outfall #001A** to the Kennebec River. Such discharges shall be limited and must be monitored by the permittee as specified below[1].

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow *[50050]*	0.320 MGD *[03]*	---	Report MGD *[03]*	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
BOD_5 *[00310]*	80 lbs./day *[26]*	120 lbs./day *[26]*	133 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	2/Month *[02/30]*	24-Hour Composite *[24]*
BOD_5 Percent Removal[2] *[81010]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
TSS *[00530]*	80 lbs./day *[26]*	120 lbs./day *[26]*	133 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	2/Month *[02/30]*	24-Hour Composite *[24]*
TSS Percent Removal[2] *[81011]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Settleable Solids *[00545]*	---	---	---	---	---	0.3 ml/L *[25]*	3/Week *[03/07]*	Grab *[GR]*
***E. coli* Bacteria**[3] *[31633]* **(May 15 – September 30)**	---	---	---	64/100 ml[4] *[13]*	---	427/100 ml *[13]*	2/Month *[02/30]*	Grab *[GR]*
Total Residual Chlorine[5] *[50060]*	---	---	---	---	---	1.0 mg/L *[19]*	5/Week *[05/07]*	Grab *[GR]*
Mercury [6] *[71900]*	---	---	---	10.5 ng/L *[3M]*	---	15.7 ng/L *[3M]*	1/Year *[01/YR]*	Grab *[GR]*
pH *[00400]*	---	---	---	---	---	6.0 – 9.0 SU *[12]*	5/Week *[05/07]*	Grab *[GR]*

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

FOOTNOTES: See Pages 5 and 6 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES:

1. **Sampling** – Sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for waste water. Samples that are analyzed by laboratories operated by waste discharge facilities licensed pursuant to *Waste discharge licenses*, 38 M.R.S. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended April 1, 2010). 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 this permit, all results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report.

2. **Percent Removal** – The treatment facility must maintain a minimum of 85 percent removal of both biochemical oxygen demand (BOD_5) and total suspended solids (TSS) for all flows receiving secondary treatment during all months that the facility discharges. The percent removal must be calculated based on influent and effluent concentration values.

3. **Bacteria Limits** – *E. coli* bacteria limits and monitoring requirements are seasonal and apply between May 15th and September 30th of each year. The Department reserves the right to impose year-round bacteria limitations to protect the health, safety and welfare of the public.

4. **Bacteria Reporting** – The monthly average *E. coli* bacteria limitation is a geometric mean limitation and sample results must be reported as such.

5. **TRC Monitoring** – Monitoring for total residual chlorine (TRC) is only required when elemental chlorine or chlorine-based compounds are in use for effluent disinfection. For instances when the chlorine or chlorine-based compounds have not been used for effluent disinfection for an entire reporting period, the permittee must report "NODI-9" on the monthly DMR or N9 if the submittal is an electronic DMR. The permittee must utilize approved test methods that are capable of bracketing the TRC limitation in this permit.

SPECIAL CONDITIONS

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

FOOTNOTES:

6. **Mercury** – The permittee must conduct all mercury sampling required by this permit or required to determine compliance with interim limitations established pursuant to 06-096 CMR 519 in accordance with the USEPA's "clean sampling techniques" found in USEPA Method 1669, *Sampling Ambient Water For Trace Metals At USEPA Water Quality Criteria Levels*. All mercury analysis must be conducted in accordance with USEPA Method 1631, *Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry.* See **Attachment A** for a Department report form for mercury test results. Compliance with the monthly average limitation established in Special Condition A.1 of this permit is based on the cumulative arithmetic mean of all mercury tests results that were conducted utilizing sampling Methods 1669 and analysis Method 1631E on file with the Department for this facility.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The permittee must not discharge effluent that contains a visible oil sheen, foam or floating solids at any time which would impair the usages designated for the classification of the receiving waters.

2. The permittee must not discharge effluent that contains materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated for the classification of the receiving waters.

3. The discharge must not impart visible discoloration, taste, turbidity, toxicity, radioactivity or other properties in the receiving waters which would impair the usages designated for the classification of the receiving waters.

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

SPECIAL CONDITIONS

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. §§ 4171-4182 and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). All proposed contracts for facility operation by any person must be approved by the Department before the permittee may engage the services of the contract operator.

D. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on February 26, 2018; 2) the terms and conditions of this permit; and 3) only from Outfall #001A. Discharges of wastewater from any other point source are not authorized under this permit, and must be reported in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*, of this permit.

E. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into the wastewater collection and treatment system by a non-domestic source (user) must not pass through or interfere with the operation of the treatment system. The permittee 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 permit cycle. The IWS must 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 the federal Clean Water Act, 40 CFR Part 403 (general pretreatment regulations) or *Pretreatment Program*, 06-096 CMR 528 (last amended March 17, 2008).

F. NOTIFICATION REQUIREMENTS

In accordance with Standard Condition D, the permittee must 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 to the system at the time of permit issuance.

SPECIAL CONDITIONS

F. NOTIFICATION REQUIREMENTS (cont'd)

3. For the purposes of this section, adequate notice must 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 of the change in the quantity or quality of the waste water to be discharged from the treatment system.

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

By December 31 of each calendar year, the permittee must provide the Department with a certification describing any of the following that have occurred since the effective date of this permit ***[ICIS Code 96299]***. See **Attachment C** of the Fact Sheet of this permit 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 must 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 whole effluent toxicity (WET) testing or other toxicity testing if new information becomes available that indicates the discharge may cause or have a reasonable potential to cause exceedances of ambient water quality criteria/thresholds.

SPECIAL CONDITIONS

H. OPERATIONS AND MAINTENANCE (O&M) PLAN

This permittee must have a current written comprehensive Operation & Maintenance (O&M) Plan for the facility, which is inclusion of (or includes) the facility's pump stations and sewer collection system. The plan must provide a systematic approach by which the permittee must 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. The O&M Plan shall be kept on-site at all times and made available to Department and USEPA personnel upon request.

By December 31 of each year, or within 90 days of any process changes or minor equipment upgrades, the permittee must evaluate and modify the O&M Plan including site plan(s) and schematic(s) for the waste water treatment facility (including the facility's pump stations and sewer collection system) to ensure that it is up-to-date.

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

I. WET WEATHER MANAGEMENT PLAN

The treatment facility staff must maintain a current written 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. A specific objective of the plan must be to maximize the volume of wastewater receiving secondary treatment under all operating conditions. The revised plan must 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 must review their plan at least annually and record any necessary changes to keep the plan up to date. The Department may require review and update of the plan as it is determined to be necessary.

