



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

DEPARTMENT ORDER

IN THE MATTER OF

SUNDAY RIVER SKIWAY CORPORATION)	MAINE POLLUTANT DISCHARGE
BETHEL, OXFORD COUNTY)	ELIMINATION SYSTEM PERMIT
COMMERCIAL OVERBOARD DISCHARGE)	AND
ME0023361)	WASTE DISCHARGE LICENSE
W007312-5C-H-R)	RENEWAL
APPROVAL)	

In compliance with the provisions of the *Federal Water Pollution Control Act*, Title 33 U.S.C. § 1251, *Conditions of licenses*, 38 M.R.S. § 414-A, and applicable regulations, the Department of Environmental Protection (Department) has considered the application of SUNDAY RIVER SKIWAY CORPORATION (Permittee), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On January 27, 2022, the Department accepted as complete an application for the renewal of Maine Waste Discharge License (WDL) #W007312-5C-G-R / Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0023361 (Permit hereinafter) issued on January 19, 2017. The 1/19/17 WDL authorized the monthly average discharge of up to 0.240 million gallons per day (MGD) of secondary treated sanitary wastewater from a commercial ski resort facility to the Androscoggin River, Class B, in Bethel, Maine.

PERMIT SUMMARY

This permitting action carries forward all the terms and conditions of the previous permit except that this permit:

1. Revises the monthly average and daily maximum limitations for *Escherichia coli* Bacteria to 64 CFU/100mL and 236 CFU/mL respectively, pursuant to 38 MRS §465(3) *Standards for Classification of Fresh Surface Waters*.
2. Extends the monitoring period for *Escherichia coli* Bacteria, from May 15th to September 30th to April 1st to October 31st, pursuant to 38 MRS § 465 (3)(B) *Standards for Classification of Fresh Surface Waters*.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated January 5, 2024, 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. §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. §414-A(1)(D).
5. The overboard discharge system was in continuing existence for the 12 months preceding June 1, 1987.
6. A subsurface wastewater disposal system could not be installed in compliance with the Maine Subsurface Wastewater Disposal Rules at the time the renewal application was accepted by the Department.
7. A publicly owned sewer line is not located on or abutting land owned or controlled by the permittee or is not available for the permittee's use.
8. The discharge is not located within the boundaries of a sanitary district or sewer district and connecting to infrastructure is not practicable.

ACTION

THEREFORE, the Department APPROVES the above noted application of the SUNDAY RIVER SKIWAY CORPORATION to discharge a monthly average flow of 0.240 MILLION GALLONS PER DAY of secondary treated sanitary wastewaters to the Androscoggin River, Class B, in Bethel, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. "Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits," revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit becomes effective upon the date of signature below and expires at midnight five (5) years after that date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the terms and conditions of this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. *Maine Administrative Procedure Act*, 5 M.R.S. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (amended June 9, 2018).

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS _____ DAY OF _____, 2024.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
For MELANIE LOYZIM, Commissioner

Date of initial receipt of application: January 27, 2022

Date of application acceptance: January 27, 2022

<p>Filed March 9, 2023 State of Maine Board of Environmental Protection</p>

Date filed with Board of Environmental Protection:

This Order prepared by Rod Robert, BUREAU OF WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge **secondary treated sanitary and commercial wastewaters from Outfall #001A** to the Androscoggin River at Bethel. Such discharges shall be limited and monitored by the permittee as specified below⁽¹⁾:

	<u>Monthly Average</u> as specified	<u>Weekly Average</u> as specified	<u>Daily Maximum</u> as specified	<u>Monthly Average</u> as specified	<u>Weekly Average</u> as specified	<u>Daily Maximum</u> as specified	<u>Measurement Frequency</u> as specified	<u>Sample Type</u> as specified
Flow <i>[50050]</i>	0.240 MGD <i>[03]</i>	---	0.306 MGD <i>[03]</i>	---	---	---	Continuous <i>[99/99]</i>	Recorder <i>[RC]</i>
BOD₅ <i>[00310]</i>	60 lbs/day <i>[26]</i>	90 lbs/day <i>[26]</i>	100 lbs/day <i>[26]</i>	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	2/Month <i>[02/30]</i>	Composite <i>[24]</i>
BOD₅ Percent Removal⁽²⁾ <i>[81010]</i>	---	---	---	85% <i>[23]</i>	---	---	1/Month <i>[01/30]</i>	Calculate <i>[CA]</i>
TSS <i>[00530]</i>	60 lbs/day <i>[26]</i>	90 lbs/day <i>[26]</i>	100 lbs/day <i>[26]</i>	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	2/Month <i>[02/30]</i>	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>	3/Week <i>[03/07]</i>	Grab <i>[GR]</i>
<i>E. coli</i> Bacteria⁽³⁾ (April 15 th -Oct 31 st) <i>[31633]</i>	---	---	---	64CFU/100 mL ⁽⁴⁾ <i>[13]</i>	---	236CFU/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>	5/Week <i>[05/07]</i>	Grab <i>[GR]</i>
pH <i>[00400]</i>	---	---	---	---	---	6.0 – 9.0 SU <i>[12]</i>	5/Week <i>[05/07]</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: See Page 5 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES:

1. **Monitoring** – All effluent monitoring shall be conducted at a location following the last treatment unit in the treatment process as to be representative of end-of-pipe effluent characteristics. A routine sampling program must be developed in which samples are taken at the same location, same time and same days of the week each month. Occasional deviations from the routine sampling program are allowed, but the reason for the deviation must be documented as an electronic attachment to the applicable discharge monitoring report.

Sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for wastewater testing. Samples that are sent to another POTW licensed pursuant to Waste discharge licenses, 38 M.R.S. § 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 (effective December 19, 2018). If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report.

In accordance with 40 CFR § 122.44(i)(1)(iv), the permittee must monitor according to sufficiently sensitive test procedures (i.e., methods) approved under 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O, for the analysis of pollutants or pollutant parameters (except WET). A method is "sufficiently sensitive" when: 1) The method minimum level (ML) is at or below the level of the effluent limitation established in the permit for the measured pollutant or pollutant parameter; or 2) The method has the lowest ML of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O for the measured pollutant or pollutant parameter. The term "minimum level" refers either to the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL), whichever is higher. Minimum levels may be obtained in the following ways: they may be published in a method; they may be based on the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a laboratory, by a factor.

SPECIAL CONDITIONS

2. **BOD₅ and TSS Percent Removal** – The treatment facility shall maintain a minimum of 85 percent removal of biochemical oxygen demand and total suspended solids for all flows receiving secondary treatment. Compliance with the limitation is based on a twelve-month rolling average. Calendar monthly average percent removal values shall be calculated based on influent and effluent concentrations.
3. **Bacteria Limits** – *E. coli* bacteria limits and monitoring requirements are seasonal and apply between April 15 and October 31 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 must be reported as such.
5. **Total residual chlorine (TRC)** – Limitations and monitoring requirements are applicable whenever elemental chlorine or chlorine-based compounds are being used to disinfect the discharge. The permittee shall utilize approved test methods that can bracket the TRC limitation in this permit.

B. ANNUAL DISCHARGE FEES

Pursuant to *Annual Waste Discharge License Fees*, 38 M.R.S. §353-B, the permittee is required to pay an applicable annual fee for discharges authorized by this permit. Failure to pay an annual fee within 30 days of the billing date of a license/permit is sufficient grounds for accruing interest charges, penalties or revocation of the license.

C. NARRATIVE EFFLUENT LIMITATIONS

1. The permittee must not discharge effluent that contains a visible oil sheen, foam or floating solids at any time which would impair the uses designated for the classification of the receiving waters.
2. The permittee must not discharge effluent that contains materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the uses designated for the classification of the receiving waters.
3. The permittee must not discharge effluent that causes visible discoloration or turbidity in the receiving waters that causes those waters to be unsuitable for the designated uses and characteristics ascribed to their class.
4. The permittee must not discharge effluent that lowers the quality of any classified body of water below such classification or lowers the existing quality of any body of water if the existing quality is higher than the classification.

SPECIAL CONDITIONS

D. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a **Maine Grade II** Wastewater Treatment Plant Operator Certificate or must be a Maine Registered Professional Engineer pursuant to *Sewerage Treatment Operators*, Title 32 M.R.S. §4171 to 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.

E. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on January 27, 2022; 2) the terms and conditions of this permit; and 3) only from Outfall #001. Discharges of wastewater from any other point source are not authorized under this permit and must be reported in accordance with Standard Condition D(1)(f) *Twenty-four-hour reporting* of this permit.

