STATE OF MAINE

Department of Environmental Protection

Paul R. LePage
GOVERNOR

Patricia W. Aho
COMMISSIONER

June 6, 2014

Mr. Michael Chammings
Town Manager, Town of Oxford
85 Pleasant Street
Oxford, ME. 04270
e-mail: **oxfordtwnmgr@raodrunner.com**

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0102873
Maine Waste Discharge License (WDL) Application #W009108-6C-A-N
Final Permit

Dear Mr. Chammings:

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

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

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

Sincerely,

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

Enc.
cc: Stuart Rose, DEP/SMRO
Brandy Piers, DEP/CMRO
Sandy Mojica, 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

TOWN OF OXFORD	)	MAINE POLLUTANT DISCHARGE
OXFORD, ANDROSCOGGIN COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS	)	AND
ME0102873	)	WASTE DISCHARGE LICENSE
W009108-6C-A-N **APPROVAL**	)	**NEW**

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et. seq. and *Conditions of licenses*, Maine Law 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 TOWN OF OXFORD (Town/permittee hereinafter), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The permittee has submitted a complete application to the Department for a new combination Maine Pollutant Discharge Elimination System (MEPDES) permit # ME0102873/Waste Discharge License #W009108-6C-A-N (permit hereinafter). The permittee is requesting approval to discharge up to a monthly average flow of 0.251 million gallons per day (MGD) of secondary treated sanitary wastewater from a municipal wastewater treatment facility to the Little Androscoggin River, Class C, in Oxford, Maine.

PERMIT SUMMARY

This permitting action is;

1. Establishing a monthly average flow limit of 0.251 MGD based on the dry weather design flow of the facility.

2. Establishing monthly average and or daily maximum technology based mass and or concentration limits for biochemical oxygen demand (BOD), total suspended solids (TSS), settleable solids, total residual chlorine (TRC), pH and a seasonal monthly average water quality based mass limit for total phosphorus.

3. Establishing monitoring requirements for whole effluent toxicity (WET) testing, analytical chemistry and priority pollutant testing.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated May 5, 2014 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 met or not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;

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

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

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

ACTION

THEREFORE, the Department APPROVES the above noted application of the TOWN OF OXFORD to discharge up to a monthly average flow of 0.251 MGD of secondary treated sanitary wastewater to the Little Androscoggin River, Class C, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations:

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

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

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

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 10th DAY OF June 2014.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhn
for Patricia W. Aho, Commissioner

Date of initial receipt of application: November 13, 2013.

Date of application acceptance: November 14, 2013.

Filed
JUN 11 2014
State of Maine
Board of Environmental Protection

Date filed with Board of Environmental Protection: _____

This Order prepared by Gregg Wood, BUREAU OF LAND & WATER QUALITY

ME0102873 2014 6/5/14

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Beginning the effective date of this permit, the permittee is authorized to discharge secondary treated sanitary wastewaters from **Outfall #001A** to the Little Androscoggin River. Such discharges shall be limited and monitored by the permittee as specified below. The italicized numeric values bracketed in the table below are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports (DMRs). **Footnotes:** See pages 6-9 of this permit for applicable footnotes.

Effluent Characteristic	**Discharge Limitations**						**Minimum Monitoring Requirements**	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow *[50050]*	0.251 MGD *[03]*	---	Report MGD *[03]*	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
Biochemical Oxygen Demand (BOD_5) *[00310]*	63 lbs/day *[26]*	94 lbs/day *[26]*	105 lbs/day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/Week *[01/07]*	24-Hr. Composite *[24]*
BOD_5 % Removal (1) *[81010]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Total Suspended Solids (TSS) *[00545]*	63 lbs/day *[26]*	94 lbs/day *[26]*	105 lbs/day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/Week *[01/07]*	24-Hr. Composite *[24]*
TSS % Removal (1) *[81011]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Settleable Solids *[00545]*	---	---	---	---	---	0.3 ml/L *[25]*	1/Day(7) *[01/01]*	Grab *[GR]*
E. coli Bacteria (2) **(May 15 to September 30)** *[31633]*	---	---	---	126/100 ml(3) *[13]*	---	236/100 ml *[13]*	1/Week *[01/07]*	Grab *[GR]*
Total Residual Chlorine (4) *[50060]*	---	---	---	0.9 mg/L *[19]*	---	1.0 mg/L *[19]*	1/Day *[01/01]*	Grab *[GR]*
Total Phosphorus(5a) *[00665]* **(June 1 – September 30)**	1.1 lbs/day *[26]*	---	Report lbs/day *[26]*	Report mg/L *[19]*	---	Report mg/L *[19]*	1/Week *[01/07]*	24-Hr. Composite *[24]*
Total Phosphorus(5b) *[00665]* **(June 1 – September 30)**	---	---	---	Report mg/L *[19]*	---	Report mg/L *[19]*	1/Week *[01/07]*	24-Hr. Composite *[24]*
Stream Flow (Mean daily (6) *[00061]*	---	---	---	---	---	Report (cfs) *[08]*	1/Week *[01/07]*	Measure(6)
pH *[00400]*	---	---	---	---	---	6.0-9.0s.u. *[12]*	1/Day(7) *[01/01]*	Grab *[GR]*

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Beginning 60 days after the commencement of the discharge and lasting through four consecutive calendar quarters, 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 monitor the discharge as follows:

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(WET) (8)						
A-NOEL						
Ceriodaphnia dubia [TDA3B]	---	---	---	Report% [23]	2/Year [02/YR]	Composite [24]
Salvelinus fontinalis [TDA6F]	---	---	---	Report % [23]	2/Year [02/YR]	Composite [24]
C-NOEL						
Ceriodaphnia dubia [TBP3B]	---	---	---	Report% [23]	2/Year [02/YR]	Composite [24]
Salvelinus fontinalis [TBQ6F]	---	---	---	Report % [23]	2/Year [02/YR]	Composite [24]
Priority pollutant(9,11) [50008]	---	---	---	Report ug/L [28]	1/Year [01/YR]	Composite/Grab [24]
Analytical chemistry(10,11) [51477]	---	---	---	Report ug/L [28]	1/Quarter [01/90]	Composite/Grab [24]

SURVEILLANCE LEVEL TESTING – Pursuant To Special Condition K, *Reopening of Permit For Modifications*, of this permit, surveillance level testing and or water quality based effluent limits (if applicable) will be established after the permittee has completed the screening level testing requirements of this permit and the Department has conducted a statistical evaluation in accordance with the statistical approach outlined in the 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.).

Footnotes: See pages 6-9 of this permit for applicable footnotes.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Footnotes:

Sampling Locations:

Influent sampling for BOD_5 and TSS shall be collected upstream of fine screening at the facility.

