



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

March 1, 2016

Mr. Michael Tibbets
Operations Manager
York Sewer District
P.O. Box 1039
York, ME. 03910
e-mail: mtibbets@yorksewerdistrict.org

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101222
Maine Waste Discharge License (WDL) #W002687-6D-J-R
Final Permit

Dear Mr. Tibbets:

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. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

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

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

Sincerely,

Gregg Wood
Division of Water Quality Management
Bureau of Water Quality

Enc.

cc: Matt Hight, DEP/SMRO
Marelyn Vega, USEPA

Sandy Mojica, USEPA
Olga Vergara, USEPA

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

DEPARTMENT ORDER

IN THE MATTER OF

YORK SEWER DISTRICT)	MAINE POLLUTANT DISCHARGE
YORK, YORK COUNTY, MAINE)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS)	AND
ME0101222)	WASTE DISCHARGE LICENSE
W002687-6D-J-R)	RENEWAL
APPROVAL)	

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

APPLICATION SUMMARY

The District has filed a timely and complete application with the Department to renew combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101222/Waste Discharge License (WDL) #W002687-6D-H-R (permit hereinafter), which was issued by the Department on April 21, 2011, for a five-year term. The permit authorized the District to discharge up to a monthly average flow of 3.0 million gallons per day (MGD) of secondary treated waste waters to Cape Neddick Harbor, Class SB, in York, Maine.

PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the 4/21/11 permit except that this permit is:

1. Eliminating the waiver for achieving 85% removal rates for biochemical oxygen demand (BOD) and total suspended solids (TSS) when the monthly average influent concentration is less than 200 mg/L based on guidance from the US Environmental Protection Agency (EPA).
2. Incorporating the average and maximum concentration limits for total mercury that were originally established in a permit modification issued on May 23, 2000.

PERMIT SUMMARY (cont'd)

3. Reducing the monitoring frequencies for biochemical oxygen demand (BOD), total suspended solids (TSS) and fecal coliform bacteria from 3/Week to 2/Week and reducing the monitoring frequency for total residual chlorine from 1/Day to 5/Week based on statistical evaluation of the most current 34 months of data reported on the monthly Discharge Monitoring Reports (DMRs) in accordance with Department and USEPA guidance documents.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated January 26, 2016, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, 38 MRSA Section 464(4)(F), will be met, in that:
 - a. Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - b. Where high quality waters of the State constitute an outstanding natural resource, that water quality will be maintained and protected;
 - c. Where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - d. Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
 - e. Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharges will be subject to effluent limitations that require application of best practicable treatment (BPT).

ACTION

THEREFORE, the Department APPROVES the application of the YORK SEWER DISTRICT to discharge up to a monthly average flow of 3.0 MGD of secondary treated waste waters to Cape Neddick Harbor, Class SB, in York. The discharges shall be subject to the attached conditions and all applicable standards and regulations including:

1. "Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits," revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit becomes effective upon the date of signature below and expires at midnight five (5) years thereafter. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of 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.A. § 10002 and Rules Concerning the Processing of Applications and Other Administrative Matters, 06-096 CMR 2(21)(A) (effective April 1, 2003)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

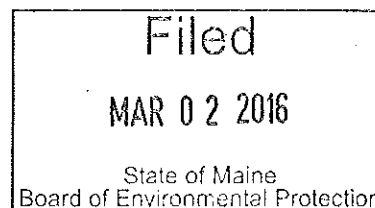
DONE AND DATED AT AUGUSTA, MAINE, THIS 2ND DAY OF March 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael J. Keenan
for Paul Mercer, Commissioner

Date of initial receipt of application: January 25, 2016

Date of application acceptance: January 25, 2016



Date filed with Board of Environmental Protection _____

This Order prepared by GREGG WOOD, BUREAU OF LAND & WATER QUALITY

ME0101222 2016

2/26/16

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge secondary treated waste waters from **Outfall #001** to the tidal waters of Cape Neddick Harbor. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow, MGD [50050]	3.0 MGD [03]	---	Report MGD [03]	---	---	---	Continuous [99/99]	Recorder [RC]
BOD ₅ [00310]	750 lbs/Day [26]	1,125 lbs/Day [26]	1,251 lbs/Day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	2/Week [02/07]	Composite [24]
BOD ₅ % Removal ⁽¹⁾ [81010]	---	---	---	85 % [23]	---	---	1/Month [01/30]	Calculate [CA]
TSS [00530]	750 lbs/Day [26]	1,125 lbs/Day [26]	1,251 lbs/Day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	2/Week [02/07]	Composite [24]
TSS % Removal ⁽¹⁾ [81011]	---	---	---	85 % [23]	---	---	1/Month [01/30]	Calculate [CA]
Settleable Solids [00545]	---	---	---	---	---	0.3 ml/L [25]	3/Week [03/07]	Grab [GR]
Fecal coliform bacteria ⁽²⁾ [31616] (May 15 – September 30)	---	---	---	15/100 ml ⁽³⁾ [13]	---	50/100 ml [13]	2/Week [02/07]	Grab [GR]
Total Residual Chlorine ⁽⁴⁾ [50060]	---	---	---	0.1 mg/L [19]	---	0.3 mg/L [19]	5/Week [05/07]	Grab [GR]
pH [00400]	---	---	---	---	---	6.0-9.0 SU [12]	1/Day [01/01]	Grab [GR]
Mercury (Total) ⁽⁵⁾ [71900]	---	---	---	4.5 ng/L [3M]	---	6.8 ng/L [3M]	1/Year [01/YR]	Grab [GR]

The italicized numeric values in brackets in the tables above and the tables that follow are not limitations but codes used by Department personnel to code monthly Discharge Monitoring Reports (DMR's).

Footnotes: See pages 6-9 of this permit.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement.

SCREENING LEVEL TESTING

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity ⁽⁶⁾ <u>Acute – NOEL</u> <i>Americamysis bahia</i> [TDM3E] (Mysid Shrimp)	---	---	---	Report % [23]	1/Year [01/YR]	Composite [24]
<u>Chronic – NOEL</u> <i>Arbacia punctulata</i> [TBH3A] (Sea urchin)	---	---	---	Report % [23]	1/Year [01/YR]	Composite [24]
Analytical chemistry ^(7,9) [51477]	---	---	---	Report ug/L [28]	1/Quarter [01/QO]	Composite/Grab [24]
Priority pollutant ^(8,9) [50008]	---	---	---	Report ug/L [28]	1/Year [01/YR]	Composite/Grab [24]

Footnotes: See pages 6-9 of this permit.

SPECIAL CONDITIONS

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

Footnotes:

Sampling Locations:

Influent sampling for BOD₅ and TSS must be sampled after preliminary screening.

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

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

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

1. **Percent removal** - The treatment facility must maintain a minimum of 85 percent removal of both BOD₅ and TSS. The percent removal must be based on a monthly average calculation using influent and effluent concentrations.
2. **Fecal coliform bacteria** - Limits are seasonal and apply between May 15th and September 30th of each year. The Department reserves the right to require year-round disinfection to protect the health, safety and welfare of the public.
3. **Fecal coliform bacteria** - The monthly average limitation is a geometric mean limitation and values must be calculated and reported as such.
4. **Total residual chlorine (TRC)** - Limitations and monitoring requirements are applicable whenever elemental chlorine or chlorine based compounds are being used to disinfect the discharge. The permittee must utilize approved test methods that are capable of bracketing the limitations in this permit.

SPECIAL CONDITIONS

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

Footnotes:

5. **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 EPA Water Quality Criteria Levels*. All mercury analysis must be conducted in accordance with USEPA Method 1631E, *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 will be 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.
6. **Whole Effluent Toxicity (WET) Testing** – Definitive WET testing is a multi-concentration testing event with a minimum of five dilutions bracketing the critical acute and chronic water quality thresholds of 3.1% and 0.8% respectively. It is noted the thresholds expressed as percent effluent are the mathematical inverses of the acute and chronic dilution factors of 32:1 and 132:1, respectively. WET testing provides a point estimate of toxicity in terms of No Observed Effect Level, commonly referred to as NOEL or NOEC. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level with survival, reproduction or growth as the end points.
 - a. **Surveillance level testing** – Waived pursuant to 06-096 CMR 530 §D(3)(b).
 - b. **Screening level testing** – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee must conduct screening level WET testing at a minimum frequency of once per year (1/Year). Acute tests must be conducted on the mysid shrimp (*Americamysis bahia*) and chronic tests must be conducted on the sea urchin (*Arbacia punctulata*).

