



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

September 21, 2005

DAWN R. GALLAGHER
COMMISSIONER

Mr. Gregory Trundy
Rumford-Mexico Sewerage District
P.O. Box 160
Rumford, ME 04276

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100552
Maine Waste Discharge License (WDL) Application #W002686-5L-F-R
Final Permit/License

Dear Mr. Trundy:

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

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

We would like to make you aware of the fact that your monthly Discharge Monitoring Reports (DMRs) may not reflect the revisions in this permitting action for several months however, you are required to report applicable test results for parameters required by this MEPDES permit/WDL that do not appear on the DMR. Please see attached April 2003 O&M Newsletter article regarding this matter.

If you have any questions regarding the matter, please feel free to call me at 287-7659.

Sincerely,

Bill Hinkel
Division of Water Resource Regulation
Bureau of Land and Water Quality

Enc. cc: Denise Behr, DEP Roger Janson, USEPA

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 764-1507

DMR Lag

When the Department renews discharge permits, the parameter limits may change or parameters may be added or deleted. In some cases, it is merely the replacement of the federally issued NPDES permit with a state-issued MEPDES permit that results in different limits. When the new permit is finalized, a copy of the permit is passed to our data entry staff for coding into EPA's Permits Compliance System (PCS) database. PCS was developed in the 1970's and is not user-friendly. Entering or changing parameters can take weeks or even months.

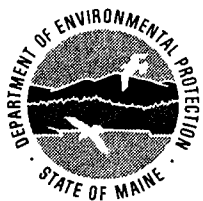
This can create a lag between the time your new permit becomes effective and the new permit limits appearing on your DMRs. If you are faced with this, it can create three different situations that have to be dealt with in different ways.

1. If the parameter was included on previous DMRs, but only the limit was changed, there will be a space for the data. Please go ahead and enter it. When the changes are made to PCS, the program will have the data and compare it to the new limit.
2. When a parameter is eliminated from monitoring in your new permit, but there is a delay in changing the DMR, you will have a space on the DMR that needs to be filled. For a parameter that has been eliminated, please enter the space on the DMR for that parameter only with "NODI-9" (No Discharge Indicator Code #9). This code means monitoring is conditional or not required this monitoring period.

3. When your new permit includes parameters for which monitoring was not previously required, and coding has not caught up on the DMRs, there will not be any space on the DMR identified for those parameters. In that case, please fill out an extra sheet of paper with the facility name and permit number, along with all of the information normally required for each parameter (parameter code, data, frequency of analysis, sample type, and number of exceedances). Each data point should be identified as monthly average, weekly average, daily max, etc. and the units of measurement such as mg/L or lb/day. Staple the extra sheet to the DMR so that the extra data stays with the DMR form. Our data entry staff cannot enter the data for the new parameters until the PCS coding catches up. When the PCS coding does catch up, our data entry staff will have the data right at hand to do the entry without having to take the extra time to seek it from your inspector or from you.

EPA is planning significant improvements for the PCS system that will be implemented in the next few years. These improvements should allow us to issue modified permits and DMRs concurrently. Until then we appreciate your assistance and patience in this effort.

Phil Garwood



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

DEPARTMENT ORDER

IN THE MATTER OF

RUMFORD-MEXICO SEWERAGE DISTRICT)	MAINE POLLUTANT DISCHARGE
MEXICO, OXFORD COUNTY, MAINE)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS)	AND
#ME0100552)	WASTE DISCHARGE LICENSE
#W002686-5L-F-R)	
APPROVAL)	RENEWAL

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

APPLICATION SUMMARY

The District has applied for renewal of Waste Discharge License #W002686-5L-D-R, which was issued on August 10, 2000, WDL modification #W002686-5L-E-M / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100552, which was issued on June 29, 2001, and two administrative modifications issued on October 19, 2001 and April 23, 2004. The 6/29/01 permitting action authorized the monthly average discharge of up to 2.65 million gallons per day (MGD) of secondary treated wastewater to the Androscoggin River, Class C, in Mexico, Maine and expired on August 10, 2005. The 10/19/01 administrative modification eliminated the monthly maximum limit for septage receiving and the 4/23/04 administrative modification served to eliminate the weekly average limit of 10.8 lbs./day for total phosphorus.

PERMIT SUMMARY

This permitting action is similar to the 8/10/00 licensing action, 6/29/01 permitting action and all subsequent administrative modifications thereof in that it is:

1. Carrying forward the monthly average discharge flow limit of 2.65 MGD;
2. Carrying forward technology-based monthly average, weekly average and daily maximum concentration limits for biochemical oxygen demand (BOD₅) and total suspended solids (TSS);
3. Carrying forward the requirement to achieve a minimum of 85% removal for BOD₅ and TSS;
4. Carrying forward the daily maximum, technology-based concentration limit of 0.3 ml/L for settleable solids;
5. Carrying forward the monthly average and daily maximum concentration limits for *Escherichia coli* bacteria;
6. Carrying forward the daily maximum, technology-based concentration limit of 1.0 mg/L for total residual chlorine (TRC);
7. Carrying forward the monthly average concentration and mass reporting requirements for total phosphorus and orthophosphate through permit expiration;
8. Carrying forward the weekly average concentration and mass reporting requirements for total phosphorus and orthophosphate through September 30, 2006;
9. Carrying forward the technology-based pH range limit of 6.0 – 9.0 standard units (SU);
10. Carrying forward screening level whole effluent toxicity (WET) and chemical-specific testing requirements; and
11. Carrying forward the minimum monitoring frequency requirements for all monitored parameters, except for a reduction in phosphorus monitoring beginning in calendar year 2007.

This permitting action is different from the 8/10/00 licensing action, 6/29/01 permitting action and all administrative modifications thereof in that it is:

1. Establishing a daily maximum discharge flow reporting requirement;
2. Revising the minimum monitoring frequency requirement for total phosphorus from once per week to once per month upon completion of calendar year 2006 phosphorus monitoring;
3. Revising the minimum monitoring frequency requirement for orthophosphate from once per week to twice per month upon completion of calendar year 2006 phosphorus monitoring; and
4. Eliminating the weekly average concentration and mass reporting requirements for total phosphorus and orthophosphate upon completion of calendar year 2006 phosphorus monitoring based on the revised monitoring frequencies.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated September 21, 2005, 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 M.R.S.A. §464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharge will be subject to effluent limitations that require application of best practicable treatment as defined in Maine law, 38 M.R.S.A., §414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of the RUMFORD-MEXICO SEWERAGE DISTRICT to discharge a monthly average flow of up to 2.65 MGD of secondary treated wastewater to the Androscoggin River, Class C, in Mexico, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. "Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits," revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. The expiration date of this permit is five (5) years from the date of signature below.

DONE AND DATED AT AUGUSTA, MAINE, THIS 21 DAY OF Sept, 2005.

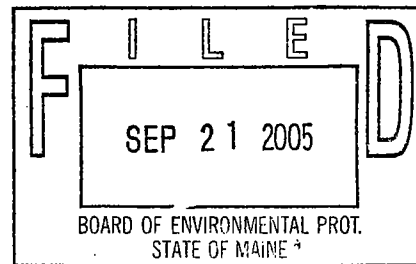
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Dawn R. Gallagher*
DAWN R. GALLAGHER, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: March 28, 2005

Date of application acceptance: March 28, 2005



Date filed with Board of Environmental Protection: _____

This Order prepared by William F. Hinkel, BUREAU OF LAND & WATER QUALITY
#ME0100552 / #W002686-5L-F-R September 21, 2005

SPECIAL CONDITIONS
A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning the effective date of this permit and lasting through permit expiration, the permittee is authorized to discharge secondary treated sanitary wastewater from Outfall #001A to the Androscoogin River. Such discharges shall be limited and monitored by the permittee as specified below⁽¹⁾.