SPECIAL CONDITIONS

J. PUMP STATION EMERGENCY BYPASSES

Discharges from emergency bypass structures in pump stations are not authorized by this permit. The permittee must make provisions to monitor the pump stations listed below, in accordance with a monitoring plan reviewed and approved by the Department to determine the frequency and quantity (via measurement or estimation) of wastewater discharged from the bypass structures. Discharges from the following pump stations must be reported in accordance with Standard Condition B(5), *Bypasses,* and Special Condition D, *Authorized Discharges*, of this permit.

Location	Receiving Water & Classification
Water Street Wastewater Treatment Plant	Kennebec River, Class B
Front Street Pump Station	Kennebec River, Class B

K. MONITORING AND REPORTING

Electronic Reporting

NPDES Electronic Reporting, 40 C.F.R. 127, requires MEPDES permit holders to submit monitoring results obtained during the previous month on an electronic discharge monitoring report to the regulatory agency utilizing the USEPA electronic system.

Electronic Discharge Monitoring Reports (DMRs) submitted using the USEPA NetDMR system, must be:

1. Submitted by a facility authorized signatory; and
2. Submitted no later than **midnight on the 15th day of the month** following the completed reporting period.

Documentation submitted in support of the electronic DMR may be attached to the electronic DMR. Toxics reporting must be done using the DEP Toxsheet reporting form included as **Attachment B** of this permit. An electronic copy of the Toxsheet reporting document must be submitted to the assigned Department compliance inspector as an attachment to an email. In addition, a hardcopy form of this sheet must be signed and submitted to the assigned compliance inspector, or a copy attached to the NetDMR submittal will suffice. Documentation submitted electronically to the Department in support of the electronic DMR must be submitted no later than midnight on the 15th day of the month following the completed reporting period.

SPECIAL CONDITIONS

L. REOPENING OF PERMIT FOR MODIFICATION

Upon evaluation of the tests results in the 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 monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

M. SEVERABILITY

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

ATTACHMENT A

Maine Department of Environmental Protection

Effluent Mercury Test Report

Name of Facility: _____ Federal Permit # ME _____

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

SAMPLE COLLECTION INFORMATION

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

Sampling Location:

Weather Conditions: _____

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

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

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

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory: _____

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

Please Enter Effluent Limits for your facility

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

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

CERTIFICATION

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

By: _____ Date: _____

Title: _____

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

ATTACHMENT B

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

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

Licensed Flow (MGD)		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)	F		

Laboratory _____ Telephone _____
Address _____
Lab Contact _____ Lab ID # _____

Last Revision - July 1, 2015

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]		
	WHOLE EFFLUENT TOXICITY		Acute	Chronic			WET Result, % Do not enter % sign	Reporting Limit Check	Acute	Chronic	
	Trout - Acute										
	Trout - Chronic										
	Water Flea - Acute										
	Water Flea - Chronic										
	WET CHEMISTRY										
	pH (S.U.) (9)										
	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, TOTAL	5				(8)					
	CYANIDE, AVAILABLE [3a]	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 Chem
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	5									
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	20									
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	5									
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	5									
BN	BENZO(G,H,I)PERYLENE	5									
BN	BENZO(K)FLUORANTHENE	5									
BN	BIS(2-CHLOROETHOXY)METHANE	5									
BN	BIS(2-CHLOROETHYL)ETHER	6									
BN	BIS(2-CHLOROISOPROPYL)ETHER	6									
BN	BIS(2-ETHYLHEXYL)PHTHALATE	10									
BN	BUTYLBENZYL PHTHALATE	5									
BN	CHRYSENE	5									
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									
BN	FLUORANTHENE	5									

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

BN	FLUORENE	5									
BN	HEXACHLOROBENZENE	5									
BN	HEXACHLOROBUTADIENE	5									
BN	HEXACHLOROCYCLOPENTADIENE	10									
BN	HEXACHLOROETHANE	5									
BN	INDENO(1,2,3-CD)PYRENE	5									
BN	ISOPHORONE	5									
BN	N-NITROSODI-N-PROPYLAMINE	10									
BN	N-NITROSODIMETHYLAMINE	5									
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									
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.

(3a) Cyanide, Available (Cyanide Amenable to Chlorination) is not an analytical chemistry parameter, but may be required by certain discharge permits .

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

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

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

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

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

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

Comments:

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

CONTENTS

A. GENERAL PROVISIONS

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

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

(a) They are not

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. OPERATION AND MAINTENACE OF FACILITIES

1. General facility requirements.

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

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

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

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

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

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

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

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

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

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

5. Bypasses.

(a) Definitions.

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

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

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

(c) Notice.

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

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

(d) Prohibition of bypass.

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

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

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

6. Upsets.

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

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

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

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

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

C. MONITORING AND RECORDS

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

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

3. Monitoring and records.

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

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

(c) Records of monitoring information shall include:

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

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

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

D. REPORTING REQUIREMENTS

1. Reporting requirements.

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

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

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

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

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

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

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

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

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

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

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

(f) Twenty-four hour reporting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Publicly owned treatment works.

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

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

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

E. OTHER REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Maximum daily discharge limitation means the highest allowable daily discharge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **May 31, 2018**

PERMIT NUMBER: **#ME0100587**
WASTE DISCHARGE LICENSE: **#W002616-6C-H-R**

NAME AND ADDRESS OF APPLICANT:

RICHMOND UTILITIES DISTRICT
P.O. Box 189
Richmond, Maine 04357

COUNTY: **Kennebec**

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

RICHMOND UTILITIES DISTRICT
16 Water Street
Richmond, Maine 04357

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

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Charles Applebee**
Contract Operator
(207) 380-4261
e-mail: waterqualitycompliance@roadrunner.com

1. APPLICATION SUMMARY

a. Application: The Richmond Utilities District (RUD) has submitted a timely and complete application to the Maine Department of Environmental Protection (Department) for the renewal of Waste Discharge License (WDL) #W002616-6C-F-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100587, (permit hereinafter) which was issued on March 14, 2013, for a five-year term. The 3/14/13 MEPDES permit authorized the monthly average discharge of 0.320 million gallons per day (MGD) of secondary treated municipal wastewater from a publicly owned treatment works (POTW) to Kennebec River, Class B, in Richmond, Maine.

1. APPLICATION SUMMARY (cont'd)

b. Source Description: The RUD was formed in 1965 and encompasses approximately 3 square miles. The wastewater treatment facility receives sanitary wastewater flows generated by residential, industrial, and commercial users within the District's boundaries. The facility has 549 service connections serving a population of approximately 1,700 people. Based on a report entitled, *"Sanitary Sewer Overflow – Inflow/Infiltration Master Plan,"* dated December 2008, and prepared for the RUD by Sevee & Maher Engineers, Inc., the collection system is approximately 46,200 linear feet in length, and ranges in size from 1.5 to 12-inches in diameter. There are three (3) major pump stations in the RUD's collection system. All pump stations were installed in November of 1996 and are similar in design. There are no combined sewer overflow points (CSO) associated with the collection system. There is one engineered emergency bypass structures located at the wastewater treatment plant and one located at the Front Street pump station, neither which are authorized to discharge by this permit.