F. NOTIFICATION REQUIREMENTS

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

1. Any substantial change in the characteristics of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants to the system at the time of permit issuance.
2. For the purposes of this section, adequate notice shall include information on:
 - a. The quality of wastewater introduced to the wastewater collection and treatment system; and
 - b. Any anticipated impact of the change in the quality of the wastewater to be discharged from the treatment system.

SPECIAL CONDITIONS

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

By December 31 of each calendar year, the permittee must provide the Department with a certification describing any of the following that have occurred since the effective date of this permit *[ICIS Code 75305]*. See **Attachment B** 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.
- (c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge.

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

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

The Department may require that routine screening or surveillance level testing be re-instated if it determines that there have been changes in the character of the discharge or if annual certifications described above are not submitted.

H. SITE EVALUATION FOR TRANSFERRED AND RENEWED PERMITS

Pursuant to 38 M.R.S. § 413(3-A)(B)(1) *Waste Discharge Licenses*, except when it has been demonstrated within 5 years prior to a transfer of ownership of the property containing an overboard discharge, or some other time period acceptable to the Department, that there is no technologically proven alternative to an overboard discharge, prior to transfer of ownership of property containing an overboard discharge, the parties to the transfer must determine the feasibility of technologically proven alternatives to the overboard discharge that are consistent with the plumbing standards adopted by the Department of Health and Human Services pursuant to Title 22, section 42).

Notwithstanding other applicable provisions of 38 M.R.S. § 413(3-A), *Waste Discharge Licenses*, if an alternative to the overboard discharge is identified, the alternative system must be installed within 180 days of property transfer, except that, if soil conditions are poor due to seasonal weather, the alternative may be installed as soon as soil conditions permit.

SPECIAL CONDITIONS

I. OPERATIONS AND MAINTENANCE (O&M) PLAN

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

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

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

J. WET WEATHER MANAGEMENT PLAN

The treatment facility staff must have a current written Wet Weather Management Plan to direct the staff on how to operate the facility effectively during periods of high flow. The Department acknowledges that the existing collection system may deliver flows in excess of the monthly average design capacity of the treatment plant during periods of high infiltration and rainfall.

The plan must conform to Department guidelines for such plans and must include operating procedures for a range of intensities, address solids handling procedures (including septic waste and other high strength wastes if applicable) and provide written operating and maintenance procedures during the events.

The permittee must review their plan at least annually and record any necessary changes to keep the plan up to date. The Department may require review and update of the plan as it is determined to be necessary.

SPECIAL CONDITIONS

K. MONITORING AND REPORTING

Electronic Reporting

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

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

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

Documentation submitted in support of the electronic DMR may be attached to the electronic DMR. Documentation submitted electronically to the Department in support of the electronic DMR must be submitted no later than midnight on the 15th day of the month following the completed reporting period.

A signed copy of the DMR and all other reports (49 forms, laboratory results, WET test results etc.) required herein must be submitted to the Department assigned compliance inspector (unless otherwise specified) following address:

Department of Environmental Protection
Southern Maine Regional Office
Bureau of Water Quality
Division of Water Quality Management
312 Canco Road
Portland, ME. 04103

L. REOPENING OF PERMIT FOR MODIFICATIONS

In accordance with 38 M.R.S. § 414-A(5) and upon evaluation of the test results required by the Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at any time and with notice to the permittee, modify this permit to: (1) include effluent limitations 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.

SPECIAL CONDITIONS

M. SEVERABILITY

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

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

FACT SHEET

January 5, 2024

PERMIT NUMBER: **ME0023361**
WASTE DISCHARGE LICENSE: **W007312-5C-H-R**

NAME AND ADDRESS OF APPLICANT:

**SUNDAY RIVER SKIWAY CORPORATION
P.O. BOX 4500
NEWRY, MAINE 04261**

COUNTY: **OXFORD**

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

**SUNDAY RIVER SKIWAY CORPORATION
155 SKIWAY ROAD
NEWRY, MAINE 04261**

RECEIVING WATER/CLASSIFICATION: **ANDROSCOGGIN RIVER/CLASS B**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **MR. PETE ROBERTS
(207) 825-5152
proberts@sundayriver.com**

1. APPLICATION SUMMARY

On January 27, 2022, the Department accepted as complete an application for the renewal of Maine Waste Discharge License (WDL) #W007312-5C-G-R / Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0023361 (Permit hereinafter) issued on January 19, 2017. The 1/19/17 WDL authorized the monthly average discharge of up to 0.240 million gallons per day (MGD) of secondary treated sanitary wastewater from a commercial ski resort facility to the Androscoggin River, Class B, in Bethel, Maine. A location map is included as Attachment A of this Fact Sheet.