SPECIAL CONDITIONS

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

Footnotes:

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

- a. Short Term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Water to Marine and Estuarine Organisms, Third Edition, October 2002, EPA-821-R-02-014.
- b. Methods for Measuring the Acute Toxicity of Effluent and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, October 2002, EPA-821-R-02-012.

Once received by the permittee, WET test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days after receiving the results from the laboratory before submitting them. The permittee must evaluate test results being submitted and identify to the Department possible exceedances of the critical acute and chronic water quality thresholds of 3.1% and 0.8%, respectively.

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

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

7. **Analytical chemistry** – Refers to a suite of chemical tests in **Attachment C** of the permit.
 - a. **Surveillance level testing** – Waived pursuant to 06-096 CMR 530 §D(3)(b).
 - b. **Screening level testing** – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee must conduct screening level analytical chemistry testing at a minimum frequency of once per calendar quarter (1/Quarter).

SPECIAL CONDITIONS

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

Footnotes:

8. **Priority pollutant testing** – Priority pollutants are those parameters listed in **Attachment C** of this permit.
 - a. **Surveillance level testing** – Not required pursuant to 06-096 CMR 530 §D(1).
 - b. **Screening level testing** - Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee must conduct screening level priority pollutant testing at a minimum frequency of once per year (1/Year).
9. **Analytical chemistry and priority pollutant** – Testing must be conducted on samples collected at the same time as those collected for whole effluent toxicity tests when applicable. Priority pollutant and analytical chemistry testing must be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve minimum reporting levels of detection as specified by the Department. See **Attachment C** of this permit for a list of the Department's reporting levels (RLs) of detection.

Once received by the permittee, priority pollutant and analytical chemistry test results must be submitted to the Department not later than the next DMR required by the permit provided, however, that the permittee may review the toxicity reports for up to 10 business days after receiving the test results from the laboratory before submitting them. The permittee must evaluate test results being submitted and identify to the Department, possible exceedances of the acute, chronic or human health AWQC as established in Department rule Chapter 584. For the purposes of Discharge Monitoring Report (DMR) reporting, enter a "1" for yes, testing done this monitoring period or "N9" monitoring not required this period.

B. TREATMENT PLANT OPERATOR

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

SPECIAL CONDITIONS

C. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent must not contain 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 effluent must not contain 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 color, taste, turbidity, toxicity, radioactivity or other properties which cause those waters to be unsafe for the designated uses and characteristics ascribed to their classification.
4. Notwithstanding specific conditions of this permit, the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

D. 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 must conduct an Industrial Waste Survey (IWS) 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 and submit the results to the Department. 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).

E. 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 January 25, 2016; 2) the terms and conditions of this permit, and 3) only from Outfall #001. 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.

SPECIAL CONDITIONS

F. NOTIFICATION REQUIREMENT

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.
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 quality or quantity of the waste water to be discharged from the treatment system.

G. WET WEATHER FLOW MANAGEMENT PLAN

The treatment facility staff must maintain a current written Wet Weather Flow Management Plan to direct the staff on how to operate the facility effectively during periods of high flow and maximize the volume of waste water receiving secondary treatment under all operating conditions. The Department acknowledges that the existing collection system may deliver flows in excess of the monthly average design capacity of the treatment plant during periods of high infiltration and rainfall. The plan 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 annually and record any necessary changes to keep the plan up to date.

SPECIAL CONDITIONS

H. OPERATION & MAINTENANCE (O&M) PLAN

The permittee must maintain a current written comprehensive Operation & Maintenance (O&M) Plan. 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.

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 wastewater treatment facility to ensure that it is up-to-date. The O&M Plan must be kept on-site at all times and made available to Department and other regulatory personnel upon request.

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

I. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

During the effective period of this permit, the permittee is authorized to receive and introduce into the treatment process or solids handling stream **a daily maximum of 7,500 gallons per day** of transported wastes, subject to the following terms and conditions.

1. "Transported wastes" means any liquid non-hazardous waste delivered to a wastewater treatment facility by a truck or other similar conveyance that has different chemical constituents or a greater strength than the influent described on the facility's application for a waste discharge license. Such wastes may include, but are not limited to septage, industrial wastes or other wastes to which chemicals in quantities potentially harmful to the treatment facility or receiving water have been added.
2. The character and handling of all transported wastes received must be consistent with the information and management plans provided in application materials submitted to the Department.
3. At no time shall the addition of transported wastes cause or contribute to effluent quality violations. Transported wastes may not cause an upset of or pass through the treatment process or have any adverse impact on the sludge disposal practices of the wastewater treatment facility.

SPECIAL CONDITIONS

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

Wastes that contain heavy metals, toxic chemicals, extreme pH, flammable or corrosive materials in concentrations harmful to the treatment operation must be refused. Odors and traffic from the handling of transported wastes may not result in adverse impacts to the surrounding community. If any adverse effects exist, the receipt or introduction of transported wastes into the treatment process or solids handling stream must be suspended until there is no further risk of adverse effects.

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

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

5. The addition of transported wastes into the treatment process or solids handling stream shall not cause the treatment facility's design capacity to be exceeded. If, for any reason, the treatment process or solids handling facilities become overloaded, introduction of transported wastes into the treatment process or solids handling stream must be reduced or terminated in order to eliminate the overload condition.
6. Holding tank wastewater from domestic sources to which no chemicals in quantities potentially harmful to the treatment process have been added shall not be recorded as transported wastes but should be reported in the treatment facility's influent flow.
7. During wet weather events, transported wastes may be added to the treatment process or solids handling facilities only in accordance with a current Wet Weather Flow Management Plan approved by the Department that provides for full treatment of transported wastes without adverse impacts.
8. In consultation with the Department, chemical analysis is required prior to receiving transported wastes from new sources that are not of the same nature as wastes previously received. The analysis must be specific to the type of source and designed to identify concentrations of pollutants that may pass through, upset or otherwise interfere with the facility's operation.

SPECIAL CONDITIONS

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

9. Access to transported waste receiving facilities may be permitted only during the times specified in the application materials and under the control and supervision of the person responsible for the wastewater treatment facility or his/her designated representative.
10. The authorization is subject to annual review and, with notice to the permittee and other interested parties of record, may be suspended or reduced by the Department as necessary to ensure full compliance with Chapter 555 of the Department's rules and the terms and conditions of this permit.

J. 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 75305*]: See **Attachment E** of the Fact Sheet for an acceptable certification form to satisfy this Special Condition.

- (a) Changes in the number or types of non-domestic wastes contributed directly or indirectly to the wastewater treatment works that may increase the toxicity of the discharge;
- (b) Changes in the operation of the treatment works that may increase the toxicity of the discharge; and
- (c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge.
- (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 establish annual (surveillance level) testing or other toxicity testing if new information becomes available that indicates the discharge may cause or have a reasonable potential to cause exceedances of ambient water quality criteria/thresholds.

SPECIAL CONDITIONS

L. MONITORING AND REPORTING

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

Maine Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
312 Canco Road
Portland, Maine 04103

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

M. REOPENING OF PERMIT FOR MODIFICATIONS

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

N. SEVERABILITY

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

ATTACHMENT A

Maine Department of Environmental Protection

Effluent Mercury Test Report

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

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

SAMPLE COLLECTION INFORMATION

Sampling Date:	<div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block;"></div>	Sampling time:	_____ AM/PM
	mm dd yy		
Sampling Location: _____			
Weather Conditions: _____			
Please describe any unusual conditions with the influent or at the facility during or preceding the time of sample collection: 			
Optional test - not required but recommended where possible to allow for the most meaningful evaluation of mercury results:			
Suspended Solids	_____ mg/L	Sample type:	_____ Grab (recommended) or _____ Composite

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory: _____	
Date of analysis: _____	Result: <div style="background-color: #cccccc; width: 50px; height: 20px; display: inline-block;"></div> ng/L (PPT)
Please Enter Effluent Limits for your facility	
Effluent Limits: Average = _____ ng/L	Maximum = _____ ng/L
Please attach any remarks or comments from the laboratory that may have a bearing on the results or their interpretation. If duplicate samples were taken at the same time please report the average.	

