



STATE OF MAINE
Department of Environmental Protection

Paul R. LePage
GOVERNOR

Patricia W. Aho
COMMISSIONER

December 9, 2011

Mr. Mark Soucy
Fort Kent Water and Wastewater Department
416 West Main Street
Fort Kent, Maine 04743

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0102369
Maine Waste Discharge License (WDL) Application #W000692-6C-H-R
Final MEPDES Permit

Dear Mr. Soucy:

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.*"

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

Sincerely,

A handwritten signature in cursive script, appearing to read "G. Wood".

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

Enc.

cc: William Sheehan, DEP/NMRO
Sandy Mojica, USEPA



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

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF FORT KENT)	MAINE POLLUTANT DISCHARGE
FORT KENT, AROOSTOOK COUNTY)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS)	AND
ME0102369)	WASTE DISCHARGE LICENSE
W000692-6C-H-R)	RENEWAL
APPROVAL)	

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

APPLICATION SUMMARY

The Town has submitted a timely and complete application to the Department for a renewal of Waste Discharge License (WDL) #W000692-5K-G-R / Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0102369 (permit hereinafter), which was issued on December 18, 2006, and is scheduled to expire on December 18, 2011. The 12/18/06 permit authorized the monthly average discharge of up to 0.43 million gallons per day (MGD) of combined secondary treated sanitary wastewater and industrial wastewater from a publicly owned treatment works (POTW) to the St. John River, Class B, in Fort Kent, Maine,

PERMIT SUMMARY

This permitting action is similar to the 12/28/01 permitting action in that it is:

1. Incorporating the interim average and maximum concentration limits for mercury established in a permit modification issued on June 27, 2000.
2. Reducing the monitoring frequency for settleable solids from 5/Week to 1/Week based on the excellent compliance history.
3. Authorizing the permittee to receive and treat up to 2,150 gpd of transported wastes (septage) at the waste water treatment facility.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated October 21, 2011, and subject to the Conditions listed below, the Department makes the following conclusions:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, 38 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 natural resource, that water quality will be maintained and protected;
 - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing 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 TOWN OF FORT KENT to discharge a monthly average flow of up to 0.43 million gallons per day of combined secondary treated sanitary waste waters and industrial waste waters to the St. John River, Class B, in Fort Kent, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. *“Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits,”* revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit becomes effective upon the date of signature below and expires at midnight five (5) after that date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of the this permit, the terms and conditions of the this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act, 5 M.R.S.A. § 10002 and Rules Concerning the Processing of Applications and Other Administrative Matters, 06-096 CMR 2(21)(A) (effective April 1, 2003)*].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: September 1, 2011.
Date of application acceptance: September 6, 2011.

This Order prepared by Gregg Wood, BUREAU OF LAND & WATER QUALITY
ME0102369 2011 12/9/11

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge **secondary treated municipal (sanitary and industrial) waste waters from Outfall #001** to the St. John River at Fort Kent. Such discharges shall be limited and monitored by the permittee as specified below⁽¹⁾:

	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow <i>[50050]</i>	0.43 MGD <i>[03]</i>	Report MGD <i>[03]</i>	---	---	Continuous <i>[99/99]</i>	Recorder <i>[RC]</i>
BOD₅ <i>[00310]</i>	250 lbs./day <i>[26]</i>	469 lbs./day <i>[26]</i>	70 mg/L <i>[19]</i>	131 mg/L <i>[19]</i>	1/Week <i>[01/07]</i>	24-Hour Composite <i>[24]</i>
BOD₅ Percent Removal⁽²⁾ <i>[81010]</i>	---	---	65% <i>[23]</i>	---	1/Month <i>[01/30]</i>	Calculate <i>[CA]</i>
TSS <i>[00530]</i>	250 lbs./day <i>[26]</i>	469 lbs./day <i>[26]</i>	70 mg/L <i>[19]</i>	131 mg/L <i>[19]</i>	1/Week <i>[01/07]</i>	24-Hour Composite <i>[24]</i>
TSS Percent Removal⁽²⁾ <i>[81011]</i>	---	---	85% <i>[23]</i>	---	1/Month <i>[01/30]</i>	Calculate <i>[CA]</i>
Settleable Solids <i>[00545]</i>	---	---	---	0.3 ml/L <i>[25]</i>	1/Week <i>[01/07]</i>	Grab <i>[GR]</i>
<i>E. coli</i> Bacteria⁽³⁾ (May 15 – Sept. 30) <i>[31633]</i>	---	---	64/100 ml ⁽⁴⁾ <i>[13]</i>	427/100 ml <i>[13]</i>	1/Week <i>[01/07]</i>	Grab <i>[GR]</i>
Total Residual Chlorine <i>[50060]</i>	---	---	---	1.0 mg/L <i>[19]</i>	1/Day <i>[01/01]</i>	Grab <i>[GR]</i>
pH <i>[00400]</i>	---	---	---	6.0 – 9.0 SU <i>[12]</i>	1/Day <i>[01/01]</i>	Grab <i>[GR]</i>
Mercury (Total)⁽⁶⁾ <i>[50286]</i>	---	---	0.0225 ug/L <i>[28]</i>	0.0338 ug/L <i>[28]</i>	1/Year <i>[01/YR]</i>	Grab <i>[GR]</i>

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 (DMRs).

Footnotes: See Pages 6 and 7 of this permit for applicable footnotes.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- The permittee shall monitor the lagoon under-drains, at the common under-drain collection manhole, designated **Outfall #002A** in this permit for data management purposes, as specified below.

Effluent Characteristic	Monitoring Requirements		
Parameter	Daily Maximum	Measurement Frequency	Sample Type
Flow Rate ⁽⁵⁾ <i>[00058]</i>	Report GPM <i>[78]</i>	3/year ⁽⁷⁾ <i>[03/YR]</i>	Estimate <i>[ES]</i>
Conductivity <i>[00094]</i>	Report umhos/cm <i>[11]</i>	3/year ⁽⁷⁾ <i>[03/YR]</i>	Grab <i>[GR]</i>
Temperature °C <i>[00010]</i>	Report °C <i>[04]</i>	3/year ⁽⁷⁾ <i>[03/YR]</i>	Grab <i>[GR]</i>
<i>E. coli</i> Bacteria ⁽⁴⁾ <i>[31633]</i>	Report #/100 ml <i>[13]</i>	3/year ⁽⁷⁾ <i>[03/YR]</i>	Grab <i>[GR]</i>

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:

- Sampling** – Sampling and analysis must be conducted in accordance with; a) methods approved in 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine’s Department of Human Services. Samples that are sent to another POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 or laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended February 13, 2000).