2. PERMIT SUMMARY

- a. Terms and Conditions: This permitting action carries forward all the terms and conditions of the previous permit except that this permit:
 1. Revises the monthly average and daily maximum limitations for Escherichia coli Bacteria to 64 CFU/100mL and 236 CFU/mL respectively, pursuant to 38 MRS §465(3) Standards for Classification of Fresh Surface Waters.
 2. Extends the monitoring period for Escherichia coli Bacteria, from May 15th to September 30th to April 1st to October 31st, pursuant to 38 MRS § 465 (3)(B) Standards for Classification of Fresh Surface Waters.
- b. History: This section provides a summary of significant licensing/permitting actions and milestones that have been completed for the Sunday River Wastewater Treatment Facility.

January 12, 2001 – The Department received authorization from the USEPA to administer the NPDES permit program in Maine, excluding areas of special interest to Maine Indian Tribes.

June 3, 1996 – The Department issued WDL #W007312-5C-D-R to Sunday River for a ten-year term. The 6/3/1996 permit superseded WDL #W007312-67-C-R issued on August 14, 1990, WDL Modification #W007312-67-B-M issued on February 14, 1989, and WDL #W007312-41-A-N issued on April 8, 1987.

June 3, 1996 – The Department issued WDL #W007312-5C-E-R to Sunday River for a five-year term.

December 7, 2011 – Sunday River submitted a General Application to the Department for renewal of the 2/28/07 MEPDES permit. The application was accepted for processing on December 12, 2011 and was assigned WDL #W007312-5C-F-R / MEPDES #ME0023361.

February 15, 2012 – The Department issued combination MEPDES Permit #ME0023361 / WDL #W007312-5C-F-R to Sunday River for a five-year term.

November 28, 2016 – Sunday River Skiway Corp submitted a General Application to the Department for renewal of the 2/15/12 MEPDES permit. The application was accepted for processing on December 14, 2016 and was assigned WDL #W007312-5C-G-R / MEPDES #ME0023361.

January 19, 2017 – The Department issued combination MEPDES Permit #ME0023361 / WDL #W007312-5C-G-R to Sunday River for a five-year term.

January 27, 2022 – Sunday River Skiway Corp submitted a General Application to the Department for renewal of the 1/19/2017 MEPDES permit. The application was accepted for processing on January 27, 2022 and was assigned WDL #W007312-5C-H-R / MEPDES #ME0023361.

2. PERMIT SUMMARY (cont'd)

- c. Source Description: The Sunday River Skiway Corporation (SRSC) owns and operates a recreational ski resort complex in Bethel, Maine. The ski resort consists of hotels, condominiums, single family dwellings, restaurants, base lodges, and light commercial establishments. Wastewater generated by these sources is treated at the Sunday River Wastewater Treatment Facility. A map created by the Department showing the location of the resort, treatment facility, and receiving water is included as Fact Sheet **Attachment A**. Based on information contained in the record, the treatment system was designed to treat an average of 0.240 million gallons of wastewater per day generated by existing and proposed developments at the resort. There are no significant industrial users connected to and no combined sewer overflow (CSO) points associated with the collection system. Based on information contained in the record, the wastewater treatment system utilizes a conventional gravity sewer collection system with 8 pump stations.

The 1996 license authorized Sunday River to receive a maximum of 2,000 gallons per day and a maximum of 30,000 gallons per month of transported wastes into the treatment system. Sunday River has not applied to the Department for authorization to receive or introduce into the treatment process transported wastes.