CERTIFICATION

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

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

ATTACHMENT B

**MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
WHOLE EFFLUENT TOXICITY REPORT
MARINE WATERS**

Facility Name _____ MEPDES Permit # _____
Pipe # _____

Facility Representative _____ Signature _____

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

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

Chlorinated? _____ Dechlorinated? _____

Results	% effluent		Effluent Limitations	
	mysisd shrimp	sea urchin	A-NOEL	C-NOEL
A-NOEL				
C-NOEL				

Data summary	mysisd shrimp	sea urchin	Salinity Adjustment
	% survival	% fertilized	
QC standard	>90	>70	brine _____ sea salt _____ other _____
lab control			
receiving water control			
conc. 1 (%)			
conc. 2 (%)			
conc. 3 (%)			
conc. 4 (%)			
conc. 5 (%)			
conc. 6 (%)			
stat test used			

place * next to values statistically different from controls

Reference toxicant	mysisd shrimp	sea urchin
	A-NOEL	C-NOEL
toxicant / date		
limits (mg/L)		
results (mg/L)		

Comments _____

Laboratory conducting test

Company Name _____ Company Rep. Name (Printed) _____

Mailing Address _____ Company Rep. Signature _____

City, State, ZIP _____ Company Telephone # _____

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

ATTACHMENT C

**Maine Department of Environmental Protection
WET and Chemical Specific Data Report Form**

This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

Facility Name _____	MEPDES # _____ Pipe # _____	Facility Representative Signature _____ To the best of my knowledge this information is true, accurate and complete.
Licensed Flow (MGD) <input type="text"/>	Flow for Day (MGD) ⁽¹⁾ <input type="text"/>	Flow Avg. for Month (MGD) ⁽²⁾ <input type="text"/>
Acute dilution factor <input type="text"/>	Date Sample Collected <input type="text"/>	Date Sample Analyzed <input type="text"/>
Chronic dilution factor <input type="text"/>		
Human health dilution factor <input type="text"/>		
Criteria type: M(arine) or F(resh) <input type="text" value="m"/>	Laboratory _____	Telephone _____
	Address _____	
	Lab Contact _____	Lab ID # _____

Last Revision - April 24, 2014

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

MARINE AND ESTUARY VERSION

Please see the footnotes on the last page.

WHOLE EFFLUENT TOXICITY					Receiving Water or Ambient	Effluent Concentration (ug/L or as noted)	WET Result, % Do not enter % sign	Reporting Limit Check	Possible Exceedence ⁽⁷⁾		
Effluent Limits, %									Acute		
Mysid Shrimp											
Sea Urchin											
WET CHEMISTRY					Receiving Water or Ambient	Effluent Concentration (ug/L or as noted)	WET Result, % Do not enter % sign	Reporting Limit Check	Possible Exceedence ⁽⁷⁾		
pH (S.U.) ⁽⁹⁾									Acute		
Total Organic Carbon (mg/L)					NA						
Total Solids (mg/L)					NA						
Total Suspended Solids (mg/L)					NA						
Salinity (ppt.)											
ANALYTICAL CHEMISTRY ⁽³⁾					Receiving Water or Ambient	Effluent Concentration (ug/L or as noted)	WET Result, % Do not enter % sign	Reporting Limit Check	Possible Exceedence ⁽⁷⁾		
Also do these tests on the effluent with WET. Testing on the receiving water is optional									Acute		
Reporting Limit					Effluent Limits, ug/L			Health ⁽⁶⁾			
TOTAL RESIDUAL CHLORINE (mg/L) ⁽⁹⁾					0.05						
AMMONIA					NA						
M	ALUMINUM				NA						
M	ARSENIC				5						
M	CADMIUM				1						
M	CHROMIUM				10						
M	COPPER				3						
M	CYANIDE, TOTAL				5						
	CYANIDE, AVAILABLE ^(3a)				5						
M	LEAD				3						
M	NICKEL				5						
M	SILVER				1						
M	ZINC				5						

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PRIORITY POLLUTANTS ⁽⁴⁾										
		Reporting Limit	Effluent Limits				Reporting Limit Check	Possible Exceedence ⁽⁷⁾		
			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								

**Maine Department of Environmental Protection
WET and Chemical Specific Data Report Form**

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BN	FLUORANTHENE	5											
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-CHLOROETHYL VINYL ETHER	20											

**Maine Department of Environmental Protection
WET and Chemical Specific Data Report Form**

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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.

Printed 5/5/2014

Maine Department of Environmental Protection

WET and Chemical Specific Data Report Form

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Comments:

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

CONTENTS

SECTION	TOPIC	PAGE
A	GENERAL PROVISIONS	
1	General compliance	2
2	Other materials	2
3	Duty to Comply	2
4	Duty to provide information	2
5	Permit actions	2
6	Reopener clause	2
7	Oil and hazardous substances	2
8	Property rights	3
9	Confidentiality	3
10	Duty to reapply	3
11	Other laws	3
12	Inspection and entry	3
B	OPERATION AND MAINTENANCE OF FACILITIES	
1	General facility requirements	3
2	Proper operation and maintenance	4
3	Need to halt reduce not a defense	4
4	Duty to mitigate	4
5	Bypasses	4
6	Upsets	5
C	MONITORING AND RECORDS	
1	General requirements	6
2	Representative sampling	6
3	Monitoring and records	6
D	REPORTING REQUIREMENTS	
1	Reporting requirements	7
2	Signatory requirement	8
3	Availability of reports	8
4	Existing manufacturing, commercial, mining, and silvicultural dischargers	8
5	Publicly owned treatment works	9
E	OTHER PROVISIONS	
1	Emergency action - power failure	9
2	Spill prevention	10
3	Removed substances	10
4	Connection to municipal sewer	10
F	DEFINITIONS	10

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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).

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

B. OPERATION AND MAINTENANCE OF FACILITIES

1. General facility requirements.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

- (b) The permittee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities.
- (c) All necessary waste treatment facilities will be installed and operational prior to the discharge of any wastewaters.
- (d) Final plans and specifications must be submitted to the Department for review prior to the construction or modification of any treatment facilities.
- (e) The permittee shall install flow measuring facilities of a design approved by the Department.
- (f) The permittee must provide an outfall of a design approved by the Department which is placed in the receiving waters in such a manner that the maximum mixing and dispersion of the wastewaters will be achieved as rapidly as possible.

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

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

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

5. Bypasses.

(a) Definitions.

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

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

(c) Notice.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

- (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D(1)(f), below. (24-hour notice).
- (d) Prohibition of bypass.
 - (i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (C) The permittee submitted notices as required under paragraph (c) of this section.
 - (ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (d)(i) of this section.

6. Upsets.

- (a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (ii) The permitted facility was at the time being properly operated; and
 - (iii) The permittee submitted notice of the upset as required in paragraph D(1)(f), below. (24 hour notice).
 - (iv) The permittee complied with any remedial measures required under paragraph B(4).
- (d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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).

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

- (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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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
AND
MAINE WASTE DISCHARGE LICENSE**

FACT SHEET

Date: January 26, 2016

PERMIT NUMBER: ME0101222
LICENSE NUMBER: W002687-6D-J-R

NAME AND ADDRESS OF APPLICANT:

**YORK SEWER DISTRICT
P.O. Box 1039
York, Maine 03910**

COUNTY: York County

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**21 Bay Haven Road
York, Maine 03910**

RECEIVING WATER/CLASSIFICATION: Cape Neddick Harbor/Class SB

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: Mr. Michael Tibbets, Op. Mgr.
(207) 363-4232

Email: mtibbets@yorksewerdistrict.org

1. APPLICATION SUMMARY

- a. Application - The York Sewer District (District/permittee hereinafter) has filed a timely and complete application with the Department to renew combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101222/Waste Discharge License (WDL) #W002687-6D-H-R (permit hereinafter), which was issued by the Department on April 21, 2011, for a five-year term. The permit authorized the District to discharge up to a monthly average flow of 3.0 million gallons per day (MGD) of secondary treated waste waters to the Cape Neddick Harbor, Class SB, in York, Maine. See **Attachment A** of this Fact Sheet for a location map.

1. APPLICATION SUMMARY (cont'd)

- b. Source Description: The District's waste water treatment facility receives sanitary waste waters from residential and commercial users within the District's boundaries. There are no significant industrial users contributing flows to the facility. The separated sewer collection system, which does not contain combined sewer overflow (CSO) points, consists of 28 miles of collection piping and eleven (11) pump stations. Three (3) of the pump stations have on-site generators for back-up power and the remaining eight (8) pump stations are equipped with emergency generator receptacles and manual transfer switches such that back-up power via a portable generator can be supplied to the stations in the event of a power failure. The District's facility is currently permitted to accept and treat up to 7,500 gallons of transported wastes per day from local septage haulers.
- c. Waste Water Treatment: The District's facility provides a secondary level of treatment via a conventional activated sludge treatment process that includes a bar screen, a cyclonic Pista grit separation chamber, six aeration basins, two secondary clarifiers, and a chlorine contact chamber for seasonal disinfection using sodium hypochlorite. The waste water treatment facility has an average daily design capacity of 3.0 MGD and a peak hourly flow capacity of 7.5 MGD. The majority of waste water is transported to the facility via the Long Beach Pump Station.