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

SPECIAL CONDITIONS

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

Footnotes:

2. **BOD₅ and TSS Percent Removal** – The treatment facility shall maintain a minimum of 65 percent removal of biochemical oxygen demand and a minimum of 85 percent removal for total suspended solids for all flows receiving secondary treatment. Compliance with these limitations is based on a twelve-month rolling average. Calendar monthly average percent removal values shall be calculated based on influent and effluent concentrations. The twelve-month rolling average calculation is based on the most recent twelve-month period when the influent concentrations are greater than or equal to 200 mg/L. The percent removal shall be waived when the twelve-month rolling average influent concentration is less than 200 mg/L.
3. **Bacteria 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 bacteria limits 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. **Lagoon Under-drain Flow Monitoring** – In lieu of a flow measuring device for the under-drain flow, the under drain flow rate may be estimated based on a methodology approved by the Department.
6. **Mercury** - All mercury sampling required by this permit or required to determine compliance with interim limitations established pursuant to Department rule Chapter 519, shall be conducted in accordance with EPA's "clean sampling techniques" found in EPA Method 1669, Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels. All mercury analysis shall be conducted in accordance with EPA Method 1631, Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry. See **Attachment A** of this permit for a Department report form for mercury test results.
7. **Lagoon Under-drain Monitoring Period** – Monitoring shall be conducted during the months of May, July and October of each year.

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain a visible oil sheen, foam or floating solids at any time which would impair the usages designated 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. TREATMENT PLANT OPERATOR

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

D. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on September 5, 2011; 2) the terms and conditions of this permit; and 3) only from Outfall #001A. Discharges of waste water 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.

E. LIMITATIONS FOR INDUSTRIAL USERS

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

SPECIAL CONDITIONS

F. PUMP STATION EMERGENCY BYPASSES

Discharges from emergency bypass structures in pump stations are not authorized by this permit. The permittee shall make provisions to monitor the pump stations identified in Table 1 below via an electronic flow estimation system to record frequency, duration and estimation of flow discharged.

Table 1. Pump Station Emergency Bypass Points.

Number	Name	Location	Receiving Water and Class
002	R.E. Wright Pump Station	Riverside Park	St. John River Class B
003	Armory Pump Station	Armory Road	Fish River Class B
003A	Quigley's Pump Station	Blockhouse Road	Fish River, Class B
004	Madore Brook Pump Station	Market Street	Fish River Class B
005	Kent Pump Station	Industrial Park	St. John River Class B
007	Main Pump Station	Market Street	Fish River Class B

Discharges from the pump station shall be reported in accordance with Standard Condition B(5), *Bypasses*, of this permit.

G. NOTIFICATION REQUIREMENTS

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

1. Any introduction of pollutants into the waste water collection and treatment system from an indirect discharger in a primary industrial category discharging process waste water; and
2. Any substantial change in the volume or character of pollutants being introduced into the waste water collection and treatment system by a source introducing pollutants to the system at the time of permit issuance.
3. For the purposes of this section, adequate notice shall include information on:
 - a. The quality and quantity of waste water introduced to the waste water collection and treatment system; and
 - b. Any anticipated impact of the change in the quantity or quality of the waste water to be discharged from the treatment system.

SPECIAL CONDITIONS

H. OPERATIONS AND MAINTENANCE (O&M) PLAN

This facility shall have a current written comprehensive Operation & Maintenance (O&M) Plan. The plan shall provide a systematic approach by which the permittee shall at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit.

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

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

I. WET WEATHER MANAGEMENT PLAN

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

SPECIAL CONDITIONS

J. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

During the effective period of this permit, the permittee is authorized to receive and introduce into the treatment process or solids handling stream **a maximum of 2,150 gallons per day** of transported wastes, subject to the following terms and conditions:

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

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

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

SPECIAL CONDITIONS

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

5. The addition of transported wastes into the treatment process or solids handling stream shall not cause the treatment facility's design capacity to be exceeded. If, for any reason, the treatment process or solids handling facilities become overloaded, introduction of transported wastes into the treatment process or solids handling stream shall be reduced or terminated in order to eliminate the overload condition.
6. Holding tank wastewater from domestic sources to which no chemicals in quantities potentially harmful to the treatment process have been added shall not be recorded as transported wastes but should be reported in the treatment facility's influent flow.
7. During wet weather events, transported wastes may be added to the treatment process or solids handling facilities only in accordance with a current Wet Weather Flow Management Plan approved by the Department that provides for full treatment of transported wastes without adverse impacts.
8. In consultation with the Department, chemical analysis is required prior to receiving transported wastes from new sources that are not of the same nature as wastes previously received. The analysis must be specific to the type of source and designed to identify concentrations of pollutants that may pass through, upset or otherwise interfere with the facility's operation.
9. Access to transported waste receiving facilities may be permitted only during the times specified in the application materials and under the control and supervision of the person responsible for the wastewater treatment facility or his/her designated representative.
10. The authorization is subject to annual review and, with notice to the permittee and other interested parties of record, may be suspended or reduced by the Department as necessary to ensure full compliance with Chapter 555 of the Department's rules and the terms and conditions of this permit.

SPECIAL CONDITIONS

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

By December 31 of each calendar year, the permittee shall provide the Department with a certification describing any of the following that have occurred since the effective date of this permit [*PCS Code 95799*]: See **Attachment E** of the Fact Sheet for an acceptable certification form to satisfy this Special Condition.

- (a) Changes in the number or types of non-domestic wastes contributed directly or indirectly to the wastewater treatment works that may increase the toxicity of the discharge;
- (b) Changes in the operation of the treatment works that may increase the toxicity of the discharge; and
- (c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge.

In addition, in the comments section of the certification form, the permittee shall provide the Department with statements describing;

- (d) Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge.
- (e) Increases in the type or volume of hauled wastes accepted by the facility.

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

L. MONITORING AND REPORTING

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

Department of Environmental Protection
Northern Maine Regional Office
Bureau of Land and Water Quality
1235 Central Park Drive - Skyway Park
Presque Isle, Maine 04769

SPECIAL CONDITIONS

L. MONITORING AND REPORTING (cont'd)

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

M. REOPENING OF PERMIT FOR MODIFICATION

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

N. SEVERABILITY

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

ATTACHMENT A

Effluent Mercury Test Report

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

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

SAMPLE COLLECTION INFORMATION

Sampling Date:	<table border="1"><tr><td> </td><td> </td><td> </td></tr><tr><td>mm</td><td>dd</td><td>yy</td></tr></table>				mm	dd	yy	Sampling time:	_____ AM/PM
mm	dd	yy							
Sampling Location:									
Weather Conditions: _____									
Please describe any unusual conditions with the influent or at the facility during or preceding the time of sample collection:									
Optional test - not required but recommended where possible to allow for the most meaningful evaluation of mercury results:									
Suspended Solids	_____ mg/L	Sample type:	_____ Grab (recommended) or _____ Composite						

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory:	_____		
Date of analysis:	_____	Result:	 ng/L (PPT)
Please Enter Effluent Limits for your facility			
Effluent Limits:	Average = _____ ng/L	Maximum = _____ ng/L	
Please attach any remarks or comments from the laboratory that may have a bearing on the results or their interpretation. If duplicate samples were taken at the same time please report the average.			