Effluent sampling for all parameters shall be collected just prior to the effluent finger weir in the ultraviolet disinfection channel. Any change in sampling location(s) must be reviewed and approved by the Department in writing. Sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services. Samples that are sent to a POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended February 13, 2000).

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

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

2. ***E. coli* bacteria limits and monitoring requirements** – *E. coli* bacteria limits and monitoring requirements are seasonal and apply between May 15th and September 30th of each year. The Department reserves the right to require bacteria limits to be in effect on a year-round basis to protect the health and welfare of the public.

SPECIAL CONDITIONS

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

Footnotes:

3. **Geometric mean** – The monthly average *E. coli* bacteria limitation is a geometric mean and shall be calculated and reported as such.

4. **Total residual chlorine limits and monitoring requirements** – Limitations and monitoring requirements are in effect any time elemental chlorine or chlorine-based compounds are utilized for membrane chemical cleaning. The permittee shall utilize an EPA-approved test method capable of bracketing the TRC limitations specified in this permitting action.

5. **Total Phosphorus** – June 1 – September 30 of each year. See **Attachment B** of this permit for a Department protocol for total phosphorus.

   a. **Effluent** - There shall be at least five (5) days between sampling events.
   b. **Background** – Samples shall be obtained from the outlet of the Welchville dam and on the same day as effluent sampling.

   After one full summer (June 1 – September 30) of operation, the Department will conduct a statistical evaluation on the effluent and background data to determine if a more representative mass limitation is warranted. See the discussion on total phosphorus beginning on page 7 of the Fact Sheet attached to this permit.

6. **Stream flow (mean daily)** – Stream flow measurements shall recorded on the same day as background total phosphorus samples are collected. Flows are to be obtained from USGS Gauge #01057000 referred to as "Little Androscoggin – Near South Paris".

7. **Settleable solids** and **pH** – After one full year of operation, the Department will conduct a statistical evaluation on the settleable solids and pH compliance data to determine if a monitoring frequency reduction is warranted.

8. **Whole Effluent Toxicity (WET)** - Definitive WET testing is a multi-concentration testing event (a minimum of five dilutions bracketing the acute and chronic critical thresholds of 1.2% and 1.2% respectively), which provides an estimate of toxicity in terms of No Observed Effect Level, commonly referred to as NOEL or NOEC. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level with survival, reproduction and growth as the end points. The critical acute and chronic thresholds were derived as the mathematic inverse of the applicable acute and chronic dilution factors of 80:1 and 85:1 respectively.

SPECIAL CONDITIONS

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

Footnotes:

a. **Screening-level testing** – Beginning 60 days after the commencement of the discharge and lasting through four consecutive calendar quarters 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 WET testing at a minimum frequency of twice per year (2/Year). One of the WET tests shall be conducted between January and June and the second WET test shall be conducted between July and December. Acute and chronic tests shall be conducted on the water flea (*Ceriodaphnia dubia*) and the brook trout (*Salvelinus fontinalis*).

b. **Surveillance level testing** - Surveillance level testing will be established after the permittee has completed the screening level testing requirements of this permit and the Department has conducted a statistical evaluation in accordance with the statistical approach outlined in the 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.).

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 of their availability before submitting them. The permittee shall evaluate test results being submitted and identify to the Department possible exceedences of the critical acute and chronic water quality thresholds of 1.2% and 1.2% respectively. **See Attachment C** of this permit for a copy of the Department's WET report form.

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

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

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

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

SPECIAL CONDITIONS

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

Footnotes:

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

   a. **Screening level testing** – Beginning 60 days after the commencement of the discharge and lasting through four consecutive calendar quarters and every five years thereafter, the permittee shall conduct screening level analytical chemistry testing at a minimum frequency of once per calendar quarter (1/Quarter) for four consecutive calendar quarters.

   b. **Surveillance level testing** - Surveillance level testing will be established after the permittee has completed the screening level testing requirements of this permit and the Department has conducted a statistical evaluation in accordance with the statistical approach outlined in the 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.).

10. **Priority pollutant testing** – Priority pollutants are those parameters listed in **Attachment A** of this permit.

    a. **Screening level testing** - Beginning 60 days after the commencement of the discharge and lasting through four consecutive calendar quarters and every five years thereafter, the permittee shall conduct screening level priority pollutant testing at a minimum frequency of once per year (1/Year). It is noted Chapter 530 does not require routine surveillance level priority pollutant testing in the first four years of the term of this permit.

11. **Analytical chemistry and priority pollutant testing** - Shall be conducted on samples collected at the same time as those collected for whole effluent toxicity tests when applicable. Priority pollutant and analytical chemistry testing shall be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve minimum reporting levels of detection as specified by the Department. See **Attachment A** of this permit for a list of the Department's reporting levels (RLs) of detection.

    Priority pollutant and analytical chemistry test results must be submitted to the Department no 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 shall evaluate test results being submitted and identify to the Department, possible exceedences of the acute, chronic or human health AWQC as established in Department rule Chapter 584. For the purposes of Discharge Monitoring Report (DMR) reporting, enter a "1" for yes, testing done this monitoring period or "NODI-9" monitoring not required this period.

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS

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

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

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

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

C. TREATMENT PLANT OPERATOR

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

D. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into the waste water collection and treatment system by a non-domestic source (user) shall not pass through or interfere with the operation of the treatment system. The licensee shall conduct an Industrial Waste Survey (IWS) at any time a new industrial user proposes to discharge within its jurisdiction, an existing user proposes to make a significant change in its discharge, or, at an alternative minimum, once every permit cycle, and submit the results to the Department. The IWS shall identify, in terms of character and volume of pollutants, any Significant Industrial Users discharging into the POTW subject to Pretreatment Standards under section 307(b) of the federal Clean Water Act, 40 CFR Part 403 (general pretreatment regulations) or *Pretreatment Program*, 06-096 CMR 528 (last amended March 17, 2008).

SPECIAL CONDITIONS

E. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the permittee shall notify the Department of the following.

1. Any introduction of pollutants into the wastewater collection and treatment system from an indirect discharger in a primary industrial category discharging process waste water.

2. Any substantial change in the volume or character of pollutants being introduced by individual users into the wastewater collection system.

3. For the purposes of this section, adequate notice shall include information on:

   (a) the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
   (b) any anticipated impact of the change in the quantity or quality of the wastewater to be discharged from the treatment system.

F. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on November 14, 2013, 2) the terms and conditions of this permit; and 3) only from Outfall #001A.. Discharges of wastewater from any other point source are not authorized under this permit, and shall be reported in accordance with Standard Condition B(5)(*Bypass*) of this permit.