- d. Wastewater Treatment: The Sunday River Wastewater Treatment Facility provides a secondary level of wastewater treatment via three facultative lagoons operated in series. Each lagoon has a capacity of approximately 3.5 million gallons. A 3-inch Parshall flume is utilized for influent flow measurement. 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 Androscoggin River at Bethel at a depth of 4.28 feet below mean low water via an approximately 3-mile long, 8-inch diameter outfall pipe designated Outfall #001A in this permitting action.
- e. Replacement Options: Sunday River submitted documentation with the January 19, 2007, General Application indicating that replacement of the overboard discharge system with a subsurface wastewater disposal system is not feasible at this location. The site evaluation report completed by Buck Site Evaluators of West Paris, Maine, states that at the permitted flow of 240,000 gallons per day, the facility would require 19 acres of disposal field area. The licensed site evaluator determined that there is only approximately one-third of the necessary 19-acres of land area available for subsurface disposal. The site evaluation report states that suitable land area is limited due to the highly sloped soils characteristic of the mountain development, setbacks from water lines, public wells, streams, structures, and property lines. The report also states that the excessive hydraulic loading coming down the mountain slopes across the entire mountain range has the potential to wash out the disposal fields and impact down-gradient surface water resources. Therefore, the Department concurs with Sunday River that there are no viable subsurface disposal options available at this time.

3. CONDITIONS OF PERMIT

Conditions of Licenses, 38 M.R.S. §414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, *Certain deposits and discharges prohibited*, 38 M.R.S. §420 and *Surface Water Toxics Control Program*, 06-096 CMR 530 (effective February 16, 2020), require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584, 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

38 M.R.S. §467(1)(A)(1) classifies the Androscoggin River, main stem, from the Maine-New Hampshire boundary to its confluence with the Ellis River, which includes the reach at the point of Sunday River's discharge, as a Class B waterway. 38 M.R.S. §465(3) describes the standards for Class B waters.

“3. Class B Waters -Class B shall be the 3rd highest classification.

A. Class B waters must be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; navigation; and as habitat for fish and other aquatic life. The habitat must be characterized as unimpaired. [PL 2003, c. 227, §3 (AMD); PL 2003, c. 227, §9 (AFF); PL 2005, c. 561, §10 (AFF).]

*B. Class B waters must be of sufficient quality to support all aquatic species indigenous to those waters without detrimental changes in the resident biological community. 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 one-day minimum dissolved oxygen concentration may not be less than 8.0 parts per million in identified fish spawning areas. Between April 15th and October 31st, the number of *Escherichia coli* bacteria in these waters may not exceed a geometric mean of 64 CFU or MPN per 100 milliliters over a 90-day interval or 236 CFU or MPN per 100 milliliters in more than 10% of the samples in any 90-day interval. [PL 2021, c. 551, §11 (AMD).]*

4. RECEIVING WATER QUALITY STANDARDS (cont'd)

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

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

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

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2018/2020/2022 Integrated Water Quality Monitoring and Assessment Report (Report), prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists a 31.04-mile reach of the Androscoggin River, main stem, from the Wild River to Rumford Point (Assessment Unit ID #ME0104000202_421R), which includes the receiving water at the point of discharge, as, “Category 4-B: Rivers and Streams Impaired by Pollutants, Pollution Control Requirements Reasonably Expected to Result in Attainment” and “Category 5-D: Rivers and Streams Impaired by Legacy Pollutants.” Impairments in this context refer to fish consumption advisories due to the presence of dioxin and PCBs. The Department has no information at this time that the discharge from the Sunday River Wastewater Treatment Facility contains dioxin in quantities or concentrations that will cause or contribute to the failure of the receiving water to meet the designated uses of its ascribed classification.

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

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

The Department has no information that the discharge from the permittee, as conditioned, causes or contributes to non-attainment of applicable Class B water quality standards.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- a. Best Practicable Treatment (BPT) - Overboard discharges may be permitted only where no technologically proven alternative exists. Overboard discharge treatment systems must be capable of meeting secondary treatment standards as described in 06-096 CMR 525, §3 and *Overboard Discharges: Licensing and Abandonment*, 06-096 CMR 596, §9, unless the Department finds that alternate limits are appropriate. After accepting a renewal application as complete for processing, the Department shall approve an overboard waste discharge license only if all the following criteria are met:
 - (1) A publicly owned sewer line is not located on or abutting land owned or controlled by the applicant or is not available for the applicant's use.
 - (2) A subsurface wastewater disposal system cannot be installed in compliance with the Subsurface Rules, 10-144 CMR 241, on land owned or controlled by the applicant. Or, a subsurface wastewater disposal system can be installed on land owned or controlled by the applicant and the applicant is eligible for grant funding pursuant to 38 M.R.S. § 411-A but no funding is available.
 - (3) The discharge is not located within the boundaries of a sanitary or sewer district and the district has not agreed to service and maintain a holding tank at an annual fee that does not exceed those fees charged to other similar users of the district's services who are physically connected to the sewers of the district.
 - (4) For a commercial overboard discharge such as Sunday River, the volume or quantity of wastewater that is discharged does not exceed;
 - (a) the limit imposed by the previous license
 - (b) the volume equal to the actual or estimated volume produced by the facility connected to the overboard discharge system during the 12 months prior to June 1, 1987.