Waste water receives preliminary treatment in the headworks. Rags and other debris are removed by a mechanical filter screen while grit and other inorganic material are removed with the grit removal system. Waste water then flows to the aeration tanks, where a mixed liquor provides biological treatment. From the aeration tanks, waste waters flows to the two circular clarifiers. The 70-foot diameter clarifiers, each with a 13-foot sidewall depth, are covered with an aluminum dome and have a center feed system with peripheral overflow into launders that extend into the tanks. The sludge collection mechanism is a differential head system with sludge withdrawal lines mounted on the revolving scraper arms. Floating scum is collected by a full length radial surface skimmer and trough and is discharged to a scum well. Return activated sludge from the clarifiers is recycled back to the aeration tanks via 8-inch diameter pipes. The sludge can be returned to the headworks or to the aeration tanks. Clarified effluent flows to a chlorine contact tank and the treated plant effluent discharges to Cape Neddick Harbor via a 24-inch diameter ductile iron pipe that extends out into the receiving waters approximately 1,700 feet. The end of the existing outfall pipe is fitted with a diffuser consisting of a 10-meter long manifold with 16 equally spaced 8-inch diameter ports oriented vertically to enhance mixing of the effluent with the receiving waters. There is approximately 20 feet of water over the diffuser at mean low tide. See **Attachment B** of this Fact Sheet for a schematic of the waste water treatment facility.

2. PERMIT SUMMARY

- a. Terms and Conditions - This permitting action is carrying forward all the terms and conditions of the 4/21/11 permit except that this permit is:
1. Eliminating the waiver for achieving 85% removal rates for biochemical oxygen demand (BOD) and total suspended solids (TSS) when the monthly average influent concentration is less than 200 mg/L based on guidance from the US Environmental Protection Agency (EPA).
 2. Incorporating the average and maximum concentration limits for total mercury that were originally established in a permit modification issued on May 23, 2000.
 3. Reducing the monitoring frequencies for biochemical oxygen demand (BOD), total suspended solids (TSS) and fecal coliform bacteria from 3/Week to 2/Week and reducing the monitoring frequency for total residual chlorine from 1/Day to 5/Week based on statistical evaluation of the most current 34 months of data reported on the monthly Discharge Monitoring Reports (DMRs).

- b. History – Relevant regulatory actions for the YSD include the following:

August 22, 1988—The Department issued WDL #W002687-46-A-R for five-year term. The WDL approved a monthly average discharge of up to 1.6 MGD of secondary treated waste water to Cape Neddick Harbor.

March 2, 1992—The U.S. Environmental Protection Agency (EPA) issued an Administrative Order to the YSD requiring improvements at the facility to adequately treat up to 3.0 MGD.

September 24, 1992—The EPA issued a permit modification and the Department issued WDL #W002687-46-B-A authorizing an increase in the discharge flow from 1.6 MGD to 3.0 MGD.

May 4, 1993—The Department authorized a reduction in whole effluent toxicity (WET) testing from 1/Quarter to 1/Year.

July 5, 1995—The Department issued a renewal of W002687-46-B-A for a five-year term.

September 23, 1996—The EPA issued National Pollutant Discharge Elimination System (NPDES) permit #ME0101222 for a five-year term.

2. PERMIT SUMMARY (cont'd)

November 3, 1997—The Department administratively modified the daily maximum limitation for fecal coliform bacteria by increasing the limit from 15 colonies per 100 mL to 50 colonies per 100 mL.

May 23, 2000 – The Department administratively modified the 5/5/95 WDL by establishing interim average and maximum concentration limits for mercury.

September 25, 2000—The EPA issued a renewal of NPDES permit #ME0101222 for a five-year term.

January 12, 2001 – The State of Maine received authorization from the U.S. Environmental Protection Agency to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine.

May 6, 2001 - The Department issued combination MEPDES permit #ME0101222/WDL #W002687-5L-E-R for a five-year term that superseded the terms and conditions of the 5/25/00 NPDES permit issued by the EPA.

May 31, 2006 - The Department issued combination MEPDES permit #ME0101222/WDL #W002687-5L-G-R for a five-year term.

April 21, 2011 - The Department issued combination MEPDES permit #ME0101222/WDL #W002687-6D-H-R for a five-year term.

February 6, 2012 – The Department issued a modification of the April 21, 2011, permit that reduced the monitoring frequency for total mercury from 4/Year to 1/Year.

January 25, 2016 – The District submitted a timely and complete application to the Department to renew the MEPDES permit/WDL.

3. CONDITIONS OF PERMITS

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

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A., Section 469 classifies the marine waters of Cape Neddick Harbor as a Class SB waterway. Maine law, 38 M.R.S.A., Section 465-B(2) describes the classification standards for Class SB waterways as follows:

Class SB waters must be of such quality that they are suitable for the designated uses of recreation in and on the water, fishing, aquaculture, propagation and harvesting of shellfish, industrial process and cooling water supply, hydroelectric power generation, navigation and as habitat for fish and other estuarine and marine life. The habitat must be characterized as unimpaired.

The dissolved oxygen content of Class SB waters must be not less than 85% of saturation. Between May 15th and September 30th, the numbers of enterococcus bacteria of human and domestic animal origin in these waters may not exceed a geometric mean of 8 per 100 milliliters or an instantaneous level of 54 per 100 milliliters. In determining human and domestic animal origin, the department shall assess licensed and unlicensed sources using available diagnostic procedures. The numbers of total coliform bacteria or other specified indicator organisms in samples representative of the waters in shellfish harvesting areas may not exceed the criteria recommended under the National Shellfish Sanitation Program, United States Food and Drug Administration.

Discharges to Class SB waters may not cause adverse impact to estuarine and marine life in that the receiving waters must be of sufficient quality to support all estuarine and marine species indigenous to the receiving water without detrimental changes in the resident biological community. There may be no new discharge to Class SB waters that would cause closure of open shellfish areas by the Department of Marine Resources. 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 estuarine and marine life as long as the materials and methods used provide protection for non-target species. When the department issues a license for the discharge of aquatic pesticides authorized under this paragraph, 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

A document entitled, The State of Maine, Department of Environmental Protection, 2012 Integrated Water Quality Monitoring and Assessment Report (305b) report published by the Department pursuant to Section 305(b) of the Federal Water Pollution Control Act lists DMR Area 2A [York Harbor] in a table entitled, *Category 4-A, Estuarine and Marine Waters With Impaired Use TMDL Completed*. The impairment is due to elevated fecal bacteria levels. The report states a TMDL is complete, but there is insufficient new data to determine if

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

attainment has been achieved. Bacteria may impair either recreational uses (swimming) or Shellfish consumption uses, or both. Shellfish consumption impairments only apply to waters naturally capable of supporting the shellfish harvesting use (i.e, waters of high enough salinity for propagation of shellfish).

The Maine Department of Marine Resources (DMR) assesses information on shellfish growing areas to ensure that shellfish harvested are safe for consumption. The DMR has authority to close shellfish harvesting areas wherever there is a pollution source, a potential pollution threat, or poor water quality. The DMR traditionally closes shellfish harvesting areas if there are known sources of discharges with unacceptable bacteria levels (instream thresholds established in the National Shellfish Sanitation Program) or maintains shellfish harvesting closure areas due to lack of updated information regarding ambient water quality conditions. In addition, the DMR prohibits shellfish harvesting in the immediate vicinity of all wastewater treatment outfall pipes as a precautionary measure in the event of a failure in the treatment plant's disinfection system. Thus, DMR shellfish harvesting Area #4 is closed to the harvesting of shellfish due to insufficient or limited ambient water quality data to determine that the area meets the standards in the National Shellfish Sanitation Program. The shellfish closure area is identified on the map included as **Attachment C** of this Fact Sheet. The Department is making the determination that compliance with the fecal coliform bacteria and other secondary wastewater treatment limits established in this permitting action ensure that the discharge of secondary treated wastewater from the York wastewater treatment facility will not cause or contribute to the failure of the receiving waters to meet the standards of its designated classification.

All estuarine and marine waters capable of supporting American lobster are listed in *Category 5-D: Estuarine and Marine Waters Impaired by Legacy Pollutants*, for shellfish consumption due to elevated levels of PCBs and other persistent, bio-accumulating substances in tomalley.