CERTIFICATION

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

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

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

FACT SHEET

DATE: **October 21, 2011**

PERMIT NUMBER: **ME0102369**
WASTE DISCHARGE LICENSE: **W000692-6C-H-R**

NAME AND ADDRESS OF APPLICANT:

**TOWN OF FORT KENT
416 West Main Street
Fort Kent, Maine 04743**

COUNTY: **Aroostook**

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

**542 West Main Street
Fort Kent, Maine 04743**

RECEIVING WATER/CLASSIFICATION: **St. John River/Class B**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Mark Soucy
(207) 834-3463**
e-mail: mark.soucy@fortkent.org

1. APPLICATION SUMMARY

- a. Application: The Town of Fort Kent (Town) has submitted a timely and complete application to the Department for a renewal of Waste Discharge License (WDL) #W000692-5K-G-R / Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0102369 (permit hereinafter), which was issued on December 18, 2006, and is scheduled to expire on December 18, 2011. The 12/18/06 permit authorized the monthly average discharge of up to 0.43 million gallons per day (MGD) of combined secondary treated sanitary wastewater and industrial wastewater from a publicly owned treatment works (POTW) to the St. John River, Class B, in Fort Kent, Maine. See **Attachment A** of this Fact Sheet for a location map.

1. APPLICATION SUMMARY (cont'd)

- b. Source Description: The Town's wastewater treatment facility receives residential sanitary waste waters, commercial waste waters, and industrial waste waters from customers within the Town of Fort Kent. The Town reported in its 8/15/06 application that a potato and whole vegetable processor, contributes (as an average) 35,000 gallons per day of potato processing waste waters at an average BOD strength of 1,800 mg/L. The processing facility contributes more than 10% of the total organic loading to the treatment plant. Although the facility has been off-line for approximately six years, the Town reported that the facility has periodically expressed interest in resuming processing of potatoes at the levels reported in the 8/15/06 application.

The Town has applied to the Department for authorization to receive and introduce transported wastes into the treatment process.

- c. Wastewater Treatment: The Town provides a secondary level of wastewater treatment at the wastewater treatment facility via a three-celled facultative lagoon system (total capacity of 54 million gallons) equipped with diffused aeration. Treated effluent is seasonally disinfected with chlorine for compliance with the *E. coli* bacteria limits established for Class B waters and is conveyed to the St. John River at Fort Kent via a twelve-inch diameter outfall pipe designated Outfall #001A in this permitting action. The pipe is submerged to a depth of approximately three feet at mean low water conditions and is fitted with a two-port diffuser intended to enhance mixing of the effluent with the receiving waters. Waste sludge is conveyed to two 150-foot by 45-foot reed beds for treatment and disposal. See **Attachment B** of this Fact Sheet for a schematic of the treatment facility.

2. PERMIT SUMMARY

- a. Terms and conditions – This permitting action is carrying forward all the terms and conditions of the December 18, 2006, permit action except that this permit;
1. Incorporating the interim average and maximum concentration limits for mercury established in a permit modification issued on June 27, 2000.
 2. Reducing the monitoring frequency for settleable solids from 5/Week to 1/Week based on the excellent compliance history.
 3. Authorizing the facility to receive up to 2,150 gpd of transported wastes.
- b. History: This section provides a summary of significant licensing/permitting actions and milestones that have been completed for the Fort Kent Wastewater Treatment Plant. Additional history has been documented in WDL #W000692-5K-F-R.

May 25, 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 #W000692-47-D-R by establishing interim monthly average and daily maximum effluent

2. PERMIT SUMMARY (cont'd)

concentration limits of 22.5 parts per trillion (ppt) and 33.8 ppt, respectively, and a minimum monitoring frequency requirement of two (2) 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 frequencies are regulated separately through Maine law, 38 M.R.S.A. §413 and Department rule Chapter 519. 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.

March 20, 2000 – The USEPA issued a renewal of National Pollutant Discharge Elimination System (NPDES) permit #ME0102369 to the Town for a five-year term, which superseded all previous NPDES permits issued to the Town for this facility by the USEPA.

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 this point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) program, and MEPDES permit #ME0102369 has been utilized for this facility.

December 28, 2001 – The Department issued WDL #W000692-5K-F-R / MEPDES permit #ME0102369 to the Town for a five year term. The 12/28/01 permit superseded WDL #W000692-47-D-R issued on December 2, 1997, and WDL #W000692-45-A-R issued on September 26, 1985 (earliest Order on file with the Department), as well as the 3/20/00 NPDES permit issued by the USEPA.

December 18, 2006 – The Department issued combination MEPDES permit #ME0102369/WDL #W000692-5K-G-R for a five-year term.

September 1, 2011 – The Town submitted a timely and complete application to the Department to renew the MEPDES permit/WDL.

3. CONDITIONS OF PERMIT

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 the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S.A., §420 and Department rule 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*, require the regulation of toxic substances not to exceed levels set forth in Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*, and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A., § 467(15)(A)(3) classifies the St. John River “[f]rom the international bridge in Fort Kent to the international bridge in Madawaska, those waters lying within the State, including all impoundments” which includes the river at the point of discharge, as Class B waters.

Maine law, 38 M.R.S.A., Section 465(3) describes standards for classification of Class B waters as follows;

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

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

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

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2010 Integrated Water Quality Monitoring and Assessment Report, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists a 21.8-mile reach of the St. John River above Madawaska (Hydrologic Unit Code #ME0101000116 / Waterbody ID #116R) as, “Category 2: Rivers and Streams Attaining Some Designated Uses – Insufficient Information for Other Uses.” The Report lists all of Maine’s fresh waters as, “Category 4-B-3: Waters Impaired by Atmospheric Deposition of Mercury. Regional or National TMDL may be Required.” Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, “the impairment is presumed to be from atmospheric contamination and deposition. The advisory is based on probability data

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

that a stream, river, or lake may contain some fish that exceed the advisory action level. Any freshwater may contain both contaminated and uncontaminated fish depending on size, age and species occurrence in that water.” 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.