Effluent Characteristic	Discharge Limitations					Monitoring Requirements			Sample Type as specified
	Monthly Average as specified	Weekly Average as specified	Daily Maximum as specified	Monthly Average as specified	Weekly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Recorder	
Flow [50050]	2.65 MGD [03]	---	Report MGD [03]	---	---	---	Continuous [99/99]	Recorder [RC]	
BOD ₅ [00310]	663 lbs./day [26]	995 lbs./day [26]	1,105 lbs./day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	3/Week [03/07]	Composite [24]	
BOD ₅ Percent Removal ⁽²⁾ [81010]	---	---	---	85% [23]	---	---	1/Month [01/30]	Calculate [CA]	
TSS [00530]	663 lbs./day [26]	995 lbs./day [26]	1,105 lbs./day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	3/Week [03/07]	Composite [24]	
TSS Percent Removal ⁽²⁾ [81011]	---	---	---	85% [23]	---	---	1/Month [01/30]	Calculate [CA]	
Settleable Solids [00545]	---	---	---	---	---	0.3 ml/L [25]	1/Day [01/01]	Grab [GR]	
<i>E. coli</i> Bacteria ⁽³⁾ [31633]	---	---	---	142/100 ml ⁽⁴⁾ [13]	---	949/100 ml [13]	3/Week [03/07]	Grab [GR]	
Total Residual Chlorine ⁽⁵⁾ [50060]	---	---	---	---	---	1.0 mg/L [19]	1/Day [01/01]	Grab [GR]	
pH [00400]	---	---	---	---	---	6.0 - 9.0 SU [12]	1/Day [01/01]	Grab [GR]	
Orthophosphate (June 1 - Sept. 30) ⁽⁶⁾ • Through 9/30/06 • 6/1/07 through permit expiration [04175]	Report lbs./day Report lbs./day [26]	Report lbs./day --- [26]	---	Report mg/L Report mg/L [19]	Report mg/L --- [19]	---	1/Week [01/07] 2/Month [02/30]	Composite [24]	
Total Phosphorous (June 1 - Sept. 30) ⁽⁷⁾ • Through 9/30/06 • 6/1/07 through permit expiration [00665]	Report lbs./day Report lbs./day [26]	Report lbs./day --- [26]	---	Report mg/L Report mg/L [19]	Report mg/L --- [19]	---	1/Week [01/07] 1/Month [01/30]	Composite [24]	

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

FOOTNOTES: See Pages 7 through 9 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

2. During the period beginning 12 months prior to permit expiration and lasting through permit expiration, the permittee shall perform **SCREENING LEVEL WHOLE EFFLUENT TOXICITY (WET)** and **CHEMICAL-SPECIFIC TESTING** as follows:

Whole Effluent Toxicity (WET) ⁽⁸⁾	Daily Maximum	Minimum Frequency	Sample Type
<u>Acute No Observed Effect Level (A-NOEL)</u> Invertebrate-Water Flea (<i>Ceriodaphnia dubia</i>) [TDA3B]	Report % [23]	1/Year [01/YR]	Composite [24]
Vertebrate-Brook Trout (<i>Salvelinus fontinalis</i>) [TDA6F]	Report % [23]	1/Year [01/YR]	Composite [24]
<u>Chronic No Observed Effect Level (C-NOEL)</u> Invertebrate-Water Flea (<i>Ceriodaphnia dubia</i>) [TBP3B]	Report % [23]	1/Year [01/YR]	Composite [24]
Vertebrate-Brook Trout (<i>Salvelinus fontinalis</i>) [TBQ6F]	Report % [23]	1/Year [01/YR]	Composite [24]
<u>Chemical-Specific (Priority Pollutants, PP) ⁽⁹⁾</u> [50008]	Report ug/L [28]	1/Quarter [01/90]	Composite/Grab [24/GR]

FOOTNOTES: See Pages 7 through 9 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES:

1. **Monitoring** – All effluent monitoring shall be conducted at a location following the last treatment unit in the treatment process as to be representative of end-of-pipe effluent characteristics. Any change in sampling location must be 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 Human Services.
2. **Percent Removal** – The treatment facility shall maintain a minimum of 85 percent removal of both biochemical oxygen demand and total suspended solids for all flows receiving secondary treatment. The percent removal shall be calculated based on influent and effluent concentration values. The percent removal shall be waived when the monthly average influent concentration is less than 200 mg/L.
3. **Seasonal Limits** – *E. coli* bacteria limits and monitoring requirements are seasonal and apply between May 15 and September 30 of each year. The Department reserves the right to require year-round disinfection to protect the health, safety and welfare of the public.
4. **Bacteria Reporting** – The monthly average *E. coli* bacteria limitation is a geometric mean limitation and sample results shall be reported as such.
5. **TRC Monitoring** – Monitoring for TRC is only required when elemental chlorine or chlorine-based compounds are in use for effluent disinfection. For instances when a facility has not disinfected with chlorine-based compounds for an entire reporting period, the facility shall report "NODI-9" for this parameter on the monthly DMR.
6. **Total Phosphorus** – Total phosphorus monitoring shall be performed in accordance with Attachment A of this permit, *Protocol For Total P Sample Collection and Analysis* unless otherwise specified by the Department.
7. **Orthophosphate** – Orthophosphate monitoring shall be performed in accordance with Attachment B of this permit, *Protocol For Orthophosphate Sample Collection and Analysis* unless otherwise specified by the Department.

SPECIAL CONDITIONS

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

FOOTNOTES:

8. **Whole effluent toxicity (WET) testing** – Definitive WET testing is a multi-concentration testing event [a minimum of five dilutions bracketing the critical acute and chronic dilutions of 0.98% and 0.25%, respectively, (mathematical inverse of dilution factors)], which provides a point estimate of toxicity in terms of No Observed Effect Level, commonly referred to as NOEL or NOEC. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level with survival, reproduction and growth as the end points.

Beginning 12 months prior to permit expiration and lasting through permit expiration, the permittee shall initiate WET testing at a frequency of once per year (1/Year) on the water flea (*Ceriodaphnia dubia*) and the brook trout (*Salvelinus fontinalis*). Results shall be reported to the Department within 30 days of the permittee receiving the test results from the laboratory conducting the testing. Invalid or problematic test results shall be identified in the submittal.

Toxicity tests must be conducted by an experienced laboratory approved by the Department. The laboratory must follow procedures as described in the following USEPA 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 analytic chemistry on the form in Attachment C of this permit every time a WET test is performed for compliance with this permit. Analytical chemistry is not required for WET tests conducted for a toxicity identification evaluation (TIE), toxicity reduction evaluation (TRE) or for other investigative purposes.

9. **Priority Pollutants** – (chemical-specific testing pursuant to Department rule Chapter 530.5) are those parameters listed by the USEPA pursuant to Section 307(a) of the Clean Water Act and published at 40 CFR Part 122, Appendix D, Tables II and III.

Chemical-specific testing shall be conducted on samples collected at the same time as those collected for whole effluent toxicity tests, when applicable. Chemical-specific 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. Results shall be submitted to the Department within thirty (30) days of the permittee receiving the data report from the laboratory conducting the testing.

SPECIAL CONDITIONS

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

FOOTNOTES:

For the purposes of DMR reporting, enter a "NODI-9" for NO testing done this monitoring period or "1" for YES, testing done this monitoring period.

Beginning 12 months prior to permit expiration and lasting through permit expiration, the permittee shall conduct screening level chemical-specific testing at a minimum frequency of once per quarter in consecutive calendar quarters.

All mercury sampling shall be conducted in accordance with EPA's "clean sampling techniques" found in EPA Method 1669, Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels. All mercury analysis shall be conducted in accordance with USEPA Method 1631, Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain a visible oil sheen, foam or floating solids at any time which would impair the usages designated by the classification of the receiving waters.
2. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated by the classification of the receiving waters.
3. The discharge shall not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated by the classification of the receiving waters.
4. Notwithstanding specific conditions of this permit the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. DISINFECTION

If chlorination is used as the means of disinfection, an approved chlorine contact tank providing the proper detention time consistent with good engineering practice must be utilized followed by a dechlorination system if the imposed total residual chlorine (TRC) limit cannot be achieved by dissipation in the detention tank. The TRC in the effluent shall at no time cause any demonstrable harm to aquatic life in the receiving waters. The dose of chlorine applied, if necessary, shall provide a TRC concentration that will effectively reduce *E. coli* bacteria levels to or below those specified in Special Condition A, "Effluent Limitation and Monitoring Requirements," above.

SPECIAL CONDITIONS

D. TREATMENT PLANT OPERATOR

The treatment facility must be operated by a person holding a minimum of a **Grade IV** certificate pursuant to Title 32 M.R.S.A., Section 4171 et seq. 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.

E. MONITORING AND REPORTING

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

Department of Environmental Protection
Bureau of Land and Water Quality
Division of Engineering, Compliance and Technical Assistance
17 State House Station
Augusta, ME 04333-0017

F. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into the wastewater collection and treatment system by a non-domestic source (user) shall not pass through or interfere with the operation of the treatment system.