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

(5) The receiving water is not:

(a) A Class GPA, AA, A, or SA water;

(b) A tributary to Class GPA water; or

(c) A waterbody with a drainage area of less than 10 square miles,

(6) The discharge meets the requirements of *Maine's Pollution Control Laws* 38 M.R.S. §414-A, and *Maine's Water Classification Laws* 38 M.R.S. §464 to 469.

(7) The discharge receives best practicable treatment consistent with requirements in 06-096 CMR 596, §9.

- b. Flow: This permitting action carries forward a monthly average discharge flow limitation of 0.240 MGD based on the monthly average dry weather design capacity of the facility. This flow limitation was initially established in WDL #W007312-41-A-N issued on April 8, 1987, and NPDES permit #ME0023361 issued on December 31, 1987, and was based on the wastewater flow projections for existing and proposed build-out of the facility. The Department's record for this facility includes a document entitled, *Sunday River Ski Area Wastewater Flow Projections to Support Application for Wastewater Discharge License December 11, 1986*. A previously established daily maximum (peak flow) discharge flow limitation of 0.306 MGD, is also carried forward in this permitting action to assist in compliance evaluations.

A review of the monthly average flow data as reported on the Discharge Monitoring Reports submitted to the Department for the period February 2017 – September 2023 (#DMRS = 27) indicates the monthly average flow has ranged from 0.05 MGD – 0.13 MGD with an arithmetic mean of 0.095 MGD. The highest daily maximum flow value reported for the time period was 0.19 MGD.

- c. Dilution Factors: Dilution factors associated with the permitted discharge flow of 0.240 MGD from the facility were derived in accordance with *Surface Water Toxics Control Program*, 06-096 CMR 530 §4.A, and were calculated as follows:

$$\text{Acute } \frac{1}{4} \text{ 1Q10} = 398 \text{ cfs}^{(1)} \quad \Rightarrow \frac{(398 \text{ cfs})(0.6464) + 0.240 \text{ MGD}}{0.240 \text{ MGD}} = 1,073:1$$

$$\text{Acute: 1Q10} = 1,593 \text{ cfs} \quad \Rightarrow \frac{(1,593 \text{ cfs})(0.6464) + 0.240 \text{ MGD}}{0.240 \text{ MGD}} = 4,291:1$$

$$\text{Chronic: 7Q10} = 1,593 \text{ cfs} \quad \Rightarrow \frac{(1,593 \text{ cfs})(0.6464) + 0.240 \text{ MGD}}{0.240 \text{ MGD}} = 4,291:1$$

$$\text{Harmonic Mean} = 2,129 \text{ cfs} \quad \Rightarrow \frac{(2,129 \text{ cfs})(0.6464) + 0.240 \text{ MGD}}{0.240 \text{ MGD}} = 5,735:1$$

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

Footnote:

⁽¹⁾ 06-096 CMR 530 (4)(B)(1) states that analyses using numeric acute criteria for aquatic life must be based on ¼ of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone. The 1Q10 is the lowest one-day flow over a ten-year recurrence interval. The regulation goes on to say that where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design, up to including all of it. Based on information provided by the permittee as to the configuration and location of the outfall pipe, the Department has made the determination that the discharge does not receive rapid and complete mixing with the receiving water; therefore, the default stream flow of ¼ of the 1Q10 is applicable in acute statistical evaluations pursuant to 06-096 CMR 530 (4)(B)(1).

- d. Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS): This permitting action carries forward, technology-based monthly and weekly average BOD₅ and TSS concentration limits of 30 mg/L and 45 mg/L, respectively, based on secondary treatment requirements of *Effluent Guidelines and Standards*, 06-096 CMR 525(3)(III) (effective January 12, 2001). This permitting action carries forward technology-based daily maximum BOD₅ and TSS concentration limits of 50 mg/L based on a Department best professional judgment (BPJ) of best practicable treatment (BPT).