The Department has no information at this time that the discharge from the Fort Kent Wastewater Treatment Plant causes or contributes to the failure of the receiving water to meet the designated uses of its assigned classification.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- a. Applicability of National Effluent Guidelines: Title 40, Part 407, *Canned and Preserved Fruits and Vegetables Processing Point Source Category*, Subpart D, *Frozen Potato Products Subcategory*, of the Code of Federal Regulations applies to the discharge from the Town. Effluent limitation guidelines for BOD₅, TSS, and pH, which represent the degree of effluent reduction attainable by the application of the Best Practicable Control Technology Currently Available (BPT), are specified at 40 CFR Part 407.42.
- b. Flow: The previous permitting action established, and this permitting action is carrying forward, a monthly average discharge flow limitation of 0.43 MGD based on the monthly average dry weather design capacity of the facility, and a daily maximum discharge flow reporting requirement to assist in compliance evaluations.

A review of the monthly average flow data as reported on the Discharge Monitoring Reports (DMRs) submitted to the Department for the period January 2008 – August 2011 indicates the permittee has reported values as follows:

Flow (DMRs = 44)

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	0.43	0.15 – 0.75	0.32
Daily maximum	Report	0.20 – 3.31	0.61

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- c. Dilution Factors: Dilution factors associated with the permitted discharge flow of 0.43 MGD from the facility were derived in accordance with Department rule, 06-096 CMR, Chapter 530 Section 4.A Surface Water Toxics Control Program and were calculated as follows:

$$\text{Acute } \frac{1}{4} \text{ 1Q10} = 137 \text{ cfs} \quad \Rightarrow \frac{(137 \text{ cfs})(0.6464) + 0.43 \text{ MGD}}{0.43 \text{ MGD}} = 207:1$$

$$\text{Acute: 1Q10} = 547 \text{ cfs} \quad \Rightarrow \frac{(547 \text{ cfs})(0.6464) + 0.43 \text{ MGD}}{0.43 \text{ MGD}} = 823:1$$

$$\text{Chronic: 7Q10} = 564 \text{ cfs} \quad \Rightarrow \frac{(564 \text{ cfs})(0.6464) + 0.43 \text{ MGD}}{0.43 \text{ MGD}} = 849:1$$

$$\text{Harmonic Mean} = 2,827 \text{ cfs} \quad \Rightarrow \frac{(2,827 \text{ cfs})(0.6464) + 0.43 \text{ MGD}}{0.43 \text{ MGD}} = 4,251:1$$

The DEA has determined that mixing of the effluent with the receiving water is complete and rapid at this time. Therefore, this permitting action is utilizing 100% of the 1Q10 in acute evaluations as required by Department rule Chapter 530 Section 4.B.1, which states,

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

- d. Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS): The previous permitting action established monthly average and daily maximum technology-based mass limits of 250 pounds per day and 469 pounds per day, respectively, and monthly average and daily maximum concentration limits of 70 mg/L and 131 mg/L, respectively, for BOD₅ and TSS. The previous permit specified that the mass limits were based on the sum of allowable loadings for the municipal flow of approximately 0.38 MGD and the industrial flow of approximately 0.05 MGD. Technology-based concentration limitations were established by back-calculating from the mass limits.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

In cases where the flow or loading of BOD₅ and TSS introduced by an industrial category exceeds 10 percent of the design flow or loading of a publicly owned treatment works (POTW), the secondary treatment requirements (30-day average of 30 mg/L and 7-day average of 45 mg/L) for these pollutants, as defined in Department rule Chapter 525(3)(III)(a), may be adjusted upward provided they meet the criteria outlined in Department rule Chapter 525(3)(IV)(b). The rule states that the monthly average and weekly average limits may be adjusted upwards provided the permitted discharge of BOD₅ and TSS, attributable to the industrial category, would not be greater than that which would be permitted under Section 306 of the Clean Water Act (CWA) if such industrial category were to discharge directly into navigable waters. Based on information provided by the applicant, the Department has determined that the industrial loading from the food processing facility would exceed 10% of the design loading of the treatment facility; thus, the facility qualifies for the upward adjustment of BOD₅ and TSS beyond those established for secondary treated sanitary wastewater.

The USEPA has not established numeric pretreatment standards for Frozen Potato Products Subcategory. Therefore, the Department is applying the Best Practicable Control Technology Currently Available (BPT)-based effluent guidelines for potato processing promulgated at 40 CFR Part 407.42 to the discharge from Fort Kent based on best professional judgment. The effluent guidelines are expressed in terms of pounds of pollutant per 1,000 pounds of raw material (lbs./lbs. production). The guidelines for BOD₅ and TSS are 2.80 lbs./per 1,000 lbs. raw material (daily maximum) and 1.40 lbs./1,000 lbs. (monthly average).

The BPT-based effluent guidelines for secondary treated sanitary wastewater are defined in Department rule 06-096 CMR Chapter 525(3)(III) and are expressed in terms of 30-day average and 7-day average concentration limitations. This permitting action is utilizing the monthly average BOD₅ and TSS limit of 30 mg/L and a daily maximum limit of 50 mg/L, which is based on a Department best professional judgment (BPJ) of best practicable treatment (BPT) for secondary treated sanitary wastewater, to calculate the sanitary loading portion of the final effluent limitations.

Department rule Chapter 525 (3)(III) provides secondary treatment effluent standards for BOD₅ and TSS in terms of monthly average and weekly average concentration limitations. The national effluent guideline limitations regulate the discharge of BOD₅ and TSS in terms of mass and do not include weekly average standards. The Department is making a best professional judgment determination that regulating the discharge of BOD₅ and TSS in terms of weekly average limitations is not appropriate for this facility given the significant industrial influent loadings.

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

The previous permitting action calculated effluent limit thresholds for BOD₅ and TSS based on production figures provided to the Department via personal communication with the Town's Wastewater Department Head on November 7, 2006. An average production figure of 180,000 lbs/day used to calculate the industrial portion of applicable BOD₅ and TSS thresholds and an average of 0.395 MGD (design flow of 0.43 MGD minus industrial flow of 0.035 MGD) was used to calculate the sanitary portion of applicable BOD₅ and TSS thresholds.