G. WET WEATHER MANAGEMENT PLAN

Within 120 days after commencement of operations, the permittee shall submit to the Department for review and comment, a written Wet Weather Management Plan ***[ICIS Code 73205]*** to direct the staff on how to operate the facility effectively during periods of high flow. The Department acknowledges that the collections system may deliver flows in excess of the monthly average design capacity of the treatment plant during periods of high infiltration and rainfall. The plan shall include operating procedures for a range of intensities, address solids handling procedures (including septic waste and other high strength wastes if applicable) and provide written operating and maintenance procedures during the events. **The permittee shall review their plan annually** and record any necessary changes to keep the plan up to date.

SPECIAL CONDITIONS

H. OPERATION AND MAINTENANCE (O&M) PLAN

Within 120 days after commencement of operations, the permittee shall submit to the Department for review and comment, a written comprehensive Operation & Maintenance (O&M) Plan ***[ICIS Code 09699]***. The plan shall provide a systematic approach by which the permittee shall at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit.

By December 31 of each year, or within 90 days of any process changes or minor equipment upgrades, the permittee shall evaluate and modify the O&M Plan including site plan(s) and schematic(s) for the wastewater treatment facility to ensure that it is up-to-date. The O&M Plan shall be kept on-site at all times and made available to Department and EPA personnel upon request.

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

I. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

During the effective period of this permit, the permittee is authorized to introduce into the treatment process or solids handling stream **a maximum of 2,500 gallons per day (gpd)** of transported wastes, subject to the following terms and conditions:

1. "Transported wastes" means any liquid non-hazardous waste delivered to a wastewater treatment facility by a truck or other similar conveyance that has different chemical constituents or a greater strength than the influent described on the facility's application for a waste discharge license. Such wastes may include, but are not limited to septage, industrial wastes or other wastes to which chemicals in quantities potentially harmful to the treatment facility or receiving water have been added.

2. The character and handling of all transported wastes received must be consistent with the information and management plans provided in application materials submitted to the Department.

SPECIAL CONDITIONS

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

4. The permittee shall maintain records for each load of transported wastes in a daily log which shall include at a minimum the following:

   (a) The date;
   (b) The volume of transported wastes received;
   (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 shall be maintained at the treatment facility for a minimum of five years.

5. The addition of transported wastes into the treatment process or solids handling stream shall not cause the treatment facilities design capacity to be exceeded. If, for any reason, the treatment process or solids handling facilities become overloaded, introduction of transported wastes into the treatment process or solids handling stream shall be reduced or terminated in order to eliminate the overload condition.

6. Holding tank wastewater from domestic sources to which no chemicals in quantities potentially harmful to the treatment process have been added shall not be recorded as transported wastes but should be reported in the treatment facility's influent flow.

7. During wet weather events, transported wastes may be added to the treatment process or solids handling facilities only in accordance with a current Wet Weather Management Plan approved by the Department pursuant to Special Condition G of this permit that provides for full treatment of transported wastes without adverse impacts.

8. In consultation with the Department, chemical analysis is required prior to receiving transported wastes from new sources that are not of the same nature as wastes previously received. The analysis must be specific to the type of source and designed to identify concentrations of pollutants that may pass through, upset or otherwise interfere with the facility's operation.

9. Access to transported waste receiving facilities may be permitted only during the times specified in the application materials and under the control and supervision of the person responsible for the wastewater treatment facility or his/her designated representative.

SPECIAL CONDITIONS

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

10. The authorization in this Special Condition is subject to annual review and, with notice to the permittee and other interested parties of record, may be suspended or reduced by the Department as necessary to ensure full compliance with *Standards for the Addition of Septage to Waste Water Treatment Facilities*, 06-096 CMR 555 (last amended March 9, 2009) and the terms and conditions of this permit.

J. MONITORING AND REPORTING

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

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

Alternatively, if 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 15^{th} 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 (13^{th}) 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 (15^{th}) 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 15^{th} day of the month following the completed reporting period.

SPECIAL CONDITIONS

K. REOPENING OF PERMIT FOR MODIFICATIONS

Upon evaluation of the tests results or monitoring requirements specified in Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at any time, and with notice to the permittee, modify this permit to: (1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional effluent or ambient water quality monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information including, but not limited to, new information from ambient water quality studies of the receiving waters.

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

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

Licensed Flow (MGD)	
Acute dilution factor	
Chronic dilution factor	
Human health dilution factor	
Criteria type: M(arine) or F(resh)	f

Flow for Day (MGD)[1] _____ Flow Avg. for Month (MGD)[2] _____
Date Sample Collected _____ Date Sample Analyzed _____
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.

FRESH WATER VERSION

Please see the footnotes on the last page.

	WHOLE EFFLUENT TOXICITY		Effluent Limits, % Acute	Effluent Limits, % Chronic		Receiving Water or Ambient	Effluent Concentration (ug/L or as noted) WET Result, % Do not enter % sign	Reporting Limit Check	Possible Exceedence [7] Acute	Possible Exceedence [7] Chronic	
	Trout - Acute										
	Trout - Chronic										
	Water Flea - Acute										
	Water Flea - Chronic										
	WET CHEMISTRY										
	pH (S.U.) (9)										
	Total Organic Carbon (mg/L)					(8)					
	Total Solids (mg/L)										
	Total Suspended Solids (mg/L)										
	Alkalinity (mg/L)					(8)					
	Specific Conductance (umhos)										
	Total Hardness (mg/L)					(8)					
	Total Magnesium (mg/L)					(8)					
	Total Calcium (mg/L)					(8)					
	ANALYTICAL CHEMISTRY [3]										
	Also do these tests on the effluent with WET. Testing on the the receiving water is optional	Reporting Limit	Effluent Limits, ug/L Acute[6]	Effluent Limits, ug/L Chronic[6]	Effluent Limits, ug/L Health[6]			Reporting Limit Check	Possible Exceedence [7] Acute	Possible Exceedence [7] Chronic	Possible Exceedence [7] Health
	TOTAL RESIDUAL CHLORINE (mg/L) (9)	0.05				NA					
	AMMONIA	NA				(8)					
M	ALUMINUM	NA				(8)					
M	ARSENIC	5				(8)					
M	CADMIUM	1				(8)					
M	CHROMIUM	10				(8)					
M	COPPER	3				(8)					
M	CYANIDE, TOTAL	5				(8)					
	CYANIDE, AVAILABLE [3a]	5				(8)					
M	LEAD	3				(8)					
M	NICKEL	5				(8)					
M	SILVER	1				(8)					
M	ZINC	5				(8)					

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	PRIORITY POLLUTANTS [4]	Effluent Limits						Possible Exceedence [7]		
		Reporting Limit	Acute[6]	Chronic[6]	Health[6]		Reporting Limit Check	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								

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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-CHLOROETHYLVINYL ETHER	20									

Maine Department of Environmental Protection
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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.