G. DISPOSAL OF SEPTAGE WASTE IN WASTEWATER TREATMENT FACILITY

During the effective period of this permit, **the permittee is authorized to receive and introduce a maximum of 10,000 gallons of septage per day** into its wastewater treatment facility. Receipt of holding tank wastewaters is authorized and shall be recorded as holding tank wastewaters and shall be reported in the treatment facility's influent flow.

- 1) This approval is limited to methods and plans described in the application and supporting documents. Any variations are subject to review and approval prior to implementation.
- 2) At no time shall addition of septage cause or contribute to effluent quality violations. If such conditions do exist, receipt of septage shall be suspended until effluent quality can be maintained.

SPECIAL CONDITIONS

G. DISPOSAL OF SEPTAGE WASTE IN WASTEWATER TREATMENT FACILITY (cont'd)

- 3) The permittee shall maintain records which shall include, as a minimum, the following by date: volume of septage received, source of the septage (name of municipality), the hauler transporting the septage, the dates and volume of septage added to the waste treatment influent and test results.
- 4) Addition of septage shall not cause the treatment facilities design capacity to be exceeded. If, for any reason, the treatment facility becomes overloaded, receipt of septage shall be reduced or terminated in order to eliminate the overload condition.
- c. Septage known to be harmful to the treatment processes shall not be accepted. Wastes that contain heavy metals, toxic chemicals, extreme pH, flammable or corrosive materials in concentrations harmful to the treatment operation shall be refused.
- d. Holding tank waste water shall not be recorded as septage and should be reported in the treatment facility's influent flow.

H. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and 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), *Bypasses*, of this permit.

I. 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 wastewater; and
2. Any substantial change (increase or decrease) in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants into the system at the time of permit issuance. For the purposes of this section, notice regarding substantial change shall include information on:
 - (a) the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
 - (b) any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

SPECIAL CONDITIONS

J. WET WEATHER FLOW MANAGEMENT PLAN

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

Once the Wet Weather Management Plan has been approved, the permittee shall review their plan annually and record any necessary changes to keep the plan up to date.

K. OPERATION & MAINTENANCE (O&M) PLAN

The permittee shall maintain a current written comprehensive Operation & Maintenance (O&M) Plan at the facility. 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 USEPA 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.

L. CHAPTER 530.5(B)(7)(c)(iii) CERTIFICATION

By December 31 of each calendar year [95799], the permittee shall provide the Department with a certification that none of the following has occurred since the effective date of this permit:

1. Increases in the number, types and flows of industrial, commercial or domestic discharges to the facility that in the judgment of the Department may cause the receiving water to become toxic.
2. Changes in the condition or operations of the facility that may increase the toxicity of the discharge.
3. Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge.
4. Increases in the type or volume of hauled wastes accepted by the facility.

SPECIAL CONDITIONS

M. CHAPTER 530.5(B)(7)(c)(iii) CERTIFICATION (cont'd)

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

N. REOPENING OF PERMIT FOR MODIFICATIONS

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

O. SEVERABILITY

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

ATTACHMENT A

Attachment A

Protocol for Total P Sample Collection and Analysis

Approved Analytical Methods: EPA 365.2, SM 4500-P B.5 E.

Sample Collection: The Maine DEP is requesting that total phosphorus analysis be conducted on composite effluent samples. 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. The sampler hoses should be cleaned, as needed.

Sample Preservation: During compositing the sample must be at 0-4 degrees C. 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 by the addition of 2 mls of concentrated H₂SO₄ per liter and refrigerated at 0-4 degrees C. The holding time for a preserved sample is 28 days

QA/QC: Run a distilled water blank and at least 2 standards with each series of samples. If standards do not agree within 2% of the true value then prepare a new calibration curve.

Every month run a blank on the composite jug and sample line. 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.

April 2004

ATTACHMENT B

Attachment B

Protocol for Orthophosphate Sample Collection and Analysis

Approved Analytical Methods: EPA 365.2, SM 4500-P.E.

Sample Collection: The Maine DEP is requesting that orthophosphate analysis be conducted on composite effluent samples. 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. The sampler hoses should be cleaned, as needed.

Sample Preservation: During compositing the sample must be at 0-4 degrees C. The sample must be filtered immediately (within 15 minutes) after collection using a pre-washed 0.45-um membrane filter. Be sure to follow one of the pre-washing procedures described in the approved methods. Also, be aware that you will likely want to use a separate suction hose and collection container for the orthophosphate filtering process. If the sample is being sent to a commercial laboratory or analysis cannot be performed within 2 hours after collection then the sample must be kept at 0-4 degrees C. There is a 48-hour holding time for this sample although analysis should be done sooner, if possible.

QA/QC: Same as described in Total P Protocol.

April 2004

ATTACHMENT C

**ANALYTICAL CHEMISTRY RESULTS
FRESHWATER TESTS**

Date collected _____
mm/dd/yy

Date analyzed _____
mm/dd/yy

Lab ID No. _____

Analyte	Report Units	Results		Detection level	Method
		receiving water	effluent		
Alkalinity	mg/L			mg/L	
Ammonia nitrogen	µg/L			µg/L	
Specific conductance	µmhos			µmhos	
Total residual chlorine	mg/L			mg/L	
Total organic carbon	mg/L			mg/L	
Total solids	mg/L			mg/L	
Total suspended solids	mg/L			mg/L	
Total aluminum	µg/L			µg/L	
Total cadmium	µg/L			µg/L	
Total calcium	mg/L			mg/L	
Total chromium	µg/L			µg/L	
Total copper	µg/L			µg/L	
Total hardness	mg/L			mg/L	
Total lead	µg/L			µg/L	
Total magnesium	µg/L			µg/L	
Total nickel	µg/L			µg/L	
Total zinc	µg/L			µg/L	
other (pH)	S.U.			S.U.	
other ()					

Comments _____

Laboratory conducting test: **To the best of my knowledge this information is true, accurate, and complete**

signature	lab name
printed name	address
tel. no.	

FRESHWATER WHOLE EFFLUENT TOXICITY (WET) TEST REPORT

Facility _____ DEP License No _____ NPDES permit No _____

Contact person _____ Telephone No _____

Date initially sampled _____ Date tested _____ Chlorinated? _____

Test type mm/dd/yy mm/dd/yy
screening surveillance Dechlorinated? _____

Results _____ % effluent _____ Test required by _____ DEP/EPA

	Water flea	Trout	Fathead
LC50			
A-NOEL			
C-NOEL			

Receiving Water Concentration

A-NOEL	
C-NOEL	

Data summary water flea trout fat head

	% survival		no. young	% survival		final wt (mg)	% survival		final wt (mg)
	A>90	C>80	>15/female	A>90	C>80	>2% increase	A>89	C>79	>0.25
QC standard									
lab control									
river 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 fat head

	LC50/A-NOEL	C-NOEL	LC50/A-NOEL	C-NOEL	LC50/A-NOEL	C-NOEL
toxicant / date						
limits (mg/l)						
results (mg/l)						

Comments _____

Laboratory Conducting Test To the best of my knowledge this information is true, accurate, and complete

signature _____ company _____
 printed name _____ address _____
 tel. no. _____

**MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
MAINE WASTE DISCHARGE LICENSE**

FACT SHEET

DATE: SEPTEMBER 21, 2005

**PERMIT NUMBER: #ME0100552
LICENSE NUMBER: #W002686-5L-F-R**

NAME AND ADDRESS OF APPLICANT:

**RUMFORD MEXICO SEWERAGE DISTRICT
P.O. BOX 160
RUMFORD, MAINE 04276**

COUNTY: OXFORD

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**RUMFORD-MEXICO SEWERAGE DISTRICT
US ROUTE 2 – RIVER ROAD
MEXICO, MAINE 04257**

RECEIVING WATER/CLASSIFICATION: ANDROSCOGGIN RIVER/CLASS C

**COGNIZANT OFFICIAL AND TELEPHONE NUMBER: MR. GREGORY TRUNDY
SUPERINTENDENT
(207) 364-7225**

1. APPLICATION SUMMARY

Application: The Rumford-Mexico Sewerage District (District hereinafter) has applied for renewal of Waste Discharge License #W002686-5L-D-R, which was issued on August 10, 2000, WDL modification #W002686-5L-E-M / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100552, which was issued on June 29, 2001, and two administrative modifications issued on October 19, 2001 and April 23, 2004. The 6/29/01 permitting action authorized the monthly average discharge of up to 2.65 million gallons per day (MGD) of secondary treated wastewater to the Androscoggin River, Class C, in Mexico, Maine and expired on August 10, 2005. The 10/19/01 administrative modification eliminated the monthly maximum limit for septage receiving and the 4/23/04 administrative modification served to eliminate the weekly average limit of 10.8 lbs./day total phosphorus.