The food processing portions of the BOD₅ and TSS mass thresholds were derived as follows:

Monthly Average Mass Portion: $(180,000 \text{ lbs./day})(1.40 \text{ lbs./1,000 lbs.}) = 252 \text{ lbs./day}$
Daily Maximum Mass Portion: $(180,000 \text{ lbs./day})(2.80 \text{ lbs./1,000 lbs.}) = 504 \text{ lbs./day}$

The sanitary portions of the BOD₅ and TSS mass thresholds were derived as follows:

Monthly Average Mass Portion: $(30 \text{ mg/L})(8.34 \text{ lbs./gallon})(0.395 \text{ MGD}) = 99 \text{ lbs./day}$
Daily Maximum Mass Portion: $(50 \text{ mg/L})(8.34 \text{ lbs./gallon})(0.395 \text{ MGD}) = 165 \text{ lbs./day}$

Monthly average and daily maximum end-of-pipe effluent BOD₅ and TSS thresholds are the sum of the allowable food processing and sanitary portions as calculated above.

Monthly Average BOD₅ and TSS Threshold: $252 \text{ lbs./day} + 99 \text{ lbs./day} = 351 \text{ lbs./day}$
Daily Maximum BOD₅ and TSS Threshold: $504 \text{ lbs./day} + 165 \text{ lbs./day} = 669 \text{ lbs./day}$

The monthly average and daily maximum technology-based effluent limitations of 250 lbs./day and 469 lbs./day, respectively, for BOD₅ and TSS established in the previous permitting action are more stringent than the thresholds calculated above and are therefore being carried forward in this permitting action consistent with the intent of the anti-backsliding provisions of the Clean Water Act and Department rule Chapter 523.

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

Department rule Chapter 523, *Waste Discharge License Conditions*, Section 6, *Calculating NPDES permit conditions*, sub-section f(2) states that "...pollutants limited in terms of mass additionally may be limited in terms of other units of measurement and the permit shall require the permittee to comply with both limitations." To ensure best practicable treatment is being applied to the discharge from the Town at all times, the Department has made a best professional judgment determination that carrying forward monthly average and daily maximum technology-based concentrations limits for BOD₅ and TSS is appropriate. The concentration limits were derived by back-calculating values from the applicable mass limits calculated above and the monthly average flow limit established in Section 6(b) of this Fact Sheet. The limits were derived as follows:

$$\text{Monthly Average: } \frac{250 \text{ lbs/day}}{(8.34 \text{ lbs./gallon})(0.43 \text{ MGD})} = 70 \text{ mg/L}$$

$$\text{Daily Maximum: } \frac{469 \text{ lbs/day}}{(8.34 \text{ lbs./gallon})(0.43 \text{ MGD})} = 131 \text{ mg/L}$$

Department rule Chapter 525(3)(III)(b)(3) specifies a requirement to achieve a minimum 30-day average removal of 85 percent for BOD₅ and TSS for secondary treated wastewaters.

A review of the monthly average flow data as reported on the Discharge Monitoring Reports submitted to the Department for the period January 2008 – July 2011 indicates values have been reported as follows:

BOD mass (DMRs = 44)

Value	Limit (lbs/day)	Range (lbs/day)	Mean (lbs/day)
Monthly Average	250	14 - 170	67
Daily Maximum	469	21-414	125

BOD concentration (DMRs = 44)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	70	6 - 49	26
Daily Maximum	131	8 - 85	40

TSS mass (DMRs = 44)

Value	Limit (lbs/day)	Range (lbs/day)	Mean (lbs/day)
Monthly Average	250	8 - 89	32
Daily Maximum	469	14 - 198	58

TSS concentration (DMRs = 44)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	70	3 - 48	13
Daily Maximum	131	5 - 70	19

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

The previous permitting action established a minimum monitoring frequency requirement of twice per week for BOD₅ and TSS, which is being revised to once per week in this permitting action for consistency with Department guidance for POTWs permitted to discharge between 0.1 and 0.5 MGD.

- e. Settleable Solids: The previous permitting action established a technology-based daily maximum concentration limit of 0.3 ml/L for settleable solids, which is considered a best practicable treatment (BPT) limitation for secondary treated wastewater along with a monitoring frequency of 5/Week.

A review of the monthly Discharge Monitoring Report (DMR) data for the period January 2008 – July 2011 indicates settleable solids have been reported as follows:

Settleable solids concentration (DMRs 44)

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

Given the excellent compliance history cited above, this permitting action is reducing the monitoring frequency to 1/Week.

- f. Escherichia coli Bacteria: The previous permitting action established seasonal (May 15–September 30) monthly average and daily maximum concentration limits for *E. coli* bacteria of 64 colonies/100 ml (geometric mean) and 427 colonies/100 ml (instantaneous level), respectively, which were based on the State of Maine Water Classification Program criteria for Class B waters found at 38 M.R.S.A. §465(3)(B), and a minimum monitoring frequency requirements of once per week.

Subsequent to issuance of the previous permit, the State Legislature adopted more stringent AWQC for *E. coli* bacteria. The newer criteria for Class B waste are 64 colonies/100 ml as a monthly average and 236 colonies/100 ml as a daily maximum. The Department has made the determination that after taking into consider the dilution associated with the discharge, the BPT limits established in this permitting action are protective of the newer AWQC for bacteria. Therefore, the limitations and monitoring frequency established in the previous permitting action are being carried forward in this permitting action.

A review of the monthly Discharge Monitoring Report (DMR) data for the period May 2008 – July 2011 indicates *E. coli* bacteria values have been reported as follows:

***E. coli* bacteria (DMRs = 18)**

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly Average	64	0 - 46	3
Daily Maximum	427	0 - 60	5

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

- g. Total Residual Chlorine: 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	823:1 (A) 849:1 (C)	15.6 mg/L	9.3 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 technology-based limit of 1.0 mg/L is more stringent than either calculated water quality-based thresholds and is therefore being carried forward in this permitting action.

This permitting action is carrying forward the minimum monitoring frequency of once per day consistent with Department guidance for POTWs permitted to discharge between 0.1 and 0.5 MGD.

A review of the monthly Discharge Monitoring Report (DMR) data for the period May 2008 – July 2011 indicates TRC values have been reported as follows:

Total residual chlorine (DMRs = 18)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	1.0	0.63 – 0.99	0.89

- h. pH: The previous permitting action established, and this permitting action is carrying forward, a technology-based pH limit of 6.0 – 9.0 standard units, which is based on Department rule, 06-096 CMR Chapter 525(3)(III), and a minimum monitoring frequency requirement of once per day consistent with Department guidance for POTWs permitted to discharge between 0.1 and 0.5 MGD.

The DMR data indicate the facility has been in compliance with the pH range limitation 100% of the time during the period of December 2002 – June 2006 (n=42).