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

ATTACHMENT B

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

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

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

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

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

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

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

ATTACHMENT C

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
WHOLE EFFLUENT TOXICITY REPORT
FRESH WATERS

Facility Name _____ MEPDES Permit # _____

Facility Representative _____ Signature _____

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

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

Chlorinated? _____ Dechlorinated? _____

Results **% effluent**

	water flea	trout
A-NOEL		
C-NOEL		

Effluent Limitations

A-NOEL	
C-NOEL	

Data summary

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

place * next to values statistically different from controls

for trout show final wt and % incr for both controls

Reference toxicant

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

Comments _____

Laboratory conducting test

Company Name _____ Company Rep. Name (Printed) _____

Mailing Address _____ Company Rep. Signature _____

City, State, ZIP _____ Company Telephone # _____

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

CONTENTS

A. GENERAL PROVISIONS

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

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

(a) They are not

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. OPERATION AND MAINTENACE OF FACILITIES

1. General facility requirements.

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

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

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

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

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

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

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

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

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

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

5. Bypasses.

(a) Definitions.

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

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

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

(c) Notice.

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

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

(d) Prohibition of bypass.

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

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

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

6. Upsets.

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

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

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

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

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

C. MONITORING AND RECORDS

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

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

3. Monitoring and records.

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

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

(c) Records of monitoring information shall include:

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

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

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

D. REPORTING REQUIREMENTS

1. Reporting requirements.

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

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

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

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

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

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

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

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

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

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

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

(f) Twenty-four hour reporting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Publicly owned treatment works.

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

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

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

E. OTHER REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Maximum daily discharge limitation means the highest allowable daily discharge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
MAINE WASTE DISCHARGE LICENSE

FACT SHEET

May 5, 2014

MEPDES PERMIT NUMBER: **ME0102873**
MAINE WDL NUMBER: **W009108-6C-A-N**

NAME AND MAILING ADDRESS OF APPLICANT:

TOWN OF OXFORD
85 Pleasant Street
Oxford, ME. 04270

COUNTY: **Oxford County**

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

Welchville Corner
Oxford, Maine 04270

RECEIVING WATER / CLASSIFICATION: **Little Androscoggin River/Class C**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Michael Chammings**
Town Manager
(207) 539-4431
oxfordtwnmgr@raodrunner.com

1. APPLICATION SUMMARY

a. Application: The Town of Oxford (Town/permittee hereinafter) has submitted a complete application to the Department for a new combination Maine Pollutant Discharge Elimination System (MEPDES) permit # ME0102873/Waste Discharge License #W009108-6C-A-N (permit hereinafter). The permittee is requesting approval to discharge up to a monthly average flow of 0.251 million gallons per day (MGD) of secondary treated sanitary wastewater from a municipal wastewater treatment facility to the Little Androscoggin River, Class C, in Oxford, Maine. See **Attachment A** of this Fact Sheet for a location map.

1. APPLICATION SUMMARY (cont'd)

b. Source Description: The permittee will receive wastewater flows from residential and commercial within the Town of Oxford with the bulk of the flows being generated by commercial entities along the Route 26 corridor. The wastewater collection system will consist of approximately nine miles of pipe and seven pump stations. The secondary treated effluent is discharged to the Little Androscoggin River via an outfall that measures 18" in diameter. The end of the outfall pipe is fitted with a diffuser to promote rapid and complete mixing of the treated waste water with the receiving water. The permittee is authorized to receive and treat up to 2,500 gallons per day (gpd) of transported wastes.

c. Wastewater Treatment: The permittee provides a secondary level of treatment via a suspended growth activated sludge process with membrane filtration for solids liquid separation. The facility includes influent fine screening and offline flow equalization ahead of the biological treatment and membrane filtration processes. Disinfection of filtered membrane permeate occurs via ultraviolet irradiation. Transported wastes are accepted at a dedicated location and they are metered into the influent ahead of the fine screening process at a controlled rate for treatment. See **Attachment B** of this Fact Sheet for a schematic of the waste water treatment facility.

2. PERMIT SUMMARY

This permitting action is;

a. Establishing a monthly average flow limit of 0.251 MGD based on the dry weather design flow of the facility.

b. Establishing monthly average and or daily maximum technology based mass and or concentration limits for biochemical oxygen demand (BOD), total suspended solids (TSS), settleable solids, total residual chlorine (TRC), pH and a seasonal monthly average water quality based mass limit for total phosphorus.

c. Establishing monitoring requirements for whole effluent toxicity (WET) testing, analytical chemistry and priority pollutant testing.

3. CONDITIONS OF PERMITS

Conditions of Licenses, 38 M.R.S.A. Section 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, *Certain Deposits and Discharges Prohibited,* 38 M.R.S.A. Section 420 and *Surface Water Toxics Control Program*, 06-096 CMR 530 (effective October 9, 2005), require the regulation of toxic substances not to

3. CONDITIONS OF PERMITS (cont'd)

exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Classification of major river basins, 38 M.R.S.A. § 467(1)(B)(1)(b) classifies the "Little Androscoggin River, main stem, from the Maine Central Railroad bridge in South Paris to its confluence with the Androscoggin River" which includes the river at the point of discharge, as Class C waters. *Standards for classification of fresh surface waters*, 38 M.R.S.A. § 465(3) describes the standards for Class C as follows:

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

B. The dissolved oxygen content of Class C water may be not less than 5 parts per million or 60% of saturation, whichever is higher, except that in identified salmonid spawning areas where water quality is sufficient to ensure spawning, egg incubation and survival of early life stages, that water quality sufficient for these purposes must be maintained. In order to provide additional protection for the growth of indigenous fish, the following standards apply.

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

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

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

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

4. RECEIVING WATER QUALITY STANDARDS (cont'd)

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

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

Between May 15th and September 30th, the number of Escherichia coli bacteria of human and domestic animal origin in Class C waters may not exceed a geometric mean of 126 per 100 milliliters or an instantaneous level of 236 per 100 milliliters. In determining human and domestic animal origin, the department shall assess licensed and unlicensed sources using available diagnostic procedures. The board shall adopt rules governing the procedure for designation of spawning areas. Those rules must include provision for periodic review of designated spawning areas and consultation with affected persons prior to designation of a stretch of water as a spawning area.

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

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2010 Integrated Water Quality Monitoring and Assessment Report (Report), prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the receiving water at the point of discharge as *"Category 2: Rivers and Streams Attaining Some Designated Uses - Insufficient Information for Other Uses."* The listing identifies a 24.49-mile segment of Class C water, but lists no further comments. The report states that the waters are CSO affected and due to *E. coli* bacteria there are recreational use impairments. On September 28, 2009, the USEPA approved the Department's Maine Statewide Bacteria TMDL (Total Maximum Daily Loads), dated August 2009, for fresh, marine and estuarine waters impaired by bacteria.