The Front Street Pump Station is a duplex submersible pump station located approximately 40 feet north of the Front Street District Water System Office. The wetwell is a 10-foot internal diameter precast concrete structure and approximately 13 feet 10 inches deep. The alarms from this pump station are sent by an automated telephone dialer system. This pump station does have a back-up power generator. The RUD has documented unauthorized overflow discharges from this pump station during high flows by way of a flow meter. The Front Street pump station has an engineered emergency bypass structure not authorized by this permit.

The Main Street Pump Station is a duplex submersible pump station located adjacent to Baker Brook on the south side of State Route 197. The wetwell is an 8-foot internal diameter precast concrete structure and approximately 14 feet deep. The alarms from this pump station light a beacon and sound a horn to alert the neighbors of this station to call the emergency contact numbers listed on the sign posted at the station. The operators are then notified by a local dispatcher of a problem associated with the pump station. A portable back-up power generator is available to supply emergency power to the pump station. The RUD has documented unauthorized overflow discharges from this pump station. This pump station does not have any bypasses structures.

The Bridge Street Pump Station is a duplex submersible pump station located adjacent to Mill Brook on the south side of Bridge Street. The wetwell is an 8-foot internal diameter precast concrete structure and approximately 13.5 feet deep. The alarms from this pump station light a beacon and sound a horn to alert the neighbors of this station to call the emergency contact numbers listed on the sign posted at the station. The operators are then notified by a local dispatcher of a problem associated with the pump station. A portable back-up power generator is available to supply emergency power to the pump station. The RUD has not documented unauthorized overflow discharges from this pump station. This pump station does not have any bypasses structures.

1. APPLICATION SUMMARY (cont'd)

The Department has made a determination based on best professional judgment that Shucks (a seafood processor) is a significant industrial user as defined in 06-096 CMR528(4)(v)(1)(ii). The RUD receives transported from local septage haulers from four surrounding towns. Transported waste is not added to the wastewater treatment process but is stored in two aerated holding tanks for seasonal disposal on local sludge spreading sites licensed by the Department. The RUD accepts and introduces into the treatment system headworks domestic wastewater from recreational vehicles.

A map showing the location of the treatment facility and receiving water is included as **Attachment A** of this Fact Sheet.

c. Wastewater Treatment: The facility provides a secondary level of treatment via an oxidation ditch operated in an extended aeration mode. The facility was upgraded in 1990 and the monthly average design criteria for flow was upgraded from 0.300 MGD to 0.320 MGD. Flows entering the treatment facility receive treatment via a manually cleaned bar screen, an aerated grit chamber, one oxidation ditch (240,000 gallons) with two brush aerators and two circular clarifiers, each 25 feet in diameter and 12 feet deep. Flows from the secondary clarifiers are conveyed to a chlorine contact chamber measuring 60 feet long and 3 feet wide (total volume of 164,000 gallons with a detention time of 72 minutes) where the treated wastewater is seasonally disinfected with sodium hypochlorite prior to discharge to the Kennebec River. The wastewater treatment facility does not have a back-up power source to provide secondary treatment during a prolonged power outage, but is capable of providing a primary level of treatment and disinfection.

The treatment plant contains an emergency overflow channel. The overflow channel is separated from the influent channel by a 2-foot long weir plate. When the water level in the influent channel rises above the elevation of the weir which separates the channels, any overflow enters the overflow channel and flows by gravity directly to the chlorine contact tank. The sewage that enters the overflow channel is metered by a magnetic flow meter.

The outfall pipe for the discharge extends out into a tidally influenced section of the Kennebec River approximately two feet beyond the cribbing on the west bank of the river. The pipe is one foot below the mean low water level and six feet below the mean high water level for the river. A schematic of the treatment process is included as **Attachment B** of this Fact Sheet.

1. PERMIT SUMMARY

a. Terms and conditions: This permitting action is carrying forward all the terms and conditions of the previous permitting actions except that this permit is;

1. Eliminating the waiver of the requirement to achieve 85% removal of biochemical oxygen demand (BOD) and total suspended solids (TSS) as there is no legal mechanism to grant said waiver.

b. History: This section provides a summary of significant licensing/permitting actions and milestones that have been completed for the RUD.

December 26, 1984 – The U.S. Environmental Protection Agency (USEPA) issued National Pollutant Discharge Elimination System (NPDES) permit #ME0100587 to the RUD for a five-year term. The 12/26/84 NPDES permit superseded the NPDES permit issued to the RUD on April 12, 1979.

May 25, 2000 – Pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S.A. § 420 and *Waste discharge licenses*, 38 M.R.S.A. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W002616-59-C-R by establishing interim monthly average and daily maximum effluent concentration limits of 10.5 parts per trillion (ppt) and 15.7 ppt, respectively, and a minimum monitoring frequency requirement of 2 tests per year for mercury.

January 12, 2001 – The Department received authorization from the USEPA to administer the NPDES permit program in Maine, excluding areas of special interest to Maine Indian Tribes. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System program.

February 25, 2003 – The Department issued WDL #W002616-5L-D-R / MEPDES permit #ME0100587 to the RUD for a five-year term. The 2/25/03 permit superseded WDL #W002616-59-C-R issued on April 14, 1998, WDL #W002616-59-B-R issued on March 29, 1991, and WDL #W002616-45-A-N issued on April 1, 1985.

September 13, 2003 – The 121st Maine Legislature amended the Maine Water Classification Program at 38 M.R.S.A. §467(4) by reclassifying the Kennebec River at the point of discharge from a Class C to a Class B waterbody.

January 20, 2004 – The Department issued a letter to the RUD thereby administratively modifying the 2/25/03 MEPDES permit to clarify that the applicable period for bacteria limits was May 15 – September 30 of each year.

2. PERMIT SUMMARY (cont'd)

March 16, 2007 – The Department issued a Notice of Violation (NOV) to the RUD for violations of Maine's environmental laws, rules and the 2/25/03 WDL. Specifically, the NOV cites: 1) effluent limit violations; 2) flow limit violations; 3) failure to report non-compliance within a timely manner; 4) discharging pollutants without a license (wastewater treatment facility (wwtf) and pump station overflows/bypasses); 5) failing to modify the Operation & Maintenance plan; and 6) failing to have an alternate power supply for the Alexander Reed Rd. pump station.