It is noted that all fresh water and marine water bodies in Maine carry a fish advisory for mercury due to atmospheric transport and deposition. Maine law 38 M.R.S.A., §420 and Department Rule, Chapter 519, *Interim Effluent Limitations and Controls For the Discharge of Mercury*, establishes controls of mercury to surface waters of the State and United States through interim effluent limitations and implementation of pollution prevention plans. On May 23, 2000, the Department administratively modified the permittee's permit by establishing an average concentration limit of 4.5 ng/L and a daily maximum concentration limit of 6.8 ng/L with a monitoring frequency of 1/Quarter based on a past demonstrated performance evaluation of four mercury test results submitted between August of 1998 and September of 1999. See Section 6(h) of this Fact Sheet for more discussion on the discharge levels for mercury.

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

- a. Flow - The previous permitting action established a monthly average flow limitation of 3.0 MGD that is being carried forward in this permitting action. The limit reflects the monthly average design capacity of the existing waste water treatment facility.

A review of the monthly Discharge Monitoring Report (DMR) data for the period January 2013 – October 2015 indicates values have been reported as follows;

Flow (DMRs=34)

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly average	3.0	0.7 – 2.1	1.2
Daily maximum	Report	0.8 – 4.6	2.3

- b. Dilution Factors: Department Regulation Chapter 530, "*Surface Water Toxics Control Program*", §4(A)(2)(a) states that for discharges to the ocean, dilution must be calculated as near-field or initial dilution, or that dilution available as the effluent plume rises from the point of discharge to its trapping level, at mean low water level and slack tide for the acute exposure analysis and at mean tide for the chronic exposure analysis using appropriate models determined by the Department such as MERGE, CORMIX or another predictive model determined by the Department to be appropriate for the site conditions. Using plan and profile information of the diffuser installed in calendar year 2006 provided by the permittee and the CORMIX model, the Department has determined the dilution factors for the discharge of 3.0 MGD from the waste water treatment facility will be as follows:

Acute = 32:1

Chronic – 132:1

Harmonic Mean =396:1⁽¹⁾

Footnote:

(1) Pursuant to Department rule Chapter 530, "*Surface Water Toxics Control Program*", §4(2)(c), the harmonic mean dilution factor is approximated by multiplying the chronic dilution factor by a factor of three (3).

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

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

As for mass limitations, the previous permitting action established monthly average, weekly average and daily maximum limitations based on a monthly average flow limit of 3.0 MGD that are being carried forward in this permitting action. The limitations were derived as follows:

Monthly average: $(3.0 \text{ MGD})(8.34)(30 \text{ mg/L}) = 750 \text{ lbs/day}$
 Weekly average: $(3.0 \text{ MGD})(8.34)(45 \text{ mg/L}) = 1,125 \text{ lbs/day}$
 Daily maximum: $(3.0 \text{ MGD})(8.34)(50 \text{ mg/L}) = 1,250 \text{ lbs/day}$

A review of the monthly Discharge Monitoring Report (DMR) data for the period January 2013 – October 2015 indicates values have been reported as follows;

BOD Mass (DMRs=34)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	750	70 – 298	120
Weekly Average	1,125	84 - 646	171
Daily Maximum	1,250	116 – 1,282	254

BOD Concentration (DMRs=34)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	5.8 - 20	12
Weekly Average	45	8 - 36	17
Daily Maximum	50	8.9 - 45	22

TSS mass (DMRs=34)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	750	48 – 198*	91
Weekly Average	1,125	66 – 397*	152
Daily Maximum	1,250	86 – 563*	198

*Excludes data for 12/2014 as these are outlying data points.

TSS concentration (DMRs=34)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	3 - 18	10
Weekly Average	45	4 - 40	15
Daily Maximum	50	6 - 58	20

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

Minimum monitoring frequency requirements in MEPDES permits are prescribed by 06-096 CMR Chapter 523 §5(i). The USEPA has published guidance entitled, *Interim Guidance for Performance Based Reductions of NPDES Permit Monitoring Frequencies* (USEPA Guidance April 1996). In addition, the Department has supplemented the EPA guidance with its own guidance entitled, *Performance Based Reduction of Monitoring Frequencies - Modification of EPA Guidance Released April 1996* (Maine DEP May 22, 2014). Both documents are being utilized to evaluate the compliance history for each parameter regulated by the previous permit to determine if a reduction in the monitoring frequencies is justified.

Although EPA's 1996 Guidance recommends evaluation of the most current two years of effluent data for a parameter, the Department is considering 34 months of data (January 2013 – October 2015). A review of the mass monitoring data for BOD & TSS indicates the ratios (expressed in percent) of the long term effluent average to the monthly average limits can be calculated as 16% for BOD and 12% for TSS. According to Table I of the EPA Guidance and Department Guidance, a 3/Week monitoring requirement can be reduced to 2/Week. Therefore, this permitting action is reducing the monitoring frequencies for BOD and TSS from 3/Week to 2/Week.

Should the facility experience operational problems resulting in significant non-compliance, or subsequent enforcement, then the Department reserves the right to reopen the permit and revoke the testing reductions that have been granted.

This permitting action carries forward the requirement for 85% removal for BOD and TSS pursuant to Department rule Chapter 525(3)(III)(a&b)(3). A review of the monthly DMR data for the period January 2013 through October 2015 indicates values have been reported as follows;

BOD % Removal (DMRs=33)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	92 – 97	95

TSS % Removal (DMRs=33)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	91 – 98	96

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

- d. Settleable Solids - The previous permit established a BPT daily maximum concentration limit of 0.3 ml/L that is being carried forward in this permitting action. A review of the DMR data for the period January 2013 – October 2015 indicates values have been reported as follows:

Settleable solids (DMRs=34)

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

The previous permit reduced the monitoring frequency for settleable solids from 5/Week to 3/Week given the excellent compliance history. Department guidance on monitoring frequency reductions is limited to a one time reduction. Therefore, this permit is carrying forward the monitoring frequency of 3/Week.

- e. Fecal coliform bacteria - The previous permitting action established monthly average and daily maximum fecal coliform bacteria limits of 15 colonies/100 ml and 50 colonies/100 ml that are based on the Maine Water Classification Program criteria for the receiving waters (including standards in the National Shellfish Sanitation Program) and required the application of BPT technology. The limitations were seasonal and applied from May 15th – September 30th of each year.

A review of the seasonal monthly DMR data for the period May 2013 – September 2015 indicates the permittee has reported values as follows:

Fecal coliform bacteria (DMRs=15)

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly Average	15	1 – 6	3
Daily Maximum	50	1 - 75	17

DMR shellfish harvesting Area #4 (East Point to Bald Head) is closed to the harvesting of shellfish due to the location of the waste water treatment plant outfall. The DMR has established closure areas for all coastal facilities in Maine as a safety measure in the event of a malfunctioning disinfection system at waste water treatment facility. In the case of the YSD, even if the facility was disinfecting the effluent on a year-round basis, Area #4 would remain closed.

A review of the mass monitoring data for fecal coliform bacteria indicates the ratios (expressed in percent) of the long term effluent average to the monthly average limit can be calculated as 20%. According to Table I of the EPA Guidance and Department Guidance, a 3/Week monitoring requirement can be reduced to 2/Week. Therefore, this permitting action is reducing the monitoring frequency for fecal coliform bacteria from 3/Week to 2/Week.

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

- f. Total Residual Chlorine (TRC) - The previous permitting action established a daily maximum technology based concentration limit of 0.3 mg/L and a monthly average technology based concentration limit of 0.1 mg/L. Limits on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. The Department imposes the more stringent of the water quality or technology based thresholds in permitting actions. End-of-pipe water quality based concentration thresholds may be calculated as follows:

Acute Criteria	Chronic Criteria	Acute Dilution	Chronic Dilution	Acute Threshold	Chronic Threshold
0.013 mg/L	0.0075 mg/L	32:1	132:1	0.42 mg/L	0.99 mg/L

Example calculation: Acute – 0.013 mg/L (32) = 0.42 mg/L

To meet the acute water quality based threshold calculated above, the permittee must dechlorinate the effluent prior to discharge. The Department has established a daily maximum BPT limitation of 0.3 mg/L for facilities that need to dechlorinate their effluent unless calculated water quality based limits are lower than 0.3 mg/L. In the case of the permittee, the calculated acute (daily maximum) water quality based threshold of 0.42 mg/L is higher than the BPT limit of 0.3 mg/L, thus the technology based limit of 0.3 mg/L is imposed. For the monthly average, the calculated chronic water quality based threshold of 0.99 mg/L is higher than the BPT limit of 0.1 mg/L, thus the BPT limit of 0.1 mg/L is imposed.