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

The Report lists all of Maine's fresh waters as, *"Category 4-A: Waters Impaired by Atmospheric Deposition of Mercury."* Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, "All freshwaters are listed in Category 4A (TMDL Completed) due to USEPA approval of a Regional Mercury TMDL. Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters, and many fish from any given water, do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Human Services decided to establish a statewide advisory for all freshwater fish that recommends limits on consumption. Maine has already instituted statewide programs for removal and reduction of mercury sources."

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS:

a. Flow: This permitting action is establishing a monthly average flow limitation of 0.251 MGD based on the dry weather design capacity of the facility along with a daily maximum reporting requirement.

b. Dilution Factors: The Department has made the determination that the dilution factors associated with the discharge shall be calculated in accordance with freshwater protocols established in 06-096 CMR 530. With a permit flow limit of 0.251 MGD and the 7Q10 and 1Q10 low flow values for the Little Androscoggin River, the dilution factors are calculated as follows:

Acute: 1Q10 = 30.6 cfs $\Rightarrow$ $\frac{(30.6 \text{ cfs})(0.6464) + 0.251 \text{ MGD}}{0.251 \text{ MGD}} = 80{:}1$

Chronic: 7Q10 = 32.5 cfs $\Rightarrow$ $\frac{(32.5 \text{ cfs})(0.6464) + 0.251 \text{ MGD}}{0.251 \text{ MGD}} = 85{:}1$

Harmonic Mean = 103.5 cfs $\Rightarrow$ $\frac{(103.5 \text{ cfs})(0.6464) + 0.251 \text{ MGD}}{0.251 \text{ MGD}} = 268{:}1$

06-096 CMR 530 § 4(B)(1) states that analyses using numeric acute criteria for aquatic life must be based on ¼ of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone. The regulation goes on to say that where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design, up to including all of it. The permittee's outfall will have a diffuser structure and the Department has made the determination that the discharge will receive rapid and complete mixing with the receiving water. Therefore, the Department is utilizing the full 1Q10 stream flow in acute evaluations.

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

c. Biochemical oxygen demand (BOD_5) and Total suspended solids (TSS): This permitting action is establishing technology based monthly and weekly average BOD5 and TSS concentration limits of 30 mg/L and 45 mg/L respectively, that are based on secondary treatment requirements found at 06-096 CMR 525(3)(III). The maximum daily BOD5 and TSS concentration limits of 50 mg/L are based on a Department best professional judgment of best practicable treatment (BPT). The monthly average and weekly average technology-based mass limits are based on the monthly average flow limitation of 0.251 MGD and the applicable concentration limits. The mass limits are calculated as follows.

Monthly average: (0.251 MGD)(8.34 lbs/gal)(30 mg/L) = 63 lbs/day
Weekly average: (0.251 MGD)(8.34 lbs/gal)(45 mg/L) = 94 lbs/day
Daily maximum: (0.251 MGD)(8.34 lbs/gal)(50 mg/L) = 105 lbs/day

This permitting action is also establishing a requirement of 85% removal for BOD5 and TSS pursuant to 06-096 CMR 525 (3)(III)(a&b)(3).

d. Settleable Solids – This permitting action is establishing a technology based daily maximum settleable solids concentration limit of 0.3 ml/L which is considered by the Department to be representative of BPT.

e. *Escherichia coli* Bacteria (*E. coli*): This permitting action is establishing a seasonal (May 15 – September 30) *E. coli* monthly average (geometric mean) limit of 126 colonies/100 mL and a daily maximum (instantaneous) limit of 236 colonies/100 mL pursuant to *Standards for the Classification of Fresh Surface Waters*, 38 M.R.S.A, § 465(3).

f. Total Residual Chlorine (TRC): - Limitations and monitoring requirements for TRC are applicable any time elemental chlorine or chlorine-based compounds are being utilized for membrane chemical cleaning. Limits on total residual chlorine (TRC) are specified to ensure attainment of ambient water quality standards and that BPT technology is applied to the discharge. Permits issued by the Department impose the more stringent of the calculated water quality based or BPT based limits. The Department has established a daily maximum BPT based limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine based compounds unless the calculated acute water quality based threshold is lower than 1.0 mg/L. For facilities that need to de-chlorinate the discharge to meet water quality based thresholds, the Department has established daily maximum and monthly average BPT limits of 0.3 mg/L and 0.1 mg/L respectively. With dilution factors as determined on page 5 of this Fact Sheet, end-of-pipe water quality based thresholds for TRC may be calculated as follows:

Criterion (mg/L)		Dilution Factors		Calculated Threshold (mg/L)	
Acute (A)	Chronic C	Acute	Chronic	Acute	Chronic
0.019	0.011	80:1	85:1	1.5	0.9

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

Because the Department's daily maximum technology based limit (1.0 mg/L) is more stringent than the calculated acute water quality based threshold (1.5 mg/L), the BPT limit of 1.0 mg/L is being established in this permit. Because the calculated chronic water quality based threshold (0.9 mg/L) is lower than the BPT limit of 1.0 mg/L, the water quality based limit is being established as a monthly average permit limit.

g. Total Phosphorus: This permitting action is establishing a seasonal (June 1 – September 30) monthly average water quality based mass limit of 1.1 lbs/day based on the State's antidegradation requirements found at Maine law 38 M.R.S.A., §464(4). The permit also requires reporting of the daily maximum mass value as well as monthly average and daily maximum concentration values during each summer season. After the first full summer season of operation, the Department will consider reducing the monitoring frequency based on statistical evaluation of said monitoring results.

When issuing any discharge permit, the Department includes appropriate findings and conclusions regarding antidegradation. In cases involving a new or increased discharge, the Department will include specific findings and determinations with respect to whether the discharge will result in a significant lowering of existing water quality and whether the lowering of water quality is necessary to achieve important economic or social benefits to the State. In accordance with program guidance established in consultation with the Environmental Protection Agency and the Office of the Attorney General, the Department has established consuming greater than 20% of the remaining assimilative capacity of a receiving water as the threshold in which there will be a significant lowering of the existing water quality. The water quality based mass limitation of 1.1 lbs/day is based on limiting the discharge from the Oxford facility to consuming no more 20% of the remaining assimilative capacity of the Little Androscoggin River. The Department's rationale for establishing the limitations and monitoring requirements specified above is based on a number of regulatory sources.