November 26, 2007 – The RUD submitted a timely and complete General Application to the Department for renewal of the 2/25/03 MEPDES permit. The application was accepted for processing on December 5, 2007, and was assigned WDL # W002616-5L-E-R / MEPDES #ME0100587.

March 10, 2008 – The Department issued WDL W002616-5L-E-R/ MEPDES #ME0100587 for a five-year term.

September 2008 – The Board of Environmental Protection approved a Consent Agreement between the State of Maine and the RUD for violations of its waste discharge license documented in the March 16, 2007 NOV.

February 6, 2012 - The Department issued a modification of MEPDES permit #ME0100587/WDL #W002616-5L-E-R for a reduction in the mercury testing frequency for total mercury from 2/Year to 1/Year pursuant to, 38 M.R.S.A., § 420(1-B)(F).

March 14, 2013 - The Department issued WDL W002616-6C-F-R/ MEPDES #ME0100587 for a five-year term.

February 26, 2018 – The RUD submitted a timely and complete General Application to the Department for renewal of the 3/14/13 MEPDES permit. The application was accepted for processing on the same date and was assigned WDL W002616-6C-H-R/ MEPDES ME0100587.

3. CONDITIONS OF PERMIT

Conditions of licenses, 38 M.R.S. § 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., § 420 and 06-096 CMR 530 require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Classification of major river basins, 38 M.R.S. § 467(4)(A)(13) classifies the Kennebec River at the point of discharge as Class B waters. *Standards for classification of fresh surface waters*, 38 M.R.S. § 465(3) describes the standards for Class B waters as follows;

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

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

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

(1-A) For the purpose of allowing the discharge of aquatic pesticides or chemicals approved by the department and conducted by the department, the Department of Inland Fisheries and an invasive species, the department may find that the discharged effluent will not cause adverse impact to aquatic life as long as the materials and methods used do not cause a significant loss of any nontarget species and allow restoration of nontarget species. The department may find that an unavoidable, temporary loss of nontarget species does not constitute a significant loss of nontarget species.

(2) For the purpose of allowing the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety, the department may find that the discharged effluent will not cause adverse impact to aquatic life as long as the materials and methods used provide protection for nontarget species. When the department issues a license for the discharge of aquatic pesticides authorized under this subparagraph, the department shall notify the municipality in which the application is licensed to occur and post the notice on the department's publicly accessible website.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2016 Integrated Water Quality Monitoring and Assessment Report, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists a 31.66-mile reach of the Kennebec River (ADB Assessment Unit ID #ME0103000312_340R_01) as, *"Category 4-B: Rivers and Streams Impaired by Pollutants – Pollution Control Requirements Reasonably Expected to Result in Attainment."* The Department's Division of Environmental Assessment has identified that with new dioxin sources removed, the waterbody is anticipated to attain its designated standards by calendar year 2020.

The Report also lists the same 31.66-mile reach of the Kennebec River (ADB Assessment Unit ID #ME0103000312_340R_01) in *Category 5-D: Rivers And Streams Impaired By Legacy Pollutants, namely polychlorinated biphenyls (PCBs).*

The Report lists all of Maine's fresh waters as *Category 4-A: Rivers and Streams With Impaired Use TMDL Completed TMDL Completed, Waters Impaired by Atmospheric Deposition of Mercury.* The report states the impairment is caused by atmospheric deposition of mercury; a regional scale TMDL has been approved. Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters and many fish from any given water, do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Health and Human Services decided to establish a statewide advisory for all freshwater fish that recommends limits on consumption. Maine has already instituted statewide programs for removal and reduction of mercury sources.

Pursuant to 38 M.R.S. § 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 mercury limits for this facility. See section 6(h) of this Fact Sheet for compliance information regarding mercury.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Flow: The previous permitting action contained, and this permitting action is carrying forward a monthly average flow limitation of 0.320 MGD as it remains representative of the design capacity of the treatment facility. The permitting action also carrying forward a reporting requirement for reporting the daily maximum flow. A summary of discharge flow data as reported on the monthly Discharge Monitoring Reports (DMRs) for the period of January 2015 through February 2018 is as follows:

Flow (DMRs=38) Outfall #001A

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	0.32	0.05 – 0.24	0.118
Daily Maximum	Report	0.07 – 0.76	0.282

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

b. Dilution Factors: Dilution factors associated with the permitted discharge flow of 0.320 MGD from the facility were derived in accordance with 06-096 CMR 530(4)(A) and were calculated as follows [1]:

Modified Acute: ¼ 1Q10 = 528 cfs $\Rightarrow \frac{(528 \text{ cfs})(0.6464) + (0.320 \text{ MGD})}{(0.320 \text{ MGD})} = 1{,}068{:}1$

Acute: 1Q10 = 2,111 cfs $\Rightarrow \frac{(2{,}111 \text{ cfs})(0.6464) + (0.320 \text{ MGD})}{(0.320 \text{ MGD})} = 4{,}265{:}1$

Chronic: 7Q10 = 2,560 cfs $\Rightarrow \frac{(2{,}560 \text{ cfs})(0.6464) + (0.320 \text{ MGD})}{(0.320 \text{ MGD})} = 5{,}172{:}1$

Harmonic Mean = 5,956 cfs $\Rightarrow \frac{(5{,}956 \text{ cfs})(0.6464) + (0.320 \text{ MGD})}{(0.320 \text{ MGD})} = 12{,}032{:}1$

06-096 CMR 530(4)(B)(1) states, *Analyses using numerical acute criteria for aquatic life must be based on 1/4 of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone and to ensure a zone of passage of at least 3/4 of the cross-sectional area of any stream as required by Chapter 581. Where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design flow, up to and including all of it, as long as the required zone of passage is maintained.*

The Department's Division of Environmental Assessment has not determined that the discharge from RUD receives complete and rapid mixing with the receiving waters; therefore, the Department is utilizing the default ¼ 1Q10 stream design flow in acute evaluations.

c. Biochemical Oxygen Demand (BOD_5) and Total Suspended Solids (TSS): The previous permitting action contained, and this permitting action is carrying forward, monthly average and weekly average technology-based concentration limits of 30 mg/L and 45 mg/L, respectively, for BOD_5 and TSS based on the secondary treatment requirements specified at *Effluent Guidelines and Standards*, 06-096 CMR 525(3)(III) (effective January 12, 2001), and a daily maximum concentration limit of 50 mg/L, which is based on Departmental best professional judgment (BPJ) of BPT for secondary treated municipal wastewater.

[1] The 1Q10 and 7Q10 flows are based on a calendar year 2000 modeling report. The harmonic mean flow is based on a calendar year 1991 study and drainage area ratio.