A review of the monthly DMR data for the period January 2013 through October 2015 indicates values have been reported as follows;

Total residual chlorine (DMRs=15)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	0.1	0.00 – 0.06	0.02
Daily Maximum	0.3	0.02 – 0.27	0.13

The previous permit established a monitoring frequency for TRC of 1/Day is based on a long standing Department guidance for facilities with a monthly average flow limitation greater than 1.0 MGD but less than 5.0 MGD. A review of the seasonal monitoring data for total residual chlorine indicates the ratio (expressed in percent) of the long term effluent average to the monthly average limit can be calculated as 20%. According to Table I of the EPA Guidance and Department Guidance, a 1/Day monitoring requirement can be reduced to 5/Week. Therefore, this permitting action is reducing the monitoring frequency for total residual chlorine from 1/Day to 5/Week.

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

- g. pH Range- The previous permitting action established a BPT pH range limit from to 6.0 –9.0 standard units pursuant to Department rule found at Chapter 525(3)(III)(c). The pH range limit and 1/Day monitoring requirement is being carried forward in this permitting action. A review of the DMR data for the period January 2013 through October 2015 indicates the pH range limitation has never been exceeded.
- h. Mercury: Pursuant to Maine law, 38 M.R.S.A. §420 and Department rule, 06-096 CMR Chapter 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying the permittee's WDL by establishing interim monthly average and daily maximum effluent concentration limits of 4.5 parts per trillion (ppt) and 6.8 ppt, respectively, and a minimum monitoring frequency requirement of four tests per year for mercury. It is noted the limitations have been incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of this permit.

38 M.R.S.A. § 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 January 2011 through May 2015 indicates the permittee has been in and out of compliance (three data points greater than 6.8 ng/L) compliance with the interim limits for mercury as results have been reported as follows:

Mercury (n=9)

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)
Average	4.5	1.1 – 10.3	3.4
Daily Maximum	6.8		

Pursuant to 38 M.R.S.A. §420(1-B)(F), the Department issued a minor revision on February 6, 2012, thereby revising the minimum monitoring frequency requirement from four times per year to once per year given the permittee has maintained at least five years of mercury testing data. In fact, the permittee has been monitoring mercury since June 2000 or 11 years. Pursuant to 38 M.R.S.A. §420(1-B)(F), this permitting action is carrying forward the 1/Year monitoring frequency established in the February 6, 2012, permit modification.

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

- i. Total Nitrogen: The USEPA requested the Department evaluate the reasonable potential for the discharge of total nitrogen to cause or contribute to non-attainment of applicable water quality standards in marine waters, namely dissolved oxygen (DO) and marine life support. The permittee voluntarily participated in a Department coordinated project to measure effluent nitrogen and submitted month samples from June-October 2015. The mean value of the total nitrogen samples was 15.5 mg/L excluding one sample that was above the acceptable preservation temperature upon laboratory receipt. For reasonable potential evaluations, the Department considers 15.5 mg/L to be representative of total nitrogen discharge levels from the York facility.

As of the date of this permitting action, the State of Maine has not promulgated numeric ambient water quality criteria for total nitrogen. According to several studies in EPA's Region I, numeric total nitrogen criteria have been established for relatively few estuaries but the criteria that have been set typically fall between 0.35 mg/L and 0.50 mg/L to protect marine life using dissolved oxygen as the indicator. While the thresholds are site-specific, nitrogen thresholds set for the protection of eelgrass habitat range from 0.30 mg/L to 0.39 mg/L.

Based on studies in EPA Region I and the Department's best professional judgment of thresholds that are protective of Maine water quality standards, the Department is utilizing a threshold of 0.45 mg/L for the protection of aquatic life in marine waters using dissolved oxygen as the indicator, and 0.32 mg/L for the protection of eelgrass in the vicinity of discharge outfalls. Based on historic eelgrass survey efforts, very small areas totaling 0.08 acres of sparse eelgrass (10-40% cover) were mapped approximately 0.25 miles to the west of the discharge in 1995 and again in 2010. Due to the small mapped resource and correspondingly insignificant ecological function, the Department is using a threshold value of 0.45 mg/L for the protection of aquatic life in marine waters using dissolved oxygen as the indicator.

With the exception of ammonia, nitrogen is not acutely toxic. Therefore, the Department is considering a far-field dilution to be more appropriate when evaluating impacts of total nitrogen to the marine environment. The permittee's facility has a chronic near field dilution of 132:1. Far field dilutions are significantly higher than the near-field dilution, ranging from 100 – 10,000 times higher depending on the location of the outfall pipe. With outfalls located in protected coves or small embayments without significant flushing, far field dilution factors would tend to be on the order of 100 times higher the near field dilution. With open ocean discharges, far field dilutions would tend to be between 1,000 – 10,000 times higher than the near field dilution. The permittee's facility discharges to a constricted estuary (Cape Neddick Harbor), thus the far field dilution would likely be 100– 1,000 times higher than the near field dilution of 132:1. Using the most protective far field dilution multiplier of 100:1 the near field dilution factor becomes 13,200:1 in the far field. By this analysis, the increase in the ambient total nitrogen due to the permittee's effluent discharge is as follows:

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

Estimated total nitrogen concentration in effluent = 15.5 mg/L

Chronic near field dilution factor = 132:1

Chronic, far field dilution factor = 13,200:1

In-stream concentration after near field dilution: $\frac{15.5 \text{ mg/L}}{132} = 0.12 \text{ mg/L}$

In-stream concentration after far field dilution: $\frac{15.5 \text{ mg/L}}{13,200} = 0.0012 \text{ mg/L}$

The Department has been collecting ambient total nitrogen data in Maine's marine waters to support development of statewide nutrient criteria for marine waters. For the permittee's facility, the Department calculated a mean background concentration of 0.21 mg/L (n=24) based on ambient surface water data collected in 1996 – 2011 from mouths of small southern Maine estuaries located adjacent to the exposed sandy coastline and in absence of major point source discharge influences. As a result, after reasonable opportunity for far field mixing, the increase in the concentration of total nitrogen in the receiving water due to the discharge from the permittee's facility is not measureable based on typical minimum detection limits of ~0.05 mg/L (i.e. $0.001 \text{ mg/L} \leq 0.05 \text{ mg/L}$). As for near field conditions, the increase the discharge would increase the ambient concentration from 0.33 mg/L which is lower than the Department's and EPA's best professional judgment of a critical threshold of 0.45 mg/L for the protection of aquatic life in marine waters using dissolved oxygen as the indicator. Therefore, the Department is making a best professional judgment determination that the discharge of total nitrogen from the permittee's facility does not exhibit a reasonable potential to exceed applicable water quality standards for Class SB waters.

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

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

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

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

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

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

Department rule Chapter 530 (2)(D) specifies the criteria to be used in determining the minimum monitoring frequency requirements for WET, priority pollutant and analytical chemistry testing. Based on the Chapter 530 criteria, the permittee's facility falls into the Level III frequency category as the facility has a chronic dilution factor of $\geq 100:1$ but $<500:1$. Chapter 530(2)(D)(1) specifies that routine surveillance and screening level testing requirements are as follows:

Screening level testing

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

Surveillance level testing

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

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

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

Chapter 530(2)(D)(3)(b) states in part that for Level III facilities “... *may be waived from conducting surveillance testing for individual WET species or chemicals provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedance as calculated pursuant to section 3(E)*”.

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

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

WET Evaluation

On January 25, 2016, the Department conducted a statistical evaluation on the WET tests results in the most recent 60-month period. The statistical evaluation indicates the discharge from the permittee's waste water treatment facility does not exceed or have a reasonable potential to exceed the critical acute or chronic water quality thresholds of 3.1% and 0.8% respectively, (mathematical inverse of the acute and chronic dilution factors of 32:1 and 132:1 respectively) for any of the WET species specified for testing in Chapter 530. Therefore, no numeric limitations for any WET species are being established in this permitting action.

As for testing frequencies, Chapter 530(2)(D)(3)(b) states in part that for Level III facilities “... *may be waived from conducting surveillance testing for individual WET species or chemicals provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedance as calculated pursuant to section 3(E)*”. Based on the results of the 1/25/16 statistical evaluation, the Department has made the determination that the permittee qualifies for the testing waiver. Therefore, this permit action establishes only screening level WET testing requirements as follows:

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

Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement the permittee shall conduct screening level testing as follows:

Screening level testing	
Level	WET Testing
III	1 per year

Chapter 530 (2)(D) states:

- (4) *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.*

Special Condition K, 06-096 CMR 530(D)(2)(4) *Statement For Reduced/Waived Toxics Testing*, of this permitting action requires the permittee to file an annual certification with the Department.