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

- i. Mercury – Pursuant to *Certain deposits and discharges prohibited*, Maine law, 38 M.R.S.A. § 420 and *Waste discharge licenses*, 38 M.R.S.A. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), the Department issued a *Notice of Interim Limits for the Discharge of Mercury* on June 27, 2000, to the permittee thereby administratively modifying WDL #W000692-59-B-R by establishing interim average and maximum effluent concentration limits of 22.5 parts per trillion (ppt) and 33.8 ppt, respectively, and a minimum monitoring frequency requirement of four (4) tests per year for mercury.

Maine law 38 M.R.S.A., §420 1-B,(B)(1) states that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413, subsection 11. A review of the Department’s data base for the period October 2006 through the present indicates the permittee has been in compliance with the interim limits for mercury as results have been reported as follows;

Mercury (n = 21)

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)
Average, Maximum	22.5 – 33.8	4.3 - 13	6.4

- j. Transported Wastes– The December 18, 2006, permit did not authorize, nor did the permittee request, the receipt of transported wastes (septage) into the treatment facility for treatment. In its September 2011 application for permit renewal, the permittee requested the Department authorize the facility to receive up to a daily maximum of 3,870 gpd of transported waste into the waste water treatment facility. Department rule Chapter 555, *Standards For The Addition of Transported Wastes to Wastewater Treatment Facilities*, limits the quantity of septage received at a facility to 1% of the design capacity of treatment facility if the facility utilizes a side stream or storage method of introduction into the influent flow, or 0.5% of the design capacity of the facility if the facility does not utilize the side stream or storage method of introduction into the influent flow. A facility may receive more than 1% of the design capacity on a case-by-case basis.

The permittee has submitted a Septage Management Plan as an exhibit to their September 2011 application for permit renewal. The Department has reviewed and approved said plan and determined the facility does not utilize a side stream or storage method of introduction into the influent of the treatment facility and is to be limited to 0.5% of the design capacity. With a design capacity of 430,000 gpd, 3,870 gpd represents 0.9% of said capacity. Therefore, this permit is limiting the receipt to 2,150 gpd.

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

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

WET, priority pollutant and analytical chemistry testing, as required by Chapter 530, is included in this permit in order to characterize the effluent. 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 water flea (*Ceriodaphnia dubia*) and vertebrate brook trout (*Salvelinus fontinalis*). Chemical-specific monitoring 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. Priority pollutant testing refers to the analysis for levels of priority pollutants listed in Department rule 06-096 CMR Chapter 525 Section 4.VI. Analytical chemistry refers to a suite of chemical tests for ammonia-nitrogen, total aluminum, total cadmium, total chromium, total copper, total hardness (fresh water only), total lead, total nickel, total silver, total zinc, total arsenic, total cyanide and total residual chlorine.

The previous permitting action did not establish WET, priority pollutant or analytical chemistry testing on the basis that the facility qualified for an exemption due to the dilution factors associated with the discharge and prior testing results. On October 9, 2005, a new Department rule, Chapter 530, became effective and replaced the previous toxics rule, Chapter 530.5. On April 10, 2006, the Department administratively modified WDL#W000692-5K-F-R by issuing a Surface Waters Toxics Control Program fact sheet for this facility. The fact sheet specified that WET, priority pollutant, and analytical chemistry testing was not required. The basis for this determination is provided below.

Department rule Chapter 530.2.A specifies dischargers subject to the requirements of this rule are as follows, "All licensed dischargers of industrial process wastewater or domestic wastes discharging to surface waters of the State...." Chapter 530 Section 2.B. categorizes dischargers subject to the toxics rule into one of four levels (Levels I through IV). Level IV dischargers are "[t]hose dischargers having a chronic dilution factor of at least 500 to 1 and a permitted flow of less than 1 million gallons per day." The chronic dilution factor associated with the discharge from the Fort Kent Wastewater Treatment Plant is 846 to 1 and the facility is authorized to discharge less than 1.0 MGD. Therefore, this facility is considered a Level IV facility for purposes of toxics testing. Chapter 530 Section 2.D provides, with certain conditions, that routine testing for Level IV dischargers is waived. The Department is making a best professional judgment that the

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

Fort Kent facility qualifies for waived routine toxics testing under the provisions of Department rule Chapter 530 based on available chronic dilution, permitted discharge flow rate, and lack of information to support that the discharge contains toxic pollutants in toxic amounts.

Department rule Chapter 530 Section 2.D.4. states, “*All dischargers having waived or reduced testing must file statements with the Department on or before December 31 of each year describing the following.*”

- (a) *Changes in the number or types of non-domestic wastes contributed directly or indirectly to the wastewater treatment works that may increase the toxicity of the discharge;*
- (b) *Changes in the operation of the treatment works that may increase the toxicity of the discharge; and*
- (c) *Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge.”*

This permitting action is carrying forward the notification requirement as Special Condition J, 06-096 CMR 530(2)(D)(4) *Statement For Reduced/Waived Toxics Testing* , pursuant to Chapter 530 Section 2.D.4. This permit provides for reconsideration of testing requirements, including the imposition of certain testing, in consideration of the nature of the wastewater discharged, existing wastewater treatment, and receiving water characteristics.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

8. PUBLIC COMMENTS

Public notice of this application was made in the *St. John Valley Times* newspaper on or about June 29, 2011. 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 sent to:

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

10. RESPONSE TO COMMENTS

During the period of November 21, 2011, through the issuance date of the permit/license, the Department solicited comments on the proposed draft permit/license to be issued for the discharge(s) from the permittee's facility. The Department received an electronic mail (e-mail) message from the permittee dated November 12, 2011, commenting on the draft permit. Therefore, the Department has prepared responses to the permittee's comments as follows.

Comment #1: The permittee indicated the permit does not recognize, nor does the Department acknowledge, that Form DEPLW1035, *Application for Addition of Transported Wastes In Wastewater Treatment Facilities*, was submitted as part of the General Application filed with the Department on September 1, 2011. The permittee has requested authorization to receive and treat up to 3,870 gpd of transported wastes at the waste water treatment facility.

Response #1: Department rule Chapter 555, *Standards For The Addition of Transported Wastes to Wastewater Treatment Facilities*, limits the quantity of septage received at a facility to 1% of the design capacity of treatment facility if the facility utilizes a side stream or storage method of introduction into the influent flow, or 0.5% of the design capacity of the facility if the facility does not utilize the side stream or storage method of introduction into the influent flow. A facility may receive more than 1% of the design capacity on a case-by-case basis.