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

The monthly average, weekly average and daily maximum technology based mass limits were based on the monthly average flow limitation of 0.320 MGD and the applicable concentration limits and are also being carried forward in this permitting action. The mass limits are calculated as follows:

Monthly Average Mass: (30 mg/L)(8.34 lbs./gallon)(0.320 MGD) = 80 lbs./day
Weekly Average Mass: (45 mg/L)(8.34 lbs./gallon)(0.320 MGD) = 120 lbs./day
Daily Maximum Mass: (50 mg/L)(8.34 lbs./gallon)(0.320 MGD) = 133 lbs./day

A summary of discharge flow data as reported on the monthly Discharge Monitoring Reports (DMRs) for the period of January 2015 through February 2018 is as follows:

BOD_5 Mass (DMRs=38)

Value	Limit (lbs/day)	Range (lbs/day)	Mean (lbs/day)
Monthly Average	80	2 - 41	8
Weekly Average	120	2 - 75	12
Daily Maximum	133	2 - 75	12

BOD_5 Concentration (DMRs=38)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	3 - 19	7
Weekly Average	45	3 - 25	9
Daily Maximum	50	3 - 25	9

This permitting action is carrying forward the minimum monitoring frequency requirement for BOD_5 of 2/Month which was established in the previous permit.

TSS Mass (DMRs=38) Outfall #001A

Value	Limit (lbs/day)	Range (lbs/day)	Mean (lbs/day)
Monthly Average	80	1 - 41	6
Weekly Average	120	<2 - 78	8
Daily Maximum	133	<2- 78	8

TSS Concentration (DMRs=38) Outfall #001A

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	3 - 15	6
Weekly Average	45	3 - 26	6
Daily Maximum	50	3 - 26	6

This permitting action is carrying forward the minimum monitoring frequency requirement of 2/Month for TSS which is consistent with the BOD_5 monitoring requirement.

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

This permitting action is carrying forward a 30-day average percent removal requirement of 85 percent for BOD_5 and TSS as required pursuant to 06-096 CMR 525(3)(III)(a&b)(3). This permitting action requires the permittee to report monthly average percent removal on the DMR.

BOD % Removal (DMRs=31)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	87 - 99	95

TSS % Removal (DMRs=31)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	91 - 99	96

d. Settleable Solids – The previous permitting contained, and this permitting action carrying forward, a daily maximum concentration limit of 0.3 ml/L, which is considered a best practicable treatment limitation (BPT) for secondary treated wastewater.

A summary of settleable solids data as reported on the monthly DMRs for the period of January 2015 through February 2018 indicates settleable solids have been reported as follows:

Settleable solids concentration (DMRs 38)

Value	Limit (ml/L)	Range (ml/L)	Average (ml/L)
Daily Maximum	0.3	<0.1 - 0.3	0.14

The monitoring frequency for settleable solids of 3/Week is being carried forward in this permitting action.

e. *Escherichia coli* Bacteria: The previous permitting action established, and this permitting action is carrying forward, seasonal (May 15-September 30 of each year) monthly average (geometric mean) and daily maximum (instantaneous) *E. coli* bacteria concentration limits of 64 colonies/100 ml and 427 colonies/100 ml, respectively, based on the State's Water Classification Program criteria for Class B waters.

During calendar year 2005, Maine's Legislature approved a new daily maximum water quality standard of 236 colonies/100 ml for Class B and Class C waters. The Department has determined that end-of-pipe limitations for the instantaneous concentration standard of 427 colonies/100 mL will be achieved through available dilution of the effluent with the receiving waters and need not be revised in MEPDES permits for facilities with adequate dilution (at least 1.1:1 for facilities in Class B waters).

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

A review of the monthly DMRs for the period of May 2015 through September 2017 indicates the permittee has reported values as follows:

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

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly Average	64	1 – 113	11
Daily Maximum	427	1 - 201	36

The monthly average and daily maximum limits along with a monitoring frequency of 2/Month are being carried forward in this permitting action.

f. Total Residual Chlorine (TRC): The previous permitting action established a technology-based daily maximum concentration limit of 1.0 mg/L for TRC along with a monitoring frequency of 5/Week. Limitations on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Department licensing/permitting actions impose the more stringent of either a water quality-based or BPT based limit.

With modified acute (¼ 1Q10) and chronic dilution factors associated with the discharge water quality-based concentration thresholds the discharge may be calculated as follows:

Acute (A) Criterion	Chronic (C) Criterion	Mod. A & C Dilution Factors	Calculated Acute Threshold	Calculated Chronic Threshold
0.019 mg/L	0.011 mg/L	1,068:1 (Mod.A) 5,172:1 (C)	20.3 mg/L	56.9 mg/L

The daily maximum BPT-based limit of 1.0 mg/L is more stringent than either calculated water quality-based threshold and is therefore being carried forward in this permitting action.

A summary of effluent TRC data corresponding to the applicable bacteria season from May 2015 through September 2017 is as follows:

TRC (DMRs=16)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	1.0	0.09 – 0.95	0.50

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

g. pH: The previous permitting action established, and this permitting action is carrying forward, a technology-based pH limit of 6.0 – 9.0 standard units, which is based on 06-096 CMR 525(3)(III). The previous permit established a monitoring frequency of 5/Week. Both are being carried forward in this permitting action.

A reviewed of the monthly DMRs data for the period January 2015 through February 2018 indicates values have reported as follows:

pH (DMRs 38)

Value	Limit (su)	Minimum (SU)	Maximum (su)
Range	6.0 – 9.0	6.0	7.8

h. Mercury: Pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S.A. § 420, *Waste discharge licenses*, 38 M.R.S. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL # W002616-59-C-R by establishing interim monthly average and daily maximum effluent concentration limits of 10.5 parts per trillion (ppt) and 15.7 ppt, respectively, and a minimum monitoring frequency requirement of two (2) tests per year for mercury. It is noted the limitations have been incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of this permit. Maine law 38 M.R.S. § 420(1-B)(B)(1) provides 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.

A review of the Department's data base for the period September 2009 through June 2017 indicates the permittee has been in compliance with the interim limits for mercury (with the except of two results of 21 ng/L & 21.5 ng/L) as results have been reported as follows;

Mercury (n = 30)

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)
Average, Maximum	10.5 – 15.7	0.90 – 21.5	4.7

On February 6, 2012, the Department issued a minor revision to the March 10, 2008 permit thereby revising the minimum monitoring frequency requirement from twice per year to once per year pursuant to 38 M.R.S.A. § 420(1-B)(F).