2. PERMIT SUMMARY

- a. Terms and Conditions: **This permitting action is similar to the 8/10/00 licensing action, 6/29/01 permitting action and all subsequent administrative modifications thereof in that it is:**
1. Carrying forward the monthly average discharge flow limit of 2.65 MGD;
 2. Carrying forward technology-based monthly average, weekly average and daily maximum concentration limits for biochemical oxygen demand (BOD₅) and total suspended solids (TSS);
 3. Carrying forward the requirement to achieve a minimum of 85% removal for BOD₅ and TSS;
 4. Carrying forward the daily maximum, technology-based concentration limit of 0.3 ml/L for settleable solids;
 5. Carrying forward the monthly average and daily maximum concentration limits for *Escherichia coli* bacteria;
 6. Carrying forward the daily maximum, technology-based concentration limit of 1.0 mg/L for total residual chlorine (TRC);
 7. Carrying forward the monthly average concentration and mass reporting requirements for total phosphorus and orthophosphate through permit expiration;
 8. Carrying forward the weekly average concentration and mass reporting requirements for total phosphorus and orthophosphate through September 30, 2006;
 9. Carrying forward the technology-based pH range limit of 6.0 – 9.0 standard units (SU);
 10. Carrying forward screening level whole effluent toxicity (WET) and chemical-specific testing requirements; and
 11. Carrying forward the minimum monitoring frequency requirements for all monitored parameters, except for a reduction in phosphorus monitoring beginning in calendar year 2007.

2. PERMIT SUMMARY (cont'd)

This permitting action is different from the 8/10/00 licensing action, 6/29/01 permitting action and all administrative modifications thereof in that it is:

1. Establishing a daily maximum discharge flow reporting requirement;
 2. Revising the minimum monitoring frequency requirement for total phosphorus from once per week to once per month upon completion of calendar year 2006 phosphorus monitoring;
 3. Revising the minimum monitoring frequency requirement for orthophosphate from once per week to twice per month upon completion of calendar year 2006 phosphorus monitoring; and
 4. Eliminating the weekly average concentration and mass reporting requirements for total phosphorus and orthophosphate upon completion of calendar year 2006 phosphorus monitoring based on the revised monitoring frequencies.
- b. History: The most recent licensing/permitting actions include the following:

April 14, 1994 – The Department issued WDL #W002686-46-C-R to the District for the monthly average discharge of up to 2.65 MGD of secondary treated wastewater to Androscoggin River in Mexico. The 4/14/94 WDL superseded WDL #W002686-46-B-R issued on March 8, 1989 and WDL #2686 issued on September 14, 1983.

April 30, 1999 – The USEPA issued National Pollutant Discharge Elimination System (NPDES) permit #ME0100552 to the District for the monthly average discharge of up to 2.65 MGD of treated wastewater to the Androscoggin River.

May 23, 2000 – Pursuant to Maine law, 38 M.R.S.A. §420 and §413 and Department rule, 06-096 CMR Chapter 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W002686-46-C-R by establishing interim monthly average and daily maximum effluent concentration limits of 11.7 parts per trillion (ppt) and 17.6 ppt, respectively, and a minimum monitoring frequency requirement of 4 tests per year for mercury. It is noted the limitations have not been incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of this permit as limitations and monitoring requirements have been subject to numerous modifications in recent years. However, the interim limitations remain in effect and enforceable and any modifications to the limits and or monitoring requirements will be formalized outside of this permitting document.

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

2. PERMIT SUMMARY (cont'd)

June 29, 2001 – The Department issued WDL Modification #W002686-5L-E-M / MEPDES permit #ME0100552 to the District for the continued discharge of 2.65 MGD to the Androscoggin River. The 6/29/01 permitting action superseded WDL #W002686-5L-D-R issued on August 10, 2000 and all previous NPDES permits and State waste discharge licenses.

October 19, 2001 – The Department issued a letter to the District thereby administratively modifying the 6/29/01 MEPDES permit to eliminate the monthly maximum limit of 120,000 gallons per day (GPD) for disposal of septage in the wastewater treatment facility. The administrative modification carried forward authorization to receive and introduce into the treatment works a daily maximum of up to 10,000 GPD.

April 23, 2004 – The Department issued a letter to the District thereby administratively modifying WDL #W002686-5L-E-M/ME0100552 and eliminating the weekly average mass limit of 10.8 lbs./day for total phosphorus. As of 4/23/04, the Department had not completed a total maximum daily load (TMDL) for the Androscoggin River to determine whether the phosphorus limit, which was based on a Department best professional judgment determination, was appropriate for protection of receiving water quality. Therefore, the numeric phosphorus limit was eliminated.

January 3, 2005 – The Department issued a draft document entitled, Androscoggin River Total Maximum Daily Load, Gulf Island Pond, Livermore Falls Impoundment, December 2004, for public comment.

March 28, 2005 – The District submitted a General Application for renewal of the 6/29/01 MEPDES permit and an application for the Disposal of Septic Tank and Holding Tank Wastes in Wastewater Treatment Facilities. The applications were accepted for processing on March 28, 2005 and the General Application was assigned WDL #W002686-5L-F-R/MEPDES #ME0100552.

May 2005 – The Department submitted the Androscoggin River Total Maximum Daily Load, Gulf Island Pond, Livermore Falls Impoundment, December 2004 to the USEPA.

July 18, 2005 – The USEPA approved a total maximum daily load (TMDL) entitled, May 2005 TMDL, Final for the Androscoggin River.

- c. Source Description: The wastewater treatment facility receives sanitary wastewater generated by 3,000 residential connections and 350 commercial connections located within the towns of Mexico, Rumford, and Dixfield. Each municipality has a separate sewer collection system that delivers domestic wastewater to the treatment facility, which is located one mile downstream of the center of Mexico. The collection system contains 28 pump stations, which are located throughout the area served. The Rumford-Mexico Sewerage District operates and maintains one pump station on Dix Avenue in Mexico, which conveys the majority of Rumford's flows, and two in Rumford on Prospect Avenue and the South Rumford Road. However, 25 other pump stations are operated and maintained by the towns of Rumford and Dixfield.

2. PERMIT SUMMARY (cont'd)

The permittee has indicated that there are no combined sewer overflow (CSO) points associated with the District's or the surrounding towns' collection systems. The permittee has indicated that the facility does not receive more than 10% of its flow from industrial users of the system.

The District stated that the only source of wastewater conveyed to the treatment facility by the Rumford Paper Company paper mill located in Rumford is sanitary wastewater. The permittee indicated that the facility wet weather management plan was updated in May 2004. The previous permitting action authorized the District to receive and introduce into the treatment process a daily maximum of up to 10,000 gallons of septage wastes, which is being carried forward in this permitting action based on a written septage management plan dated March 25, 2005.

- d. Wastewater Treatment: The facility provides a secondary level of treatment via trickling filters (intermittent use), aeration basins and secondary clarification. Raw sewerage enters the facility through an automatically controlled sluice gate to either a comminutor or bar rack, then to a 12-foot diameter grit chamber and then into a 10,000-gallon wet well. From the wet well, flows are pumped to primary parabolic screens then to two 29-foot diameter by 10-foot deep trickling filters (this system is used only periodically or seasonally as needed) for biological treatment. From the trickling filters, flow is conveyed to one of two 189,000-gallon aeration basins (one may be used for sludge storage) and from the aeration basin to two 189,000-gallon, 55-foot diameter circular secondary clarifiers. Clarifier supernatant is conveyed through a 65,000-gallon chlorine contact tank for disinfection using sodium hypochlorite before final discharge to the Androscoggin River. Wasted sludge is conveyed to two 112,000-gallon digesters, is thickened and subsequently dewatered in a belt filter press, and then composted on site.

Final effluent is conveyed for discharge to the Androscoggin River via a 24-inch diameter outfall pipe that extends out into the receiving water approximately 90 feet to a depth of approximately 6 feet below the surface of the water during low flow conditions. The pipe is not fitted with a diffuser or similar structure designed to enhance mixing of the effluent with the receiving water.