Analytical chemistry and priority pollutant testing evaluation

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

Chapter 530 §4(C), states *"The background concentration of specific chemicals must be included in all calculations using the following procedures. The Department may publish and periodically update a list of default background concentrations for specific pollutants on a regional, watershed or statewide basis. In doing so, the Department shall use data collected from reference sites that are measured at points not significantly affected by point and non-point discharges and best calculated to accurately represent*

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

ambient water quality conditions.” The Department shall use the same general methods *as those in section 4(D) to determine background concentrations. For pollutants not listed by the Department, an assumed concentration of 10% of the applicable water quality criteria must be used in calculations.* The Department has no information on the background levels of metals in the water column in Cape Neddick Harbor. Therefore, a default background concentration of 10% of the applicable ambient water quality criteria is being used in the calculations of this permitting action.

Chapter 530 4(E), states “*In allocating assimilative capacity for toxic pollutants, the Department shall hold a portion of the total capacity in an unallocated reserve to allow for new or changed discharges and non-point source contributions. The unallocated reserve must be reviewed and restored as necessary at intervals of not more than five years. The water quality reserve must be not less than 15% of the total assimilative quantity*”. However, the Department’s policy is not to hold the reserve of 15% for dischargers to marine waters given the significant far field dilution and distant between dischargers.

As with WET test results, on 1/25/16, the Department conducted a statistical evaluation on the most recent 60 months of analytical chemistry and priority pollutant test results on file with the Department in accordance with the statistical approach specified by Chapter 530. The statistical evaluation indicates that none of the parameters evaluated exceed or have a reasonable potential to exceed acute, chronic or human health AWQC.

Chapter 530(2)(D)(3)(b) states in part that for Level III facilities “... *may be waived from conducting surveillance testing for individual WET species or chemicals provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedence as calculated pursuant to section 3(E)*”. Based on the results of the 1/25/16 statistical evaluation, the Department has made the determination that the permittee qualifies for the testing waiver. Therefore, this permit action establishes screening level chemical testing requirements as follows:

Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement the permittee shall conduct screening level testing as follows:

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

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

As with WET testing, Special Condition K, *06-096 CMR 530(D)(2)(4) Statement For Reduced/Waived Toxics Testing*, of this permitting action requires the permittee to file an annual certification with the Department.

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

- j. Septage/Transported Wastes – The previous permitting action authorized the permittee to receive and introduce into the treatment process or solids handling stream a daily maximum of 7,500 gallons per day of transported wastes. Department rule Chapter 555, *Standards For The Addition of Transported Wastes to Wastewater Treatment Facilities*, limits the quantity of septage received at a facility to 1% of the design capacity of treatment facility if the facility utilizes a side stream or storage method of introduction into the influent flow, or 0.5% of the design capacity of the facility if the facility does not utilize the side stream or storage method of introduction into the influent flow. A facility may receive more than 1% of the design capacity on a case-by-case basis. In their application for permit renewal, the permittee has requested the Department carry forward the daily quantity 7,500 gpd of transported waste it is authorized to receive and treat.

With a design capacity of 3.5 MGD, 7,500 gpd represents 0.21% of said capacity. The permittee has submitted an up-to-date Transported Management Plan as an exhibit to their 1/25/16 application for permit renewal.

The Department has reviewed and approved said plan and determined that under normal operating conditions, the receipt and treatment of 7,500 gpd of transported waste into the facility will not cause or contribute to upset conditions of the treatment process.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

8. PUBLIC COMMENTS

Public notice of this application was made in the Portsmouth Herald newspaper on January 25, 2016. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or request a public hearing, pursuant to Chapter 522 of the Department's rules.

9. DEPARTMENT CONTACTS

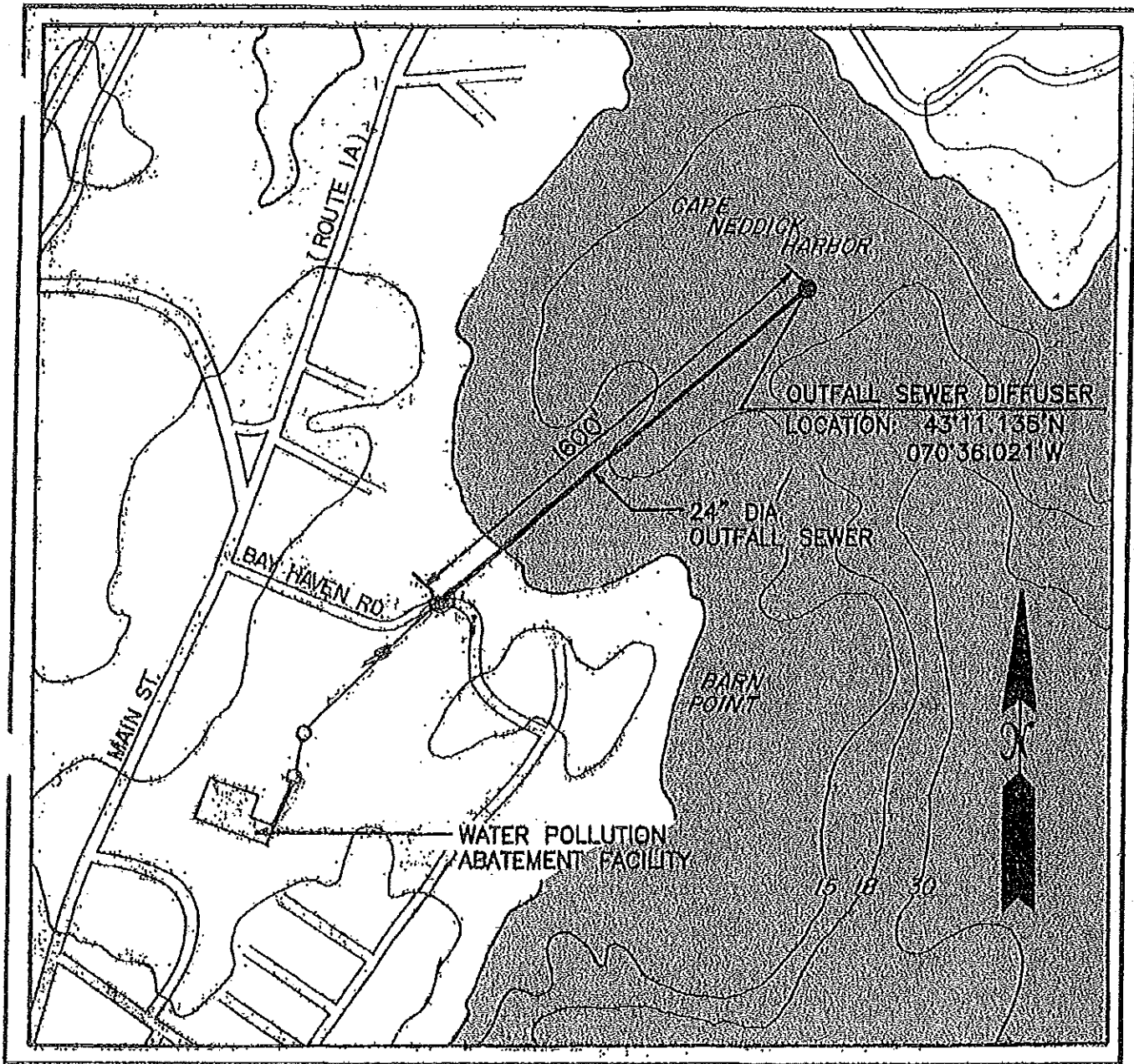
Additional information concerning this permitting action may be obtained from and written comments should be sent to:

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

10. RESPONSE TO COMMENTS

During the period of January 26, 2016, 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



NOT TO SCALE

CONTINUATION TO CAPE NEDDICK HARBOR
NOAA CHART 13283_3 (DATUM IN FEET)

VICINITY MAP

**Appledore
Engineering Inc.**

UNDERWATER DAMAGE INSPECTION
OF CAPE NEDDICK HARBOR OUTFALL



YORK SEWER DISTRICT
YORK BEACH, ME 03910

15 Street, Suite 305
Portsmouth International Tradeport
Portsmouth, New Hampshire 03801
(603)433-8818 www.appledoreeng.com