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

i. Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing: 38 M.R.S.A. § 414-A and 38 M.R.S.A. § 420 prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. 06-096 CMR 530 sets forth effluent monitoring requirements and procedures to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric water quality criteria are met. *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

06-096 CMR 530(2)(B) categorizes dischargers subject to the toxics rule into one of four levels (Levels I through IV). Level IV dischargers are *"those dischargers having a chronic dilution factor of at least 500 to 1 and a permitted flow of less than 1 million gallons per day."* The chronic dilution factor associated with the discharge from the RUD is 5,172 to 1. Therefore, the facility is considered a Level IV facility for purposes of toxics testing. 06-096 CMR 530(D)(1) states that *"routine testing requirements for Level IV are waived, except that the Department shall require an individual discharger to conduct testing under the following conditions.*

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

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

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

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

(b) Changes in the operation of the treatment works that may increase the toxicity of the discharge; and

(c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge."

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

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

j. Total phosphorus –*Waste Discharge License Conditions,* 06-096 CMR 523 specifies that water quality based limits are necessary when it has been determined that a discharge has a reasonable potential to cause or contribute to an excursion above any State water quality standard including State narrative criteria.[2] In addition, 06-096 CMR 523 specifies that water quality based limits may be based upon criterion derived from a proposed State criterion, or an explicit State policy or regulation interpreting its narrative water quality criterion, supplemented with other relevant information which may include: EPA's Water Quality Standards Handbook, October 1983, risk assessment data, exposure data, information about the pollutant from the Food and Drug Administration, and current EPA criteria documents.[3]

USEPA's Quality Criteria for Water 1986 (Gold Book) puts forth an in-stream phosphorus concentration goal of less than 0.100 mg/L in streams or other flowing waters not discharging directly to lakes or impoundments, to prevent nuisance algal growth. The use of the 0.100 mg/L Gold Book goal is consistent with the requirements of 06-096 CMR 523 noted above for use in a reasonable potential (RP) calculation.

Based on the above rationale, the Department has chosen to utilize the Gold Book goal of 0.100 mg/L. It is the Department's intent to continue to make determinations of actual attainment or impairment based upon environmental response indicators from specific water bodies. The use of the Gold Book goal of 0.100 mg/L for use in the RP calculation will enable the Department to establish water quality based limits in a manner that is reasonable and that appropriately establishes the potential for impairment, while providing an opportunity to acquire environmental response indicator data, numeric nutrient indicator data, and facility data as needed to refine the establishment of site-specific water quality-based limits for phosphorus. Therefore, this permit may be reopened during the term of the permit to modify any reasonable potential calculation, phosphorus limits, or monitoring requirements based on site-specific data.

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[2] *Waste Discharge License Conditions,* 06-096 CMR 523(5)(d)(1)(i) (effective date January 12, 2001)
[3] 06-096 CMR 523(5)(d)(1)(vi)(A)

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

For the background concentration in the Kennebec River just upstream of the permittee's discharge, the Department utilized 0.018 mg/L based on ambient water quality monitoring conducted during the summer of 2014 and is being utilized as a background value in reasonable potential calculations in the development of this permit.

As for effluent concentration, this Fact Sheet is utilizing an effluent concentration of 2.2 mg/L based on results of similar POTWs during the summer of 2014. Using the following calculation and criteria, the permittee's facility does not exceed or have a reasonable potential to exceed EPA's Gold Book value of 0.100 mg/L the Department's 06-096 CMR Chapter 583 draft criteria of 0.030 mg/L for Class B waters. The calculations are as follows:

$$Cr = \frac{QeCe + QsCs}{Qr}$$

Qe = Permittee's effluent flow i.e. facility design flow	=	0.32 MGD
Ce = Permittee's effluent pollutant concentration	=	2.2 mg/L (2014)
Qs = 7Q10 flow of receiving water	=	1,655 MGD (2,560 cfs)
Cs = upstream concentration	=	0.018 mg/L (2014)
Qr = receiving water flow	=	1,655.32 MGD
Cr = receiving water concentration	=	?

$$Cr = \frac{(0.32\ MGD \times 2.2\ mg/L) + (1{,}655\ MGD \times 0.018\ mg/L)}{1{,}655.32\ MGD} = 0.018\ mg/L$$

Cr = 0.018 mg/L < 0.100 mg/L⇒ **No reasonable potential**
Cr = 0.018 mg/L < 0.033 mg/L⇒ **No reasonable potential**

Therefore, no limitations or monitoring requirements for total phosphorus are being established in this permitting action.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the water body to meet standards for Class B classification.

8. PUBLIC COMMENTS

Public notice of this application was made in the *Times Record* newspaper on or about February 23, 2018. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses,* 06-096 CMR 522 (effective January 12, 2001).

9. DEPARTMENT CONTACTS

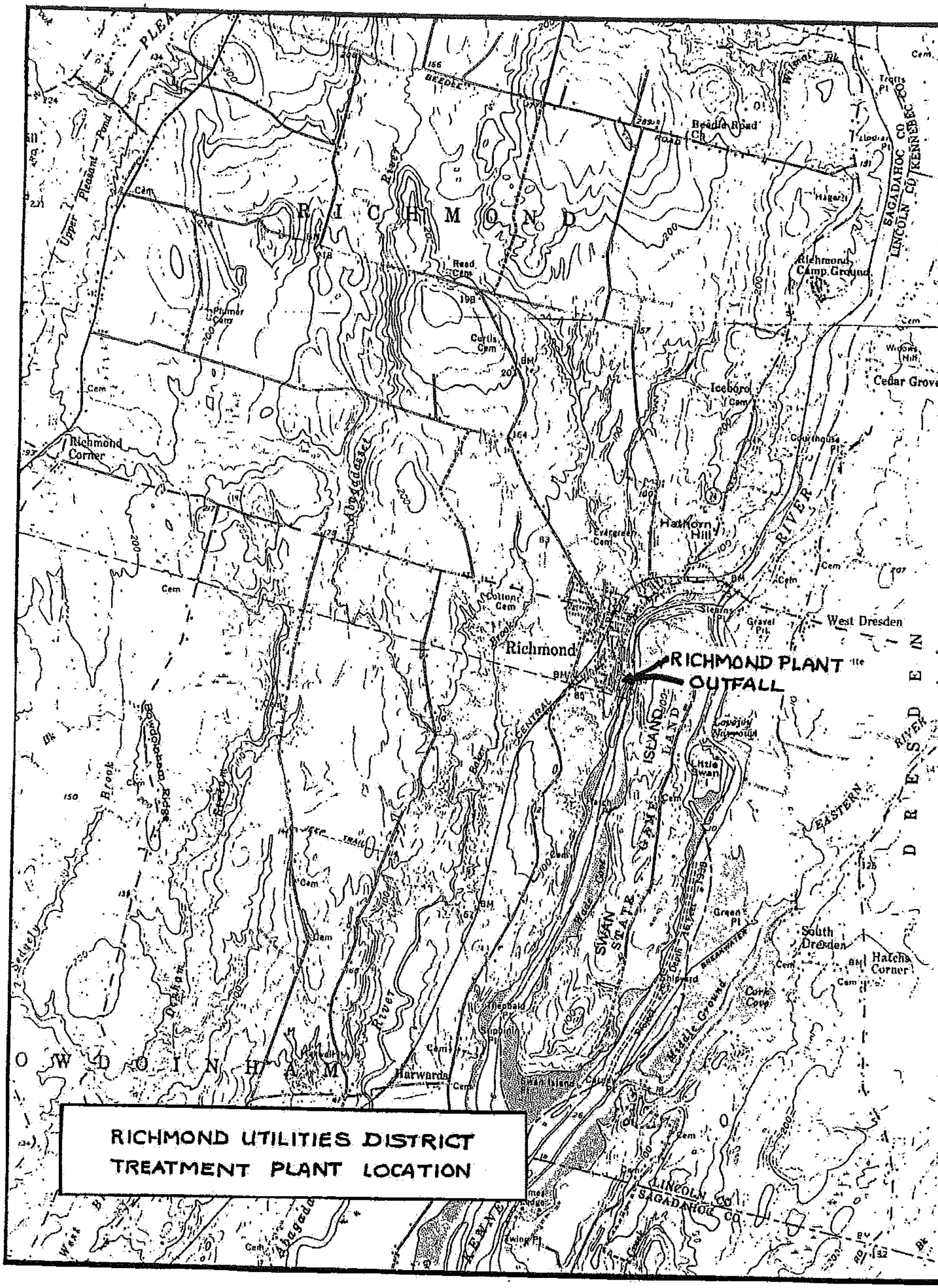
Additional information concerning this permitting action may be obtained from, and written comments sent to:

Gregg Wood
Division of Water Quality Management
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-7693 Fax: (207) 287-3435
e-mail: gregg.wood@maine.gov

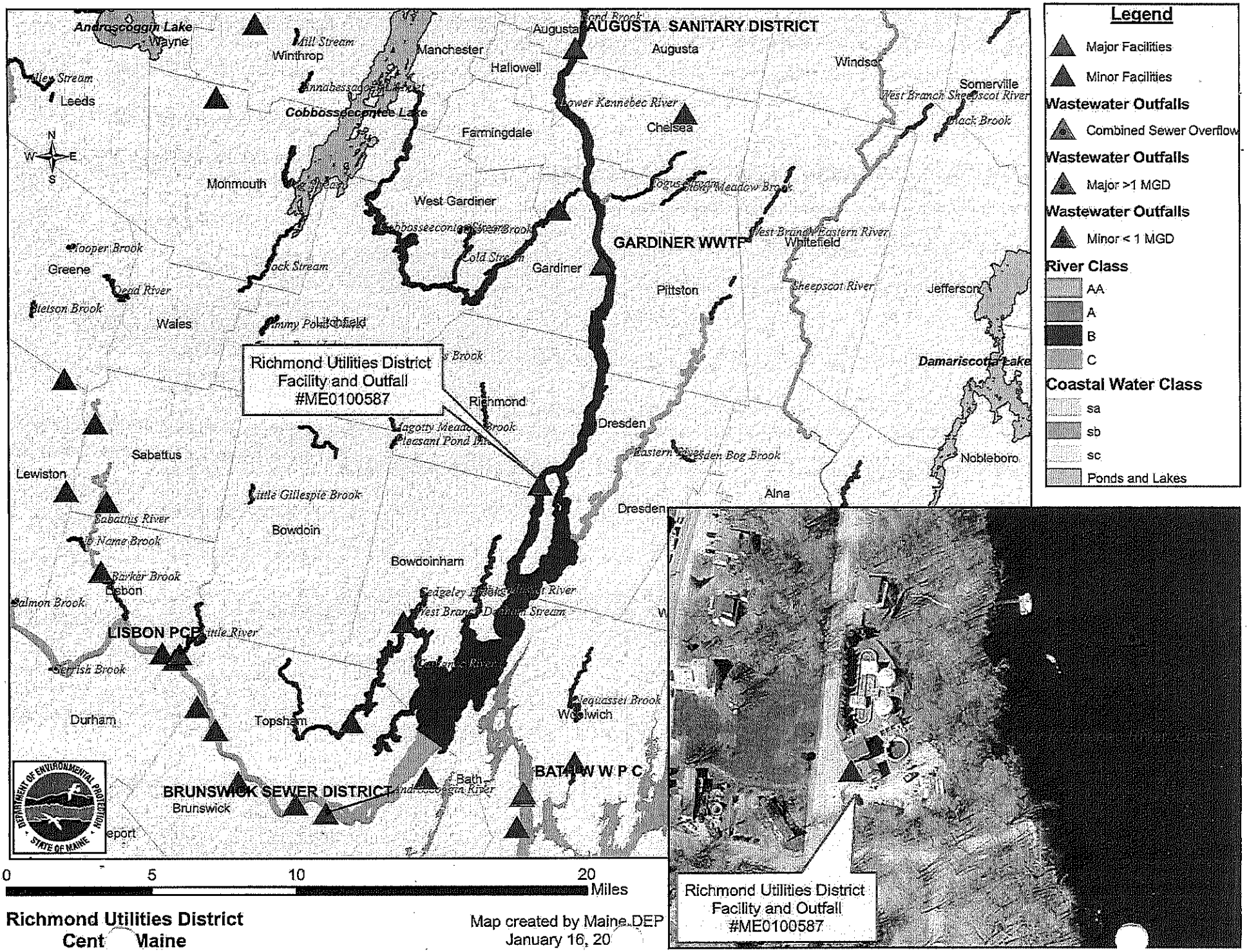
10. RESPONSE TO COMMENTS

During the period May 31, 2018 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