3. CONDITIONS OF PERMITS

Maine law, 38 M.R.S.A. §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 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, Maine law, 38 M.R.S.A. §420, and Department rule 06-096 CMR Chapter 530.5, *Surface Water Toxics Control Program*, require the regulation of toxic substances at the levels set forth for Federal Water Quality Criteria as published by the U.S. Environmental Protection Agency pursuant to the Clean Waters Act.

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A., §467(1)(A)(2) classifies the Androscoggin River at the point of discharge as a Class C waterway. Maine law, 38 M.R.S.A., §465(4), describes the standards for Class C waters.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2004 Integrated Water Quality Monitoring and Assessment Report, prepared pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists a 6.8-mile reach of the Androscoggin River, main stem, from Virginia Bridge to Webb River (Hydrologic Unit Code #ME0104000204/Waterbody ID #422R), which includes the receiving water at the point of discharge, as, "*Category 4-B-1: Rivers and Streams Impaired by Pollutants, Pollution Control Requirements Reasonably Expected to Result in Attainment.*" Impairment in this context refers to a statewide fish consumption advisory due to the presence of dioxin.

In addition, the Report lists all freshwaters in Maine as "*Category 5-C: Waters Impaired by Atmospheric Deposition.*" Impairment in this context refers to the designated use of recreational fishing due to elevated levels of mercury in some fish caused by atmospheric deposition. As a result, the State has established a fish consumption advisory for all freshwaters in Maine. Pursuant to Maine law, 38 M.R.S.A. §420(1-B)(B), "*a facility is not in violation of the ambient criteria for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413 subsection 11.*" The Department has established interim monthly average and daily maximum mercury concentration limits for this facility.

In addition, the Report identifies a 4.0-mile reach of the Androscoggin River, main stem, four miles upstream of the Gulf Island Dam (HUC #ME0104000208/Waterbody ID #424R) as, "*Category 5-A: Rivers and Streams Impaired by Pollutants Other Than Those Listed in 5-B Through 5-D (TMDL Required).*" Impairment in this context refers to dissolved oxygen criteria for Class C waters, which is discussed further in the following paragraphs.

Current Water Quality Assessment/Modeling

Two segments of the Androscoggin River are on Maine's 303d list as bodies of water that do not attain Class C water quality standards. According to the total maximum daily load (TMDL) entitled, Androscoggin River Total Maximum Daily Load Gulf Island Pond, Livermore Falls Impoundment, prepared by the Department and approved by the USEPA, Gulf Island Pond (GIP) does not attain Class C minimum and monthly average dissolved oxygen (DO) criteria in a four-mile segment directly above Gulf Island Dam, primarily in deeper areas of the water column from 30 to 80 feet of depth. In addition, algae blooms occur from excessive amounts of phosphorus discharged to the river flowing into the pond preventing attainment of the designated uses of water contact recreation. In addition to GIP, the Livermore Falls impoundment just below the International Paper (IP) mill does not attain Class C aquatic life criteria, as indicated by recent water quality evaluations utilizing macro-invertebrate sampling and the use of a linear discriminate modeling.

The pollutants of concern are carbonaceous biochemical oxygen demand (CBOD), orthophosphate (ortho-P), total phosphorus (total-P), and total suspended solids (TSS). Reduction of phosphorus is needed to eliminate algae blooms in Gulf Island Pond. Reduction of CBOD, TSS, and phosphorus is needed to improve DO levels to attainment of Class C criteria. In addition, an in-stream oxygen injection system currently located five miles above Gulf Island Dam needs to be re-designed to inject an additional quantity of oxygen into the pond.

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

Discharges from paper mills located in Berlin, New Hampshire, Rumford, Maine, and Jay, Maine are the major sources of most of the pollutants affecting GIP water quality. Municipal point sources are located in Berlin, New Hampshire, Gorham, New Hampshire, Bethel, Maine, Rumford-Mexico, Maine, and Livermore Falls, Maine.

TSS and algae contribute to sediment oxygen demand (SOD), a major source of oxygen depletion in the deeper areas of Gulf Island Pond. The Department investigated the importance of SOD, oxygen-injection, and paper mill BOD input levels on dissolved oxygen levels and summarized the findings in a report entitled, Androscoggin River Modeling Report and Alternative Analysis, June 2002.

Sediment oxygen demand was found to be the most important factor since the model prediction of DO changed the most within given percentages of change for SOD. Varying oxygen injection rates resulted in the second largest response to model prediction of DO and the amounts input for the paper mill BOD inputs resulted in the lowest response of the model DO. This is a useful exercise in showing that reducing pollutants that contribute to SOD (algae, TSS) and oxygen injection are more efficient remediation actions than reducing paper mill BOD. TSS is the major cause of non-attainment of Class C aquatic life criteria in the Livermore Falls impoundment.

Component analysis and river modeling indicate that the municipal sources of total-P and ortho-P from the Berlin, Gorham, Bethel and Rumford-Mexico POTWs have a *de-minimis* contribution to algae growth in Gulf Island Pond. However, all municipal point sources are included in the TMDL. The component analysis of phosphorus loads discharged in 2004 (Figure 10 of the TMDL) indicates that paper mills are still the largest source of phosphorus and account for about 70% of the total-P and 80% of the ortho-P entering the pond. International Paper is the largest single source accounting for 45% of the total-P and 57% of the ortho-P entering the pond. The Rumford Paper Company is the second largest single source of phosphorus, accounting for about 14% of the total-P and 21% of the ortho-P entering the pond. The Fraser Paper mill in Berlin, New Hampshire accounts for about 11% of the total-P entering the pond, but only 2% of the ortho-P entering the pond. All of the municipal discharges are an insignificant percentage of the total phosphorus entering the pond. The Rumford-Mexico Sewerage District accounts for 1.5% of total phosphorus loads and 4.3% of ortho-P loads at the Gulf Island Pond entrance and is considered to be an insignificant contributor of ortho-P and total-P to the pond. Department modeling also demonstrates that the discharge of BOD and TSS from the Rumford-Mexico facility is insignificant to SOD levels in and DO depletion of Gulf Island Pond. The Androscoggin River TMDL recommends total-P and ortho-P monitoring for the Rumford-Mexico facility to assure phosphorus contributions do not increase significantly with time and evaluation of monitoring data upon completion of the initial phase of the TMDL to determine whether numeric limits are appropriate.

The rapid loss of ortho-P in the 2004 ambient data in the river from Berlin, New Hampshire to Jay, Maine implies a high ortho-P assimilation rate. The ortho-P appears to remain nearly constant from Jay to Turner, Maine implying a low ortho-P assimilation rate. The difference is likely because the Androscoggin River is shallower and more free-flowing from Berlin to Jay as opposed to below Jay, which is impounded and deep. Shallower water is more suited to growth of bottom-attached plants which uptake ortho-P. The Department's experience modeling ortho-P uptake in other rivers indicates that as ortho-P concentrations increase, the rate of assimilation of ortho-P also increases.

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

The threshold for phosphorus in the TMDL is to maintain the pond averaged chlorophyll-a to under 10 parts per billion (ppb). There are different combinations of total-P and ortho-P that could result in obtaining this goal.

Gulf Island Dam contributes to non-attainment of DO criteria and the growth of algae blooms by creating an environment of low water movement and low vertical mixing within the water column. Modeling also indicates that the presence of the dam accounts for about 20% of the algae levels in Gulf Island Pond with the TMDL implemented. Non-attainment of Class C DO criteria in deeper portions of the pond is predicted by the water quality model, even if point source discharges are eliminated, due to sediment oxygen demand from natural and non-point sources of pollution. There are limited opportunities for the control of significant amounts of non-point source pollution given the relatively undeveloped nature of this large watershed.