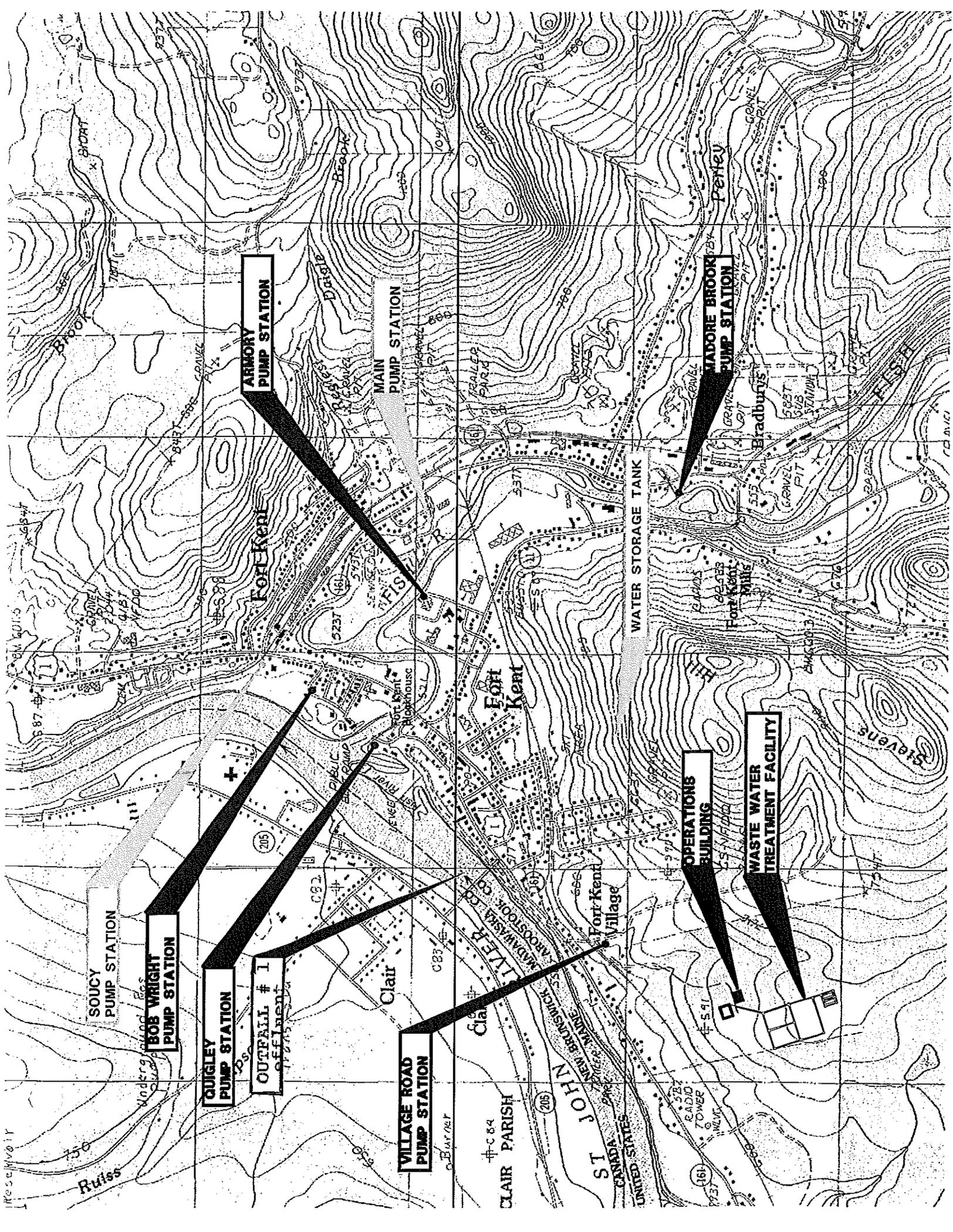
The permittee has submitted a Septage Management Plan as an exhibit to their September 2011 application for permit renewal. The Department has reviewed and approved said plan and determined the facility does not utilize a side stream or storage method of introduction into the influent of the treatment facility and is to be limited to 0.5% of the design capacity. With a design capacity of 430,000 gpd, 3,870 gpd represents 0.9% of said capacity. Therefore, this permit is authorizing the receipt and treatment of up to 2,150 gpd (0.5%) of transported waste pursuant Special Condition J, *The Addition of Transported Wastes to Wastewater Treatment Facilities*.

10. RESPONSE TO COMMENTS

Comment #2: The permittee questioned why the Department was imposing a modified acute dilution utilizing 1/4 of the 1Q10 when the facility has an outfall with a two-port diffuser.

Response #2: Page 6 of 16 of the Fact Sheet has been revised such that the full 1Q10 is utilized to establish the acute dilution factor.