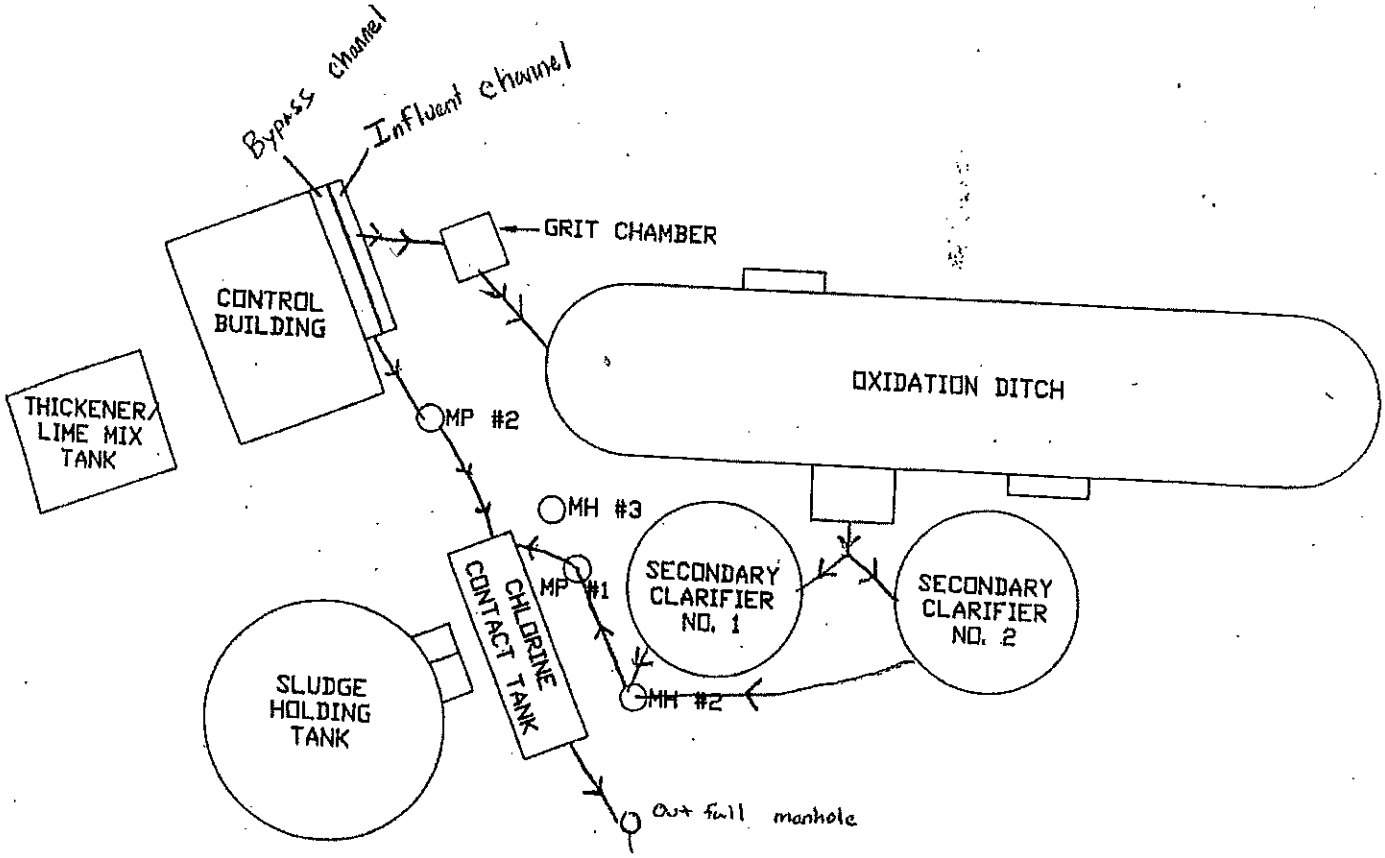
RICHMOND UTILITIES DISTRICT
TREATMENT PLANT LOCATION


Legend
Major Facilities
Minor Facilities
Wastewater Outfalls
Combined Sewer Overflow
Wastewater Outfalls
Major >1 MGD
Wastewater Outfalls
Minor < 1 MGD
River Class
AA
A
B
C
Coastal Water Class
sa
sb
sc
Ponds and Lakes
AUGUSTA SANITARY DISTRICT
GARDINER WWTP
LISBON PCF
BRUNSWICK SEWER DISTRICT
BATH W W P C
Richmond Utilities District
Facility and Outfall
#ME0100587
Androscoggin Lake
Wayne
Leeds
Cobbosseecontee Lake
Monmouth
Winthrop
Manchester
Hallowell
Augusta
Windsor
Somerville
Chelsea
Farmingdale
West Gardiner
Gardiner
Pittston
Whitefield
Jefferson
Damariscotta Lake
Nobleboro
Alna
Dresden
Richmond
Greene
Wales
Sabattus
Lewiston
Bowdoin
Bowdoinham
Lisbon
Durham
Topsham
Bath
Brunswick
Woolwich
Androscoggin River
Kennebec River
Cobbosseecontee Stream
Sabattus River
Little Androscoggin River
Eastern River
Muddy River
Mill Stream
Meadow Brook
Black Brook
Cold Stream
Jock Stream
Dead River
Parker Brook
Salmon Brook
Little River
Little Gillespie Brook
Pleasant Pond Brook
Hagotty Meadow Brook
Dresden Bog Brook
Sheepscot River
West Branch Sheepscot River
West Branch Eastern River
Hooper Brook
Nelson Brook
Jimmy Pond Brook
Muddy River
Merrymeeting Bay
0
5
10
20
Miles
Richmond Utilities District
Cent Maine
Map created by Maine DEP
January 16, 20
Richmond Utilities District
Facility and Outfall
#ME0100587

ATTACHMENT B

Attachment 2d

RICHMOND
WASTEWATER TREATMENT FACILITY
OPERATION & MAINTENANCE MANUAL



TYLIN HUNTER-BALLEW ASSOCIATES INTERNATIONAL

ATTACHMENT C

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

MEPDES#_____Facility Name_____

Since the effective date of your permit, have there been;		NO	YES Describe in comments section
1	Increases in the number, types, and flows of industrial, commercial, or domestic discharges to the facility that in the judgment of the Department may cause the receiving water to become toxic?	☐	☐
2	Changes in the condition or operations of the facility that may increase the toxicity of the discharge?	☐	☐
3	Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge?	☐	☐
4	Increases in the type or volume of hauled wastes accepted by the facility?	☐	☐

COMMENTS:

Name (printed): _____

Signature:_____Date: _____

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

This form may be used to meet the requirements of Chapter 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.

Scheduled Toxicity Testing for the next calendar year

Test Conducted	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
WET Testing	☐	☐	☐	☐
Priority Pollutant Testing	☐	☐	☐	☐
Analytical Chemistry	☐	☐	☐	☐
Other toxic parameters [1]	☐	☐	☐	☐

Please place an "X" in each of the boxes that apply to when you will be conducting any one of the three test types during the next calendar year.

[1] This only applies to parameters where testing is required at a rate less frequently than quarterly.

DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012 **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. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board 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 the Board's 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 a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of 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

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of 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 on the appeal 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, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that 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 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.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, 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.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder 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 receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the 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 or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

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.