Based on identification through component analysis and river modeling that the Rumford-Mexico Sewerage District is not a significant source of phosphorus loading to Gulf Island Pond, this permitting action is establishing monitoring requirements for ortho-P and total-P, rather than numeric limitations, to facilitate the collection of data for continued evaluation of receiving water quality conditions. Additional discussion of phosphorus monitoring is included in Section 6(g) of this fact sheet.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- a. Flow: The previous permitting action established a monthly average discharge flow limit of 2.65 million gallons per day (MGD) based on the design capacity of the treatment facility, which is being carried forward in this permitting action. This permitting action is establishing a daily maximum discharge flow reporting requirement to assist in evaluation of effluent data. This permitting action is also carrying forward the continuous recorder monitoring requirement for discharge flow.
- b. Dilution Factors: Dilution factors associated with the discharge from the Rumford-Mexico wastewater treatment facility were derived in accordance with freshwater protocols established in Department rule Chapter 530.5, *Surface Water Toxics Control Program*, October 1994. With a monthly average treatment plant design flow of 2.65 MGD, dilution calculations are as follows:

$$\text{Acute: } 1\text{Q}10 = 1,663 \text{ cfs} \quad \Rightarrow \frac{(1,663.0 \text{ cfs})(0.6464) + 2.65 \text{ MGD}}{2.65 \text{ MGD}} = 407:1$$

$$\text{Modified Acute: } \frac{1}{4} 1\text{Q}10 = 416 \text{ cfs} \quad \Rightarrow \frac{(416.0 \text{ cfs})(0.6464) + 2.65 \text{ MGD}}{2.65 \text{ MGD}} = 102:1$$

$$\text{Chronic: } 7\text{Q}10 = 1,663 \text{ cfs} \quad \Rightarrow \frac{(1,663.0 \text{ cfs})(0.6464) + 2.65 \text{ MGD}}{2.65 \text{ MGD}} = 407:1$$

$$\text{Harmonic Mean} = 2,861 \text{ cfs} \quad \Rightarrow \frac{(2,861.0 \text{ cfs})(0.6464) + 2.65 \text{ MGD}}{2.65 \text{ MGD}} = 699:1$$

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

Department rule Chapter 530.5 states:

Analysis using numerical 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, according to EPA's Mixing Zone Policy and to ensure a Zone of Passage of at least ¾ of the cross-sectional area of any stream as required by Department rule. Where it can be demonstrated that a discharge achieves complete and rapid mixing with the receiving water, by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design flow, up to and including all of it, as long as the required Zone of Passage is maintained.

The District has not submitted information or data to the Department to demonstrate the mixing characteristics of the effluent with the receiving waters. Therefore, the Department is utilizing the default stream flow of ¼ 1Q10 in acute evaluations in accordance with Chapter 530.5.

- c. Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS): The previous permitting action established monthly average and weekly average BOD₅ & TSS concentration limits of 30 mg/L and 45 mg/L, respectively, which were based on secondary treatment requirements of the Clean Water Act of 1977 §301(b)(1)(B) as defined in 40 CFR 133.102 and Department rule 06-096 CMR Chapter 525(3)(III). The previous permitting action also established daily maximum BOD₅ & TSS concentration limits of 50 mg/L based on a Department best professional judgment (BPJ) of best practicable treatment (BPT). All three technology-based concentration limits are being carried forward in this permitting action.

Department rule 06-096 CMR Chapter 523(6)(f) states that all pollutants limited in permits shall have limitations, standards or prohibitions expressed in terms of mass. The previous permitting action established monthly average, weekly average and daily maximum technology-based mass limits of 663 lbs./day, 995 lbs./day, and 1,105 lbs./day, respectively, for BOD₅ & TSS, which are being carried forward in this permitting action and were derived as follows:

Monthly Average Mass Limit: (30 mg/L)(8.34 lbs./gallon)(2.65 MGD) = 663 lbs./day
Weekly Average Mass Limit: (45 mg/L)(8.34 lbs./gallon)(2.65 MGD) = 995 lbs./day
Daily Maximum Mass Limit: (50 mg/L)(8.34 lbs./gallon)(2.65 MGD) = 1,105 lbs./day

The previous permitting action established, and this permitting action is carrying forward, a requirement for a minimum of 85% removal of BOD₅ & TSS pursuant to Department rule 06-096 CMR Chapter 525(3)(III)(a)(3) and (b)(3).

This permitting action is carrying forward the minimum monitoring frequency requirement of three times per week (3/Week) based on Department guidance for POTWs permitted to discharge between 1.5 and 5.0 MGD.

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

- d. Settleable Solids: The previous permitting action established a daily maximum technology-based concentration limit of 0.3 ml/L for settleable solids and a minimum monitoring frequency requirement of once per day (1/Day), which are being carried forward in this permitting action. The daily maximum concentration limit of 0.3 ml/L is based on a Department BPJ determination that this limit provides sufficient information to assess whether the treatment facility is providing BPT, and the minimum monitoring frequency requirement is based on Department guidance for POTWs permitted to discharge between 1.5 and 5.0 MGD.

- e. Escherichia coli: The previous permitting action established, and this permitting action is carrying forward, seasonal (May 15 – September 30) monthly average and daily maximum concentration limits for *E. coli* bacteria of 142 colonies/100 ml (geometric mean) and 949 colonies/100 ml (instantaneous level), respectively, which were based on the State of Maine Water Classification Program criteria for Class C waters found at 38 M.R.S.A. §465(4)(B), and a minimum monitoring frequency requirement of three times per week (3/Week) based on Department guidance for POTWs permitted to discharge between 1.5 and 5.0 MGD. Although *E. coli* bacteria limits are seasonal and apply between May 15 and September 30 of each year, the Department reserves the right to impose year-round bacteria limits if deemed necessary to protect the health, safety and welfare of the public.

- f. Total Residual Chlorine (TRC): The previous permitting action established a daily maximum technology-based concentration limit of 1.0 mg/L for TRC and a minimum monitoring frequency requirement of once per day. Limitations on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Department licensing/permitting actions impose the more stringent of either a water quality-based or BPT based limit. End-of-pipe acute and chronic water quality based concentration thresholds may be calculated as follows:

Acute (A) Criterion	Chronic (C) Criterion	Modified A & C Dilution Factors	Calculated	
			Acute Threshold	Chronic Threshold
0.019 mg/L	0.011 mg/L	102:1 (Mod. A) 407:1 (C)	1.98 mg/L	4.48 mg/L

The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds. The BPT-based limit of 1.0 mg/L is more stringent than the calculated acute water quality-based threshold of 1.98 mg/L and is therefore being carried forward in this permitting action. This permitting action is carrying forward the minimum monitoring frequency of once per day (1/Day), which is less frequent than Department guidance for POTWs permitted to discharge between 1.5 and 5.0 MGD, based on a Department best professional judgment of the appropriate level of monitoring necessary to assess compliance with this parameter. A review of the most recent 60 months of TRC and bacteria effluent data on file with the Department indicates the District has had only one exceedence of the chlorine and bacteria limits. TRC monitoring must be performed during any period in which chlorine-based compounds are in for effluent disinfection. For instances when chlorine-based compounds are not used for disinfection during an entire reporting period, the facility shall report "NODI-9" for this parameter on the monthly Discharge Monitoring Report (DMR).

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

- g. Total Phosphorus (Total-P) and Orthophosphate (Ortho-P): The previous permitting action established weekly average concentration and mass reporting requirements for total phosphorus (total-P) during the warm season (June 1 – September 30) and a three-year schedule of compliance for imposition of a weekly average total-P mass limit of 10.8 lbs./day. The mass limit was scheduled to become effective on June 1, 2004 and was based on a Department BPJ determination of the level necessary to protect receiving water quality and to prevent algal blooms in the Gulf Island Pond portion of the Androscoggin River. On April 23, 2004, the Department administratively modified the 6/29/01 permit to eliminate the weekly average mass limit of 10.8 lbs./day as expectations to finalize the Androscoggin River TMDL were not completed. The administrative modification did, however, carry forward the requirement to report weekly average concentration and mass values for total-P, establish a new requirement to report monthly average and weekly average concentration and mass values for orthophosphate (ortho-P), and established a new requirement to report monthly average concentration and mass values for total-P during the warm season (June 1 through September 30) of each year of the remaining term of the permit.

As discussed in Section 5 of this Fact Sheet, *Receiving Water Quality Conditions*, component analysis and river modeling performed by the Department indicates that the District's discharge does not constitute a significant source of phosphorus loading to the Androscoggin River and Gulf Island Pond. Therefore, this permitting action is:

- 1) Carrying forward monthly average concentration and mass reporting requirements for total-P and ortho-P between June 1 and September 30 of each year;
- 2) Carrying forward weekly average concentration and mass reporting requirements for total-P and ortho-P during the period of June 1, 2006 through September 30, 2006;
- 3) Carrying forward the minimum monitoring frequency requirement of once per week for total-P and ortho-P through September 30, 2006;
- 4) Revising the minimum monitoring frequency requirement for total-P from once per week to once per month (1/Month) beginning June 1, 2007 and lasting through permit expiration;
- 5) Revising the minimum monitoring frequency requirement for ortho-P from once per week to twice per month (2/Month) beginning June 1, 2007 and lasting through permit expiration;
- 6) Eliminating weekly average concentration and mass reporting requirements for total-P and ortho-P beginning upon completion of calendar year 2006 phosphorus monitoring based on the change in monitoring frequencies.