Department rule, Chapter 523 specifies that water quality based limits are necessary when it has been determined that a discharge has a reasonable potential to cause or contribute to an excursion above any State water quality standard including State narrative criteria.[1] In addition, Chapter 523 specifies that water quality based limits may be based upon criterion derived from a proposed State criterion, or an explicit State policy or regulation interpreting its narrative water quality criterion, supplemented with other relevant information which may include: EPA's Water Quality Standards Handbook, October 1983, risk assessment data, exposure data, information about the pollutant from the Food and Drug Administration, and current EPA criteria documents.[2] USEPA's Quality Criteria for Water 1986 (Gold Book) puts forth an in-stream recommended protective threshold of less than 100 µg/L (0.1 mg/L) for total phosphorus

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

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

in streams or other flowing waters not discharging directly to lakes or impoundments, to prevent nuisance algal growth. Utilizing EPA's water quality protective threshold of 100 ug/L, the water quality based limit of 1.1 lbs/day for Oxford can be calculated as follows.

i. What is the total assimilative capacity of the Little Androscoggin River as it pertains to total phosphorus?

- AWQC = 100 ug/L or 0.10 mg/L
- 7Q10 at Oxford = 32.5 cfs or 21.0 MGD
- Background total P at Oxford = 16.3 ug/L or 0.0163 mg/L (Based on water quality surveys in 1985, 1986 & 1989)

(0.10 mg/L – 0.0163 mg/L)(8.34 lbs/gal)(21.0 MGD) = 14.6 lbs/day

In accordance with the Department's antidegradation guidance, because of its close proximity to the proposed Oxford facility, the Department is considering the combined impact of the phosphorus discharges from both the proposed Oxford facility and the existing waste water treatment facility for the Mechanic Falls Sanitary District, located approximately 4.5 river miles downstream of the proposed Oxford facility. The calculations for evaluating the discharges collectively (assuming no uptake of phosphorus between facilities) are as follows:

ii. What is total P contribution from the Mechanic Falls facility?

Mechanics Falls

- Qe = effluent flow i.e. facility design flow = 0.49 MGD
- Ce = effluent pollutant concentration = 2.2 mg/L (assumed)

(2.2 mg/L)(8.34 lbs/gal)(0.49 MGD) = 9.0 lbs/day

iii. What is remaining assimilative capacity of the Little Androscoggin River?

14.6 lbs/day – 9.0 lbs/day = 5.6 lbs/day

iv. What is the water quality based total P limit for Oxford based on not consuming more than 20% of the remaining assimilative capacity of the Little Androscoggin River?

5.6 lbs/day (0.20) = 1.1 lbs/day

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

The end-of-pipe concentration based on a permit flow limit of 0.251 MGD would be:

$$\frac{1.1 \text{ lbs/day}}{(0.251 \text{ MGD})(8.34 \text{ lbs/gal})} = 0.52 \text{ mg/L}^3$$

The permit also requires the Town of Oxford to obtain ambient background total phosphorus concentration levels in the Little Androscoggin River just below the Welchville dam but above the point of Oxford's discharge. Given that the Department's background value of 16.3 ug/L is based on water quality surveys it conducted in 1985, 1986 and 1989 additional data is necessary to confirm, and adjust if needed, the background value. Upon completion of the effluent and ambient monitoring from both the Oxford and Mechanic Falls waste water treatment facilities, the Department will conduct a statistical evaluation on said data to determine a more accurate remaining assimilative capacity of the receiving water and whether or not the discharges exceed or has a reasonable potential to exceed the applicable ambient water quality threshold and if warranted, modify the limits and or monitoring requirements in the permit accordingly.

Though the permit establishes a water quality based mass limitation for total phosphorus based on the EPA protective threshold of 100 ug/L and antidegradation requirements upon issuance, the permittee should be aware of a situation in which future limits may be more stringent. The Department has developed a draft regulation (*Nutrient Criteria for Surface Waters*, Chapter 583) that establishes nutrient criteria for surface waters. For Class C waters, the draft regulation establishes a numeric indicator value of 33 ug/L. The EPA's most recent comments on the draft regulation indicate it expects the Department to utilize the 33 ug/L as an AWQC once the regulation is promulgated. If the expectation is realized, the water quality limitations for Mechanic Falls and Oxford may be calculated as follows:

ia. What is the total assimilative capacity of the Little Androscoggin River?

- AWQC = 33 ug/L or 0.033 mg/L
- 7Q10 at Oxford = 32.5 cfs or 21.0 MGD
- Background total P at Oxford = 16.3 ug/L or 0.0163 mg/L

(0.033 mg/L – 0.0163 mg/L)(8.34 lbs/gal)(21.0 MGD) = 2.9 lbs/day

Because Mechanic Falls' contribution of total P (9.0 lbs/day) is greater than the total assimilative capacity (2.9 lbs/day) of the receiving water based on an AWQC of 0.033 ug/L, the Department must establish a waste load allocation. One way to allocate the assimilative capacity is by flow proportioning.

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[3] This concentration is provided as an indication of the level of treatment necessary to meet the mass limit of 1.1 lbs./day if the facility was discharging at the full licensed flow of 0.251 MGD. However, the permit does not include a concentration based limit.

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

iia. With flow limits of 0.49 MGD for Mechanic Falls and 0.251 MGD for Oxford, the allocations would be established as follows:

Total permitted flow: 0.49 MGD + 0.251 MGD = 0.741 MGD
Mechanic Falls allocation: $\frac{(0.49\ \text{MGD})(2.9\ \text{lbs/day})}{0.741\ \text{MGD}} = 1.9\ \text{lbs/day}$
The end-of-pipe concentration based on a permit flow limit of 0.49 MGD would be:

$$\frac{1.9\ \text{lbs/day}}{(0.49\ \text{MGD})(8.34\ \text{lbs/gal})} = 0.46\ \text{mg/L}$$

Oxford allocation: $\frac{(0.251\ \text{MGD})(2.9\ \text{lbs/day})}{0.741\ \text{MGD}} = 1.0\ \text{lbs/day}$

The end-of-pipe concentration based on a permit flow limit of 0.251 MGD would be:

$$\frac{1.0\ \text{lbs/day}}{(0.251\ \text{MGD})(8.34\ \text{lbs/gal})} = 0.48\ \text{mg/L}$$

h. pH: This permitting action is establishing a BPT pH range limitation of 6.0–9.0 standard units (SU) pursuant to 06-096 CMR 525(3)(III)(c).