ATTACHMENT A



SOUCY PUMP STATION

BOB WRIGHT PUMP STATION

QUIGLEY PUMP STATION

OUTFALL # 1

VILLAGE ROAD PUMP STATION

ARMORY PUMP STATION

MAIN PUMP STATION

MADORE BROOK PUMP STATION

OPERATIONS BUILDING

WASTE WATER TREATMENT FACILITY

FORT KENT

Fort Kent

Fort Kent Village

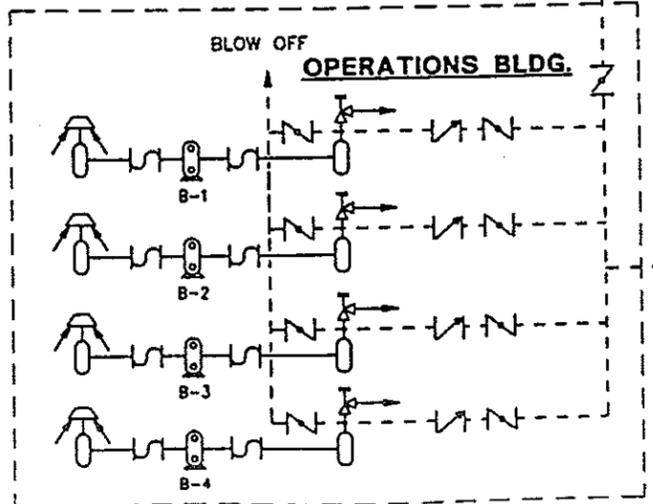
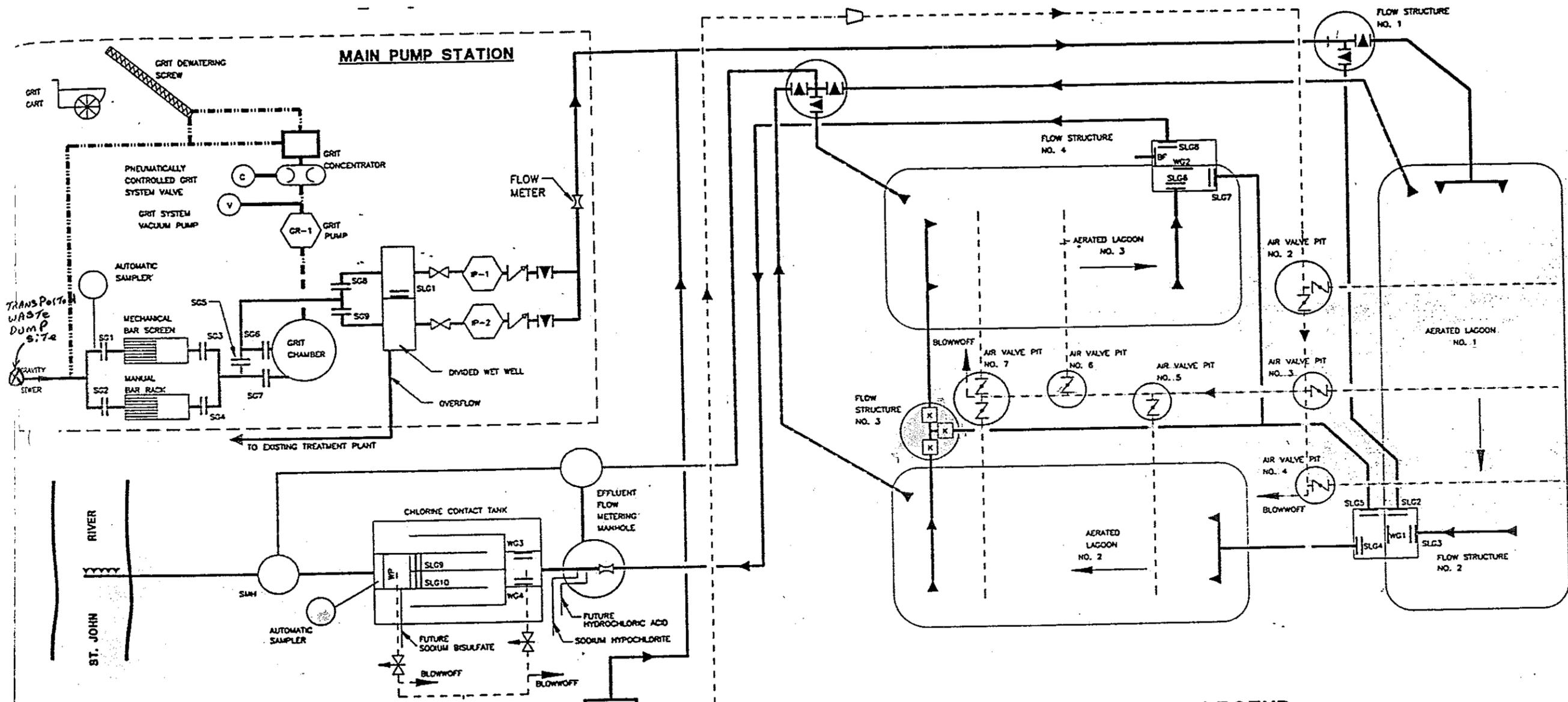
Fort Kent Mills

CLAIR PARISH

CLAIR

Fort Kent

ATTACHMENT B



LEGEND

	WASTEWATER		NEEDLE VALVE		BLOWER
	UNDERDRAIN		GATE VALVE		PRESSURE RELIEF VALVE
	DRAIN		BALL VALVE		STOP GATE
	AERATION		PINCH VALVE		SLUICE GATE
	GRIT		PLUG VALVE		WEIR GATE
	FLOW DIRECTION		FLOW METER		PUMP
	BUTTERFLY VALVE		FLEXIBLE COUPLING		WEAR PLATE
	CHECK VALVE		AIR INTAKE FILTER		BLIND FLANGE
	KNIFE GATE		SILENCER		
			REDUCER		

PROJECT NO. 11-1111	DATE: 11/11/11
ISSUED FOR REVIEW	ISSUED FOR REVIEW
REVISIONS	
NO.	DESCRIPTION
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DRAWN BY: JAL
 CHECKED BY: JAL
 DATE: 11/11/11
 APPROVED BY: JAL
 DATE: 11/11/11
 PROJECT NO.: 11-1111
 SCALE: 1/8" = 1'-0"
 SHEET NO.: 1 OF 1

Wright-Pierce Engineers & Surveyors
 99 Main Street Topsham, Maine 04086
 TEL 207-725-8721 FAX 207-729-8414

FORT KENT UTILITY DISTRICT
 FORT KENT, MAINE
 WASTEWATER TREATMENT FACILITIES
 CONTRACT No. 3
 PROCESS FLOW DIAGRAM

DWG. PR-1 OF

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).

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

B. OPERATION AND MAINTENANCE OF FACILITIES

1. General facility requirements.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

5. Bypasses.

- (a) Definitions.
 - (i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
 - (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.
- (c) Notice.
 - (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

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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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

C. MONITORING AND RECORDS

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

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

3. Monitoring and records.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

D. REPORTING REQUIREMENTS

1. Reporting requirements.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit.

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

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

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

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

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

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

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

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

(i) One hundred micrograms per liter (100 ug/l);

(ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or

(iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

- (b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (i) Five hundred micrograms per liter (500 ug/l);
 - (ii) One milligram per liter (1 mg/l) for antimony;
 - (iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
 - (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

5. Publicly owned treatment works.

- (a) All POTWs must provide adequate notice to the Department of the following:
 - (i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA or Chapter 528 if it were directly discharging those pollutants.
 - (ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (iii) For purposes of this paragraph, adequate notice shall include information on (A) the quality and quantity of effluent introduced into the POTW, and (B) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (b) When the effluent discharged by a POTW for a period of three consecutive months exceeds 80 percent of the permitted flow, the permittee shall submit to the Department a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.

E. OTHER REQUIREMENTS

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

- (a) For municipal sources. During power failure, all wastewaters which are normally treated shall receive a minimum of primary treatment and disinfection. Unless otherwise approved, alternate power supplies shall be provided for pumping stations and treatment facilities. Alternate power supplies shall be on-site generating units or an outside power source which is separate and independent from sources used for normal operation of the wastewater facilities.
- (b) For industrial and commercial sources. The permittee shall either maintain an alternative power source sufficient to operate the wastewater pumping and treatment facilities or halt, reduce or otherwise control production and or all discharges upon reduction or loss of power to the wastewater pumping or treatment facilities.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

Maximum daily discharge limitation means the highest allowable daily discharge.

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

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

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



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.