In accordance with Special Condition N of this permit, the Department reserves the right to re-open this permit at any time, with notice to the permittee, to revise the monitoring frequencies and/or establish effluent limits for phosphorus based on the final Androscoggin River TMDL. Total P and ortho-P sampling and analysis shall be performed in accordance with Attachments A and B of this permit, respectively, unless otherwise specified by the Department.

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

- h. pH: The previous permitting action established a pH range limitation of 6.0 – 9.0 standard units based on Department rule found at Chapter 525(3)(III)(c), which is being carried forward in this permitting action. This permitting actions also carrying forward the minimum monitoring frequency requirement of once per day (1/Day) based on Department guidance for POTWs permitted to discharge between 1.5 and 5.0 MGD.
- i. Whole Effluent Toxicity (WET) & Chemical-Specific Testing: Maine law, 38 M.R.S.A., Sections 414-A and 420, prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. Department rule 06-096 CMR Chapter 530.5, *Surface Water Toxics Control Program* (“toxics rule”), set forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

WET and chemical-specific (priority pollutant) testing, as required by Chapter 530.5, is included 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. Chemical-specific, or “priority pollutant (PP),” testing is required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health water quality criteria.

Pursuant to criteria established in Department rule Chapter 530.5, the Rumford-Mexico Sewerage District has been placed in the low frequency category for WET testing as the facility has a chronic dilution factor greater than 100:1 and is free of the defining characteristics of the high and medium frequency categories. The facility has been placed in the high frequency category for chemical-specific (priority pollutant) testing as the facility is permitted to discharge more than 1.0 MGD.

Department rule Chapter 530.5(B)(7)(c) contains provisions and criteria for reduced testing of municipal discharges. The Department’s *Toxicity Program Implementation Protocols* states, “Facilities with all dilution factors equal to or greater than 20:1 and no reasonable potential over a full five year cycle may receive a reduction to one round of screening testing for the complete suite of chemical specific priority pollutants.” Based on this provision and an evaluation of the data on file at the time of the previous permitting action, the previous permitting action established screening level only WET and chemical-specific testing for the District and a requirement to submit, on an annual basis, a certification [Chapter 530.5(B)(7)(c)(iii)] that the characteristics and nature of the discharge had not changed from those on which reduced testing was granted.

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

Department Rule Chapter 530.5 and Protocol E(1) of a document entitled Maine Department of Environmental Protection, Toxicity Program Implementation Protocols, dated July 1998, states that statistical evaluations shall be periodically performed on the most recent 60 months of WET and chemical-specific data for a given facility to determine if water quality based limitations must be included in the permit.

On September 12, 2005, the Department conducted a statistical evaluation on the aforementioned WET and chemical-specific test results on file with the Department in accordance with the statistical approach outlined in the USEPA's March 1991 document entitled Technical Support Document (TSD) for Water Quality Based Toxics Control, Chapter 3.3.2 and Maine Department of Environmental Protection Guidance, July 1998, entitled Toxicity Program Implementation Protocols.

The 9/12/05 statistical evaluation indicates that the discharge does not exceed or have a reasonable potential (RP) to exceed the modified acute (0.98%) or chronic (0.25%) critical ambient water quality criteria thresholds for any of the WET species tested to date.

The 9/12/05 statistical evaluation indicates that the discharge does not exceed or have a reasonable potential to exceed critical thresholds or ambient water quality criteria for any of the pollutants tested.

The Department has made the determination that the District qualifies for, and this permitting action is carrying forward, a reduction in WET and chemical-specific testing pursuant to Department rule Chapter 530.5(B)(7)(c). Therefore, this permitting action is carrying forward the screening level WET testing requirement and minimum monitoring frequency requirement of once per year (1/Year) and the screening level chemical-specific testing requirement and minimum monitoring frequency requirement of once per calendar quarter (1/Quarter) in consecutive calendar quarters.

Screening level testing shall be completed in the 12-month period prior to the expiration date of this permit. In the interim, no surveillance level testing is required. In accordance with Department rule Chapter 530.5(B)(7)(c) and Special Condition L of this permit, *Chapter 530.5(B)(7)(c)(iii) Certification*, **the permittee must annually submit to the Department a written statement evaluating its current status for each of the four conditions listed in Special Condition L of this permit.**

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

8. PUBLIC COMMENTS

Public notice of this application was made in the *Rumford Falls Times* newspaper on or about March 30, 2005. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

9. DEPARTMENT CONTACTS

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

William Hinkel
Division of Water Resource Regulation
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone (207) 287-7659

10. RESPONSE TO COMMENTS

During the period of May 13, 2005 through June 13, 2005, the Department solicited comments on the proposed draft Maine Pollutant Discharge Elimination System Permit to be issued to the District. No significant comments were received during the public comment period; therefore, a response to comments was not prepared.

ATTACHMENT A

Legend

- Wastewater_Facilities
- Wastewater_Outfalls
- Ponds_and_Lakes
- Railroads

River Class

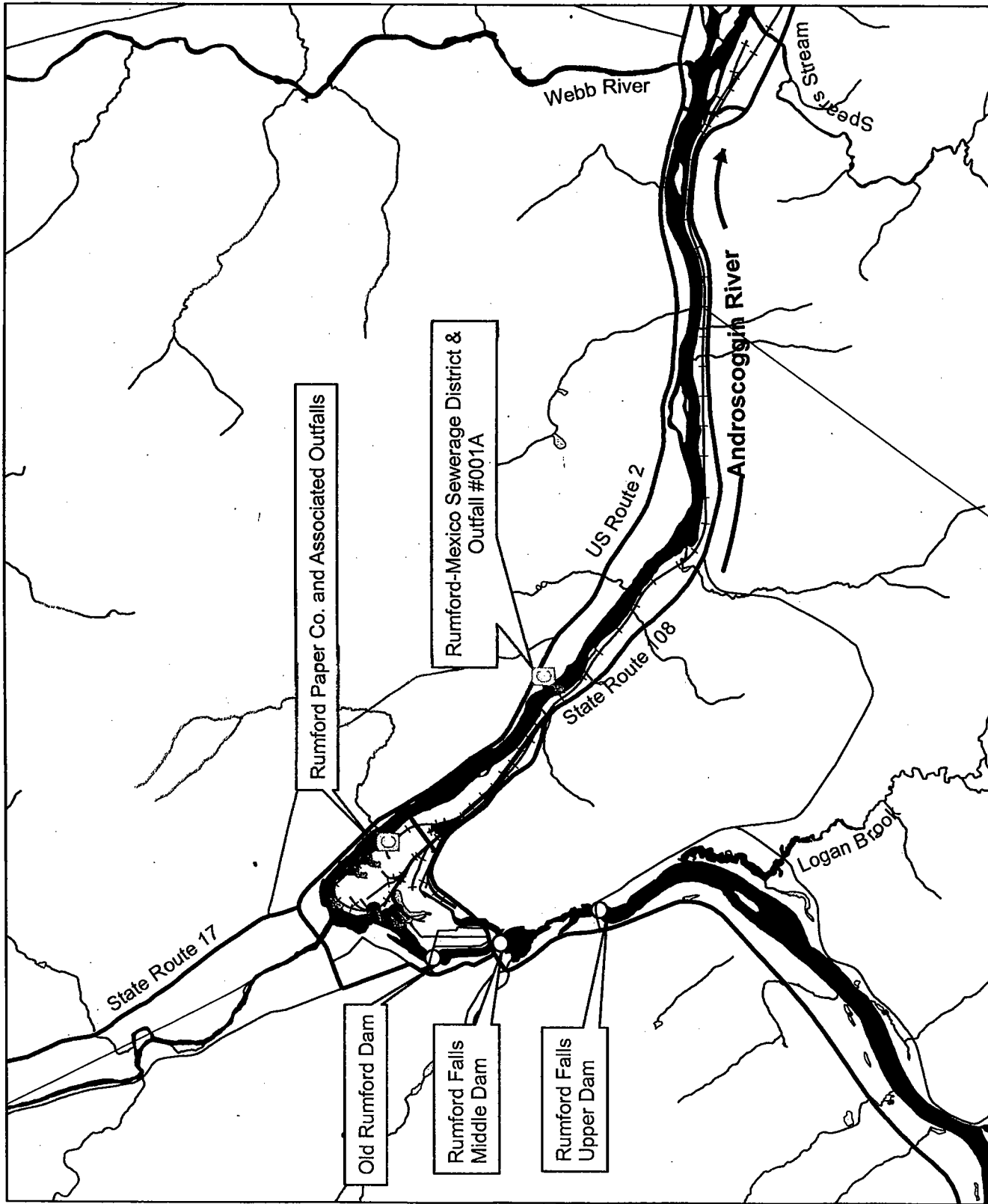
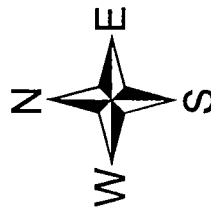
- AA
- A
- B
- C