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

WET monitoring is required to assess and protect against impacts upon water quality and designated uses caused by the aggregate effect of the discharge on specific aquatic organisms. Acute and chronic WET tests are performed on invertebrate and vertebrate species. Priority pollutant and analytical chemistry testing are required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health AWQC as established in 06-096 CMR 584. 06-096 CMR 530 establishes four categories of testing requirements based predominately on the chronic dilution factor. The categories are as follows:

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

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

06-096 CMR 530 (D)(1) specifies the criteria to be used in determining the minimum monitoring frequency requirements for WET, priority pollutant and analytical chemistry testing. Based on the 06-096 CMR 530 (D)(1) criteria, the permittee's facility falls into the Level II frequency category as the facility has a chronic dilution factor of ≥20:1 but <100:1 and a flow of ≥ 1.0 MGD. 06-096 CMR 530 (D)(1) specifies that routine screening and surveillance level testing requirements are as follows:

Screening level testing – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the permit) and every five years thereafter.

Level	WET Testing	Priority pollutant testing	Analytical chemistry
II	2 per year	1 per year	4 per year

Surveillance level testing – Beginning upon issuance of the permit and lasting through 24 months prior to permit expiration (Years 1-3 of the permit) and commencing again 12 months prior to permit expiration and lasting through permit expiration (Year 5 of the permit).

Level	WET Testing	Priority pollutant testing	Analytical chemistry
II	1 per year	None required	2 per year

This permitting action establishes screening level testing requirements beginning 60 days after the commencement of the discharge and lasting through four consecutive calendar quarters. One of the WET tests shall be conducted between January and June and the second WET test shall be conducted between July and December. Surveillance level testing will be established after the permittee has completed the screening level testing requirements of this permit and the Department has conducted a statistical evaluation in accordance with the statistical approach outlined in the 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.).

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

j. Transported Wastes: This permitting action is authorizing the permittee to accept and treat transported wastes at the facility. *Standards for the Addition of Transported Wastes to Wastewater Treatment Facilities*, 06-096 CMR 555, limits the quantity of transported wastes treated at a facility to 0.5% of the design capacity if the facility does not utilize sidestream treatment or storage, or if the facility utilizes a side stream treatment or storage for at least half of the transported waste, the daily maximum volume received may not exceed 1.0% of the design capacity. The facility is proposing to utilize a side stream method for treatment and storage of the transported wastes received at the facility. With a design capacity of 0.251 MGD, the 2,500 gallons per day (gpd) authorized by this permit represents 1% of said capacity. The permittee has submitted an application for the addition of transported wastes into the wastewater treatment facility as an exhibit to their 2013 application. The Department has reviewed said plan and determined that under normal operating conditions, the addition of 2,500 gallons per day of transported wastes to the facility will not cause or contribute to upset conditions of the treatment process. Additional requirements are contained in permit Special Condition I, *Disposal of Transported Wastes in Wastewater Treatment Facility.*

7. ANTIDEGRADATION - IMPACT ON RECEIVING WATER QUALITY

Maine's anti-degradation policy is included in 38 M.R.S.A., Section 464(4)(F) and addressed in the *Conclusions* section of this permit. Pursuant to the policy, where a new or increased discharge is proposed, the Department shall determine whether the discharge will result in a significant lowering of existing water quality. Increased discharge means a discharge that would add one or more new pollutants to an existing effluent, increase existing levels of pollutants in an effluent, or cause an effluent to exceed one or more of its current licensed discharge flow or effluent limits, after the application of applicable best practicable treatment technology.

The Department modeled the proposed discharge to determine if Class C dissolved oxygen standards would be attained under critical low flow conditions (7Q10) in the receiving water. The Department has calculated that the discharge will consume less than 20% of the remaining assimilative capacity for dissolved oxygen and total phosphorus. Therefore, based on the most current ambient water quality information, the Department has made a best professional judgment determination that the discharge approved by this permit will not result in a significant lowering of water quality. As permitted, the Department has determined the existing and designated water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the Little Androscoggin River to meet standards for Class C classification.

8. PUBLIC COMMENTS

Public notice of this application was made in the local newspaper on or about November 8, 2013. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses,* 06-096 CMR 522 (effective January 12, 2001).

9. DEPARTMENT CONTACTS

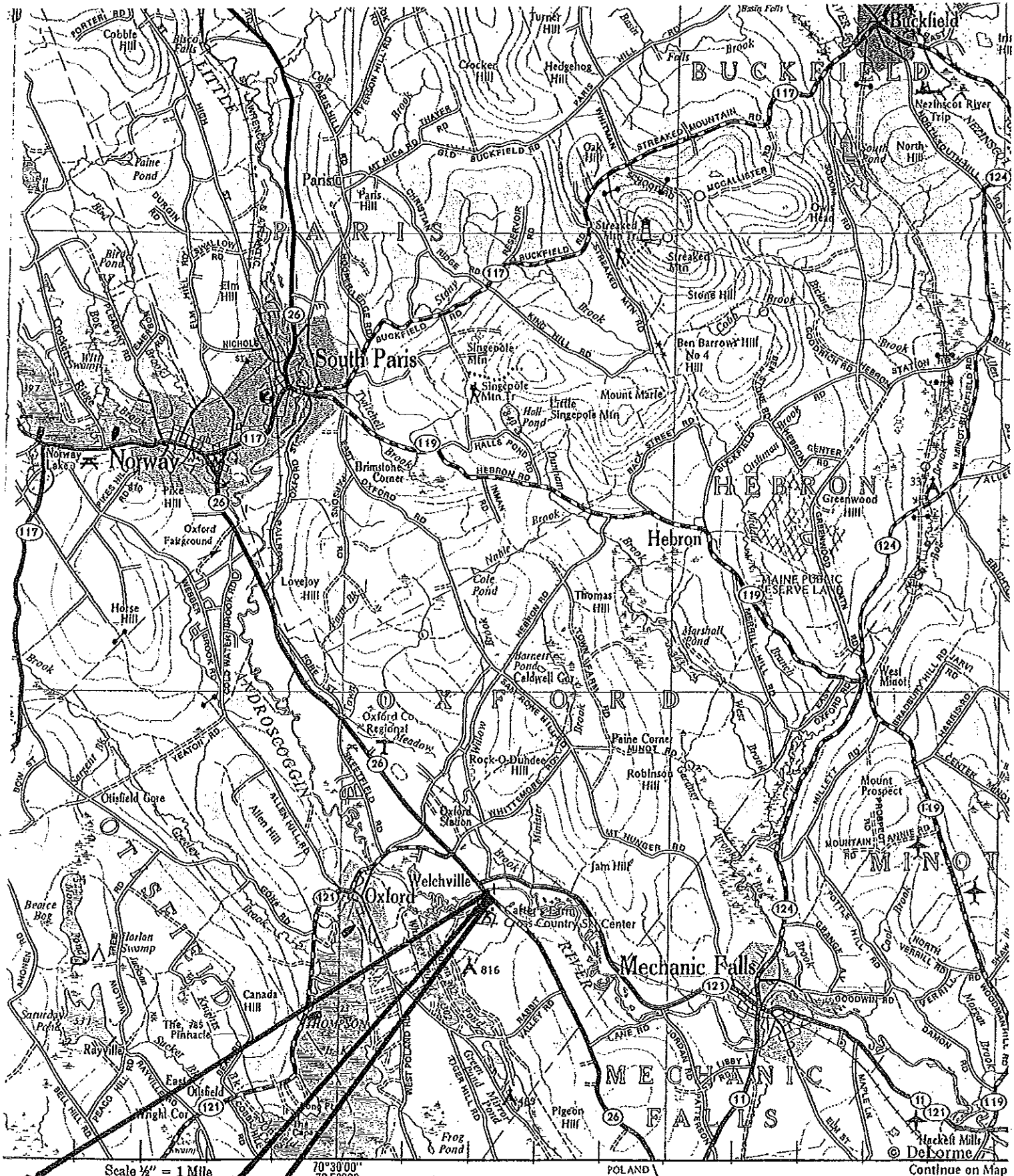
Additional information concerning this permitting action may be obtained from and written comments should be sent to:

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

10. RESPONSE TO COMMENTS

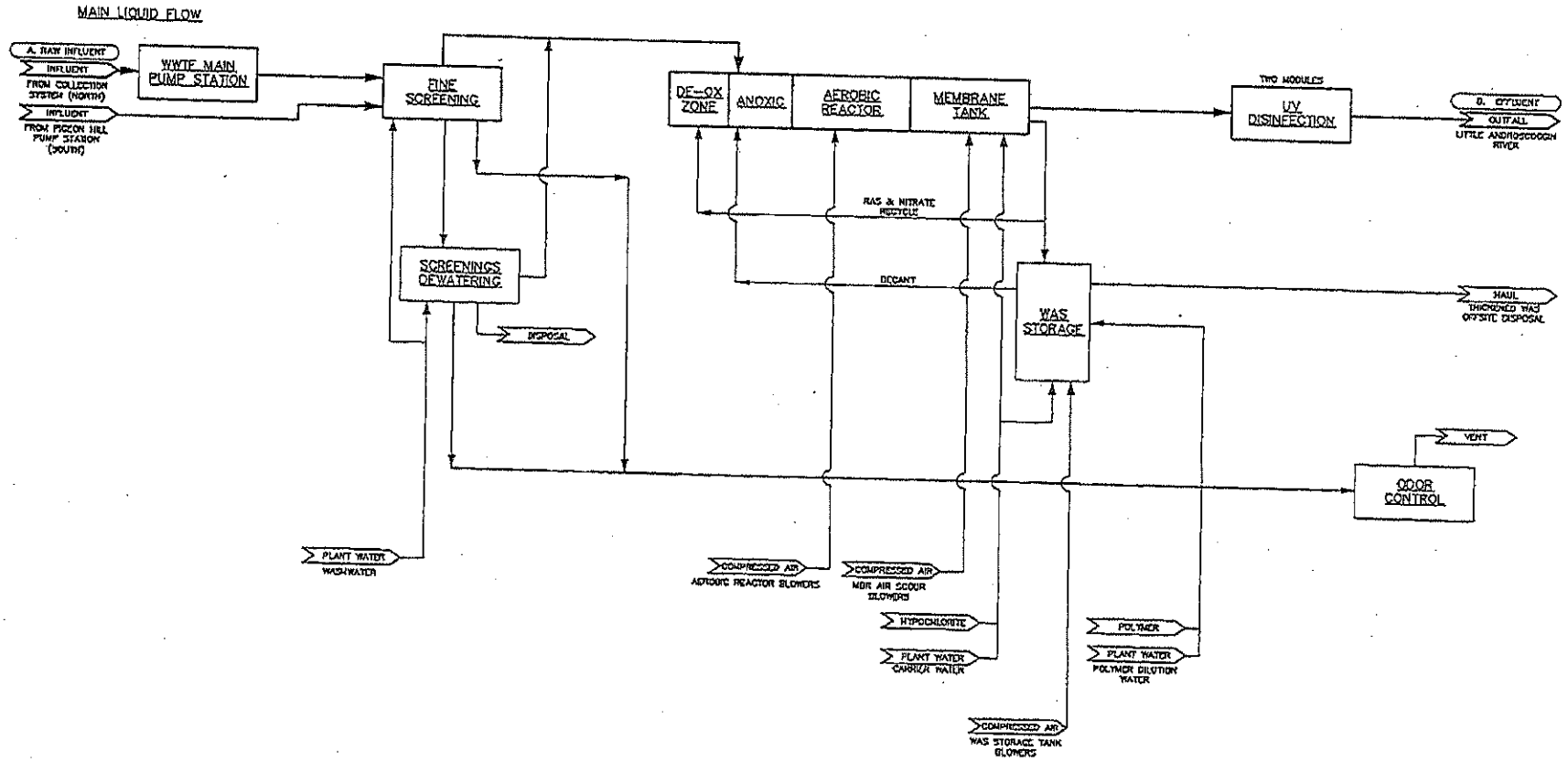
During the period of May 5, 2014, through the issuance date of the permit/license, the Department solicited comments on the proposed draft permit/license to be issued for the discharge(s) from the Oxford facility. The Department did not receive comments from the permittee, state or federal agencies or 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


Buckfield
BUCKFIELD
PARIS
South Paris
Norway
HEBRON
Hebron
OXFORD
Oxford
Welchville
Mechanic Falls
MINOT
POLAND
Scale ½" = 1 Mile
70°30'00"
70.5000°
© DeLorme
Continue on Map

OXFORD WWTF

ATTACHMENT B


MAIN LIQUID FLOW
A. RAW INFLUENT
INFLUENT
FROM COLLECTION SYSTEM (NORTH)
INFLUENT
FROM PIGEON HILL PUMP STATION (SOUTH)
WWTF MAIN PUMP STATION
FINE SCREENING
DE-OX ZONE
ANOXIC
AEROBIC REACTOR
MEMBRANE TANK
TWO MODULES
UV DISINFECTION
D. EFFLUENT OUTFALL
LITTLE ANDROSCOGGIN RIVER
RAS & NITRATE RECYCLE
DECANT
SCREENINGS DEWATERING
DISPOSAL
WAS STORAGE
HAUL THICKENED WAS OFFSITE DISPOSAL
VENT
ODOR CONTROL
PLANT WATER WASHWATER
COMPRESSED AIR AEROBIC REACTOR BLOWERS
COMPRESSED AIR MBR AIR SCOUR BLOWERS
HYPOCHLORITE
PLANT WATER CARRIER WATER
POLYMER
PLANT WATER POLYMER DILUTION WATER
COMPRESSED AIR WAS STORAGE TANK BLOWERS

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.