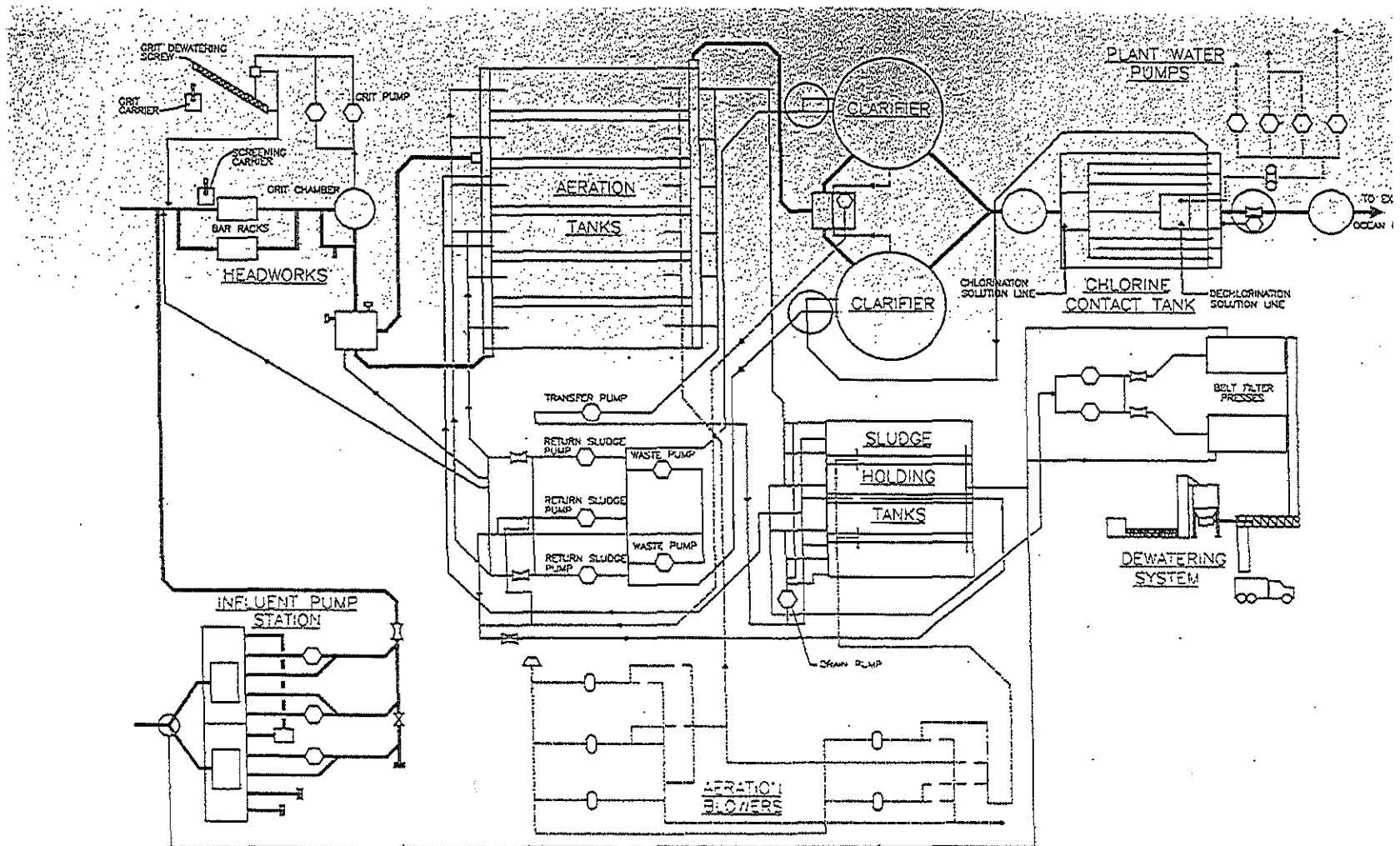
CAPE NEDDICK HARBOR
YORK BEACH, MAINE
JULY 2002

776-LOCATION.DWG

FIGURE 2

ATTACHMENT B

PROCESS FLOW DIAGRAM



ATTACHMENT C



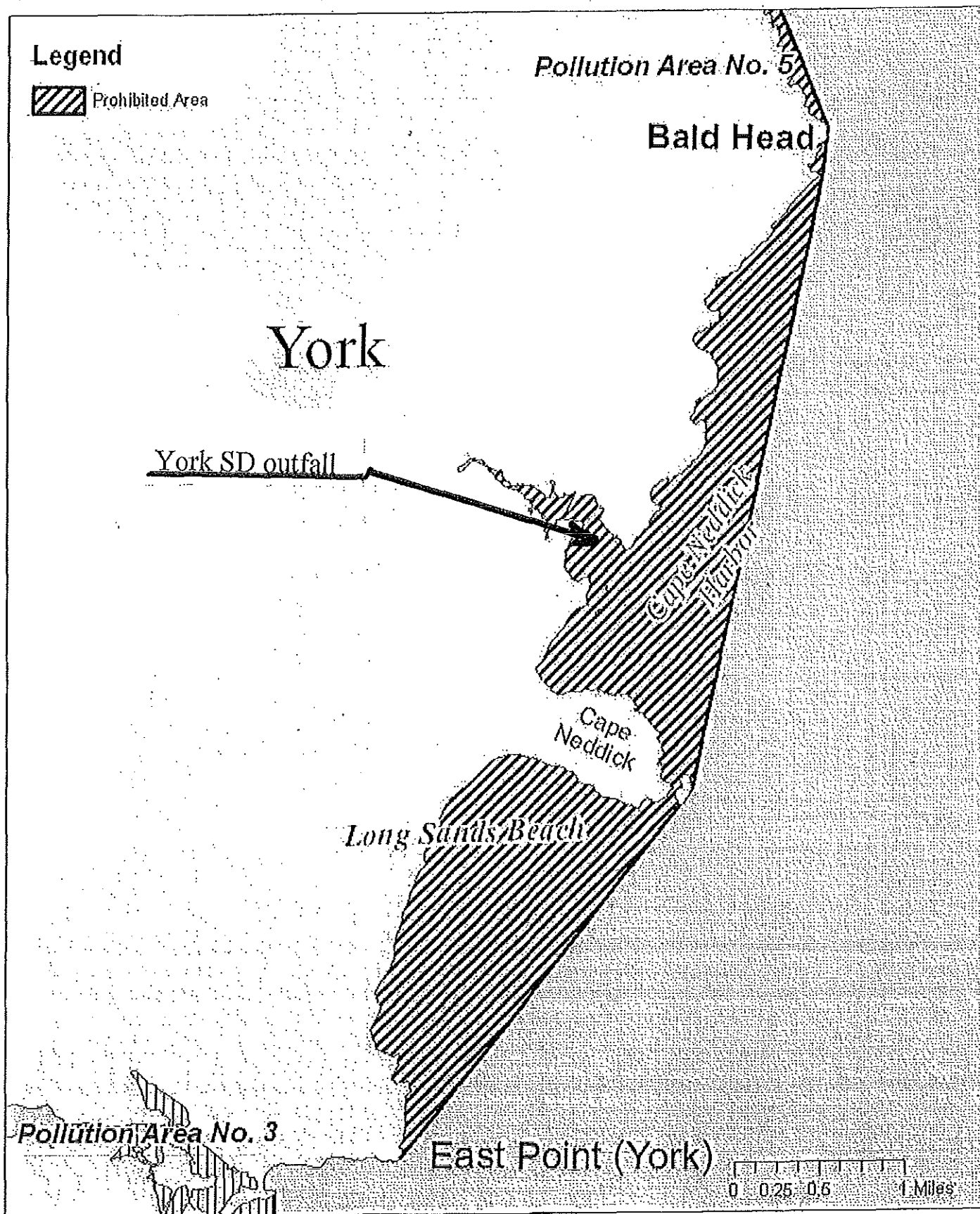
Maine Department of Marine Resources

Pollution Area No. 4

East Point to Bald Head (York)



12-29-08



ATTACHMENT D

1/21/2016

WET TEST REPORT

Data for tests conducted for the period

21/Jan/2015 - 21/Jan/2016



YORK

NPDES= ME010122

Effluent Limit: Acute (%) = 3.125

Chronic (%) = 0.758

Species	Test	Percent	Sample date	Critical %	Exception	RP
MYSID SHRIMP	A_NOEL	100	04/14/2015	3.125		
SEA URCHIN	C_NOEL	50	04/14/2015	0.758		

ATTACHMENT E

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?	<input type="checkbox"/>	<input type="checkbox"/>
2	Changes in the condition or operations of the facility that may increase the toxicity of the discharge?	<input type="checkbox"/>	<input type="checkbox"/>
3	Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge?	<input type="checkbox"/>	<input type="checkbox"/>
4	Increases in the type or volume of hauled wastes accepted by the facility?	<input type="checkbox"/>	<input type="checkbox"/>

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	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
WET Testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Priority Pollutant Testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Analytical Chemistry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other toxic parameters ¹	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.