Stream Class

- AA
- A
- B
- C

JURISDICTION

- Dams
- State aided
- State hwy
- Toll highway

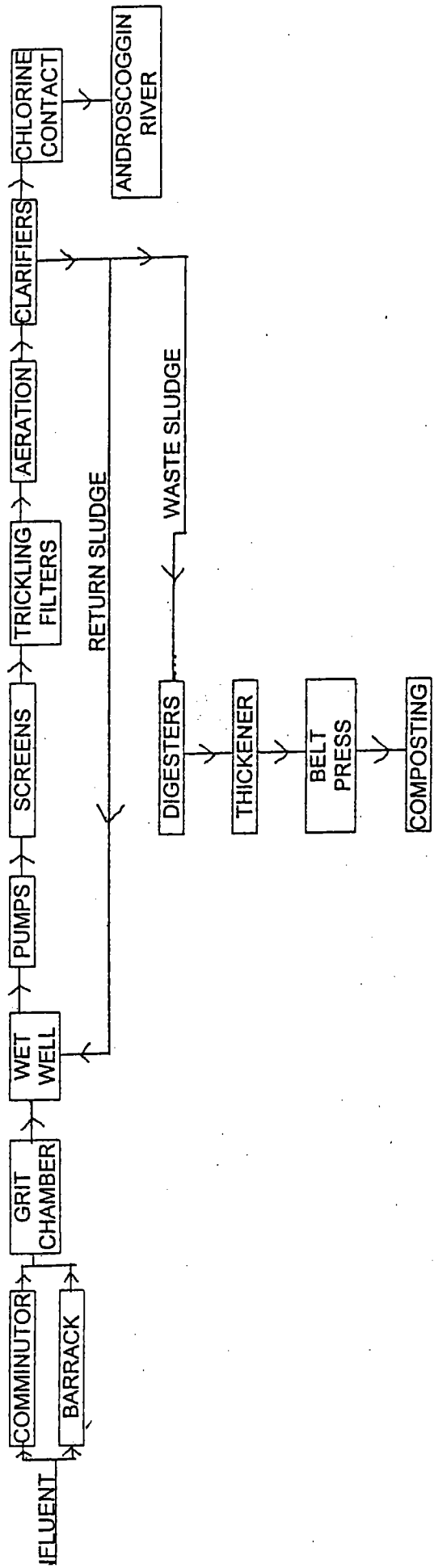


Map created by:
 Bill Hinkel
 Division of Water Resource Regulation
 Maine Department of Environmental Protection
 June 10, 2005

Rumford-Mexico, Maine

ATTACHMENT B

UMFORD-MEXICO SEWERAGE DISTRICT MAIN PLANT LINE DRAWING



ATTACHMENT C

Species	Test	Test Result %	Sample Date
WATER FLEA	LC50	>100	01/01/1995
FATHEAD	A_NOEL	25	09/12/1995
WATER FLEA	A_NOEL	100	09/12/1995
TROUT	A_NOEL	80	02/21/1996
WATER FLEA	A_NOEL	100	02/21/1996
FATHEAD	A_NOEL	75.7	07/30/1996
WATER FLEA	A_NOEL	59.1	07/30/1996
TROUT	A_NOEL	70	01/20/1997
WATER FLEA	A_NOEL	100	01/20/1997
TROUT	A_NOEL	100	07/14/1997
WATER FLEA	A_NOEL	100	07/14/1997
TROUT	A_NOEL	100	02/16/1998
WATER FLEA	A_NOEL	100	02/16/1998
FATHEAD	A_NOEL	61.1	07/27/1998
FATHEAD	LC50	>100	07/27/1998
WATER FLEA	A_NOEL	100	07/27/1998
WATER FLEA	LC50	>100	07/27/1998
TROUT	A_NOEL	100	02/16/1999
TROUT	C_NOEL	25	02/16/1999
TROUT	LC50	>100	02/16/1999
WATER FLEA	A_NOEL	100	02/16/1999
WATER FLEA	C_NOEL	1	02/16/1999
WATER FLEA	LC50	>100	02/16/1999
FATHEAD	A_NOEL	28.9	06/04/2000
FATHEAD	C_NOEL	5.0	06/04/2000
FATHEAD	LC50	44.6	06/04/2000
TROUT	A_NOEL	100	06/04/2000
TROUT	C_NOEL	25	06/04/2000
TROUT	LC50	>100	06/04/2000
WATER FLEA	A_NOEL	100	06/04/2000
WATER FLEA	C_NOEL	100	06/04/2000
WATER FLEA	LC50	>100	06/04/2000
TROUT	A_NOEL	100	01/16/2005
TROUT	C_NOEL	25.0	01/16/2005
TROUT	LC50	>100	01/16/2005
WATER FLEA	A_NOEL	100	01/16/2005
WATER FLEA	C_NOEL	5.0	01/16/2005
WATER FLEA	LC50	>100	01/16/2005

ATTACHMENT D

Sample Date: 06/07/2000

Plant flows provided

Total Tests:	128	mon. (MGD) = 0.920	
Missing Compounds:	1	day (MGD) = 1.110	
Tests With High DL:	2		
M = 0	V = 0	A = 0	
BN = 2	P = 0	other = 0	

Sample Date: 08/26/2004

Plant flows not provided

Total Tests:	122		
Missing Compounds:	3		
Tests With High DL:	46		
M = 14	V = 6	A = 3	
BN = 8	P = 15	other = 0	

Sample Date: 11/03/2004

Plant flows not provided

Total Tests:	125		
Missing Compounds:	0		
Tests With High DL:	3		
M = 1	V = 0	A = 0	
BN = 2	P = 0	other = 0	

Sample Date: 01/19/2005

Plant flows not provided

Total Tests:	124		
Missing Compounds:	0		
Tests With High DL:	2		
M = 0	V = 0	A = 0	
BN = 2	P = 0	other = 0	

Sample Date: 03/15/2005

Plant flows not provided

Total Tests:	125		
Missing Compounds:	0		
Tests With High DL:	3		
M = 1	V = 0	A = 0	
BN = 2	P = 0	other = 0	

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

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MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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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).

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

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

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

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

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

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

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

B. OPERATION AND MAINTENANCE OF FACILITIES

1. General facility requirements.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

5. Bypasses.

(a) Definitions.

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

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

(c) Notice.

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

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- (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.

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STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

C. MONITORING AND RECORDS

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

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

3. Monitoring and records.

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.
- (c) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (d) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.
- (e) State law provides that any person who tampers with or renders inaccurate any monitoring devices or method required by any provision of law, or any order, rule license, permit approval or decision is subject to the penalties set forth in 38 MRSA, §349.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

D. REPORTING REQUIREMENTS

1. Reporting requirements.

- (a) Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - (i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
 - (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D(4).
 - (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;
- (b) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) Transfers. This permit is not transferable to any person except upon application to and approval of the Department pursuant to 38 MRSA, § 344 and Chapters 2 and 522.
- (d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.
 - (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.
 - (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.
- (e) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (f) Twenty-four hour reporting.
 - (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance

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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).

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- (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.

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

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

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

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

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

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

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

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

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

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

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

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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.

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

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

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

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

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

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

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

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

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



DEP INFORMATION SHEET

Appealing a Commissioner's Licensing Decision

Dated: May 2004

Contact: (207) 287-2811

SUMMARY

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

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

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

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

HOW TO SUBMIT AN APPEAL TO THE BOARD

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

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

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

5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence as part of an appeal only when the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or show that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2, Section 24(B)(5).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* An applicant proceeding with a project pending the outcome of an appeal runs the risk of the decision being reversed or modified as a result of the appeal.

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

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

II. APPEALS TO MAINE SUPERIOR COURT

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

ADDITIONAL INFORMATION

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

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