06-096 CMR 523(6)(f) states that all pollutants limited in permits shall have limitations, standards or prohibitions expressed in terms of mass. This permitting action carries forward the monthly average, weekly average and daily maximum BOD₅ and TSS mass limits based on calculations using the average design flow for the facility of 0.240 MGD and the appropriate concentration limits as follows:

Monthly Average Mass Limit: $(30 \text{ mg/L})(8.34 \text{ lbs/gallon})(0.240 \text{ MGD}) = 60 \text{ lbs/day}$

Weekly Average Mass Limit: $(45 \text{ mg/L})(8.34 \text{ lbs/day})(0.240 \text{ MGD}) = 90 \text{ lbs/day}$

Daily Maximum Mass Limit: $(50 \text{ mg/L})(8.34 \text{ lbs/day})(0.240 \text{ MGD}) = 100 \text{ lbs/day}$

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

A review of the discharge data as reported on the permittee's Discharge Monitoring Reports (DMRs) submitted to the Department for the period February 2017 -September 2023 indicate the following:

BOD₅ concentration (#DMRs = 25)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Compliance
Monthly Average	30	2.4 – 36.4	11.5	100%
Daily Maximum	50	2.8-43.2	14.6	100%

TSS concentration (#DMRs = 25)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Compliance
Monthly Average	30	1.5 – 24.4	9.7	100%
Daily Maximum	50	1.9-33	11.7	100%

BOD₅ mass (#DMRs = 25)

Value	Limit(lbs/day)	Range (lbs/day)	Average (lbs/day)	Compliance
Monthly Average	60	1.0 – 21	8.7	100%
Daily Maximum	100	1.2 – 34.5	12.1	100%

TSS mass (#DMRs = 25)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)	Compliance
Monthly Average	60	0.5 – 22.2	7.7	100%
Daily Maximum	100	0.8 – 35.6	10.2	100%

This permitting action carries forward the previously established twice per month (2/month). monitoring frequencies for BOD₅ and TSS.

This permitting action also carries forward the requirement for a minimum of 85% removal of BOD₅ & TSS pursuant to *Effluent Guidelines and Standards*, 06-096 CMR Chapter 525(3)(III)(a)(3) and (b)(3) (effective January 12, 2001). Whereas the effluent sample type for BOD₅ & TSS is a 24-hour composite, influent samples must also be collected as 24-hour composites to perform the percent removal calculations.

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

A review of the monthly DMR data for the period February 2017 -September 2023 (#DMRs = 27) indicates the permittee has reported values as follows:

BOD % Removal

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	86 - 98	95

TSS % Removal

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	88 - 99	96

- e. Settleable Solids: This permitting action carries forward a technology-based daily maximum concentration limit of 0.3 mL/L for settleable solids.

A review of the discharge data as reported on the permittee’s Discharge Monitoring Reports submitted to the Department for the period February 2017 -September 2023 (#DMRs = 27) indicate the permittee’s compliance with the settleable solids limitation 99% of the time during said reporting period and an average daily maximum settleable solids of 0.13mL/L. This permitting action carries forward the settleable solids minimum monitoring frequency requirement of three times per week, based on Department Best Professional Judgment.

- f. Escherichia coli Bacteria: *Standards for the Classification of Fresh Surface Waters*, 38 M.R.S. §465(3), establishes monthly average and daily maximum ambient water quality-based *E. coli* thresholds of 64 colonies/100 mL and 236 colonies/100 mL, respectively. This permit reduces the previously established daily maximum *E. coli* limitation of 427 col/mL pursuant to *Standards for the Classification of Fresh Surface Waters*, 38 M.R.S. §465(3).

A review of the discharge data as reported on the permittee’s Discharge Monitoring Reports (DMRs) submitted to the Department for the period February 2017 -September 2023 indicate the following:

***E. coli* bacteria (#DMRs = 7)**

Value	Limit (col/100 mL)	Range (col/100 mL)	Mean (col/100 mL)
Monthly Average	64	1 – 7.2	3
Daily Maximum	427	1-10	5.5

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

- g. Total Residual Chlorine: 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	1,073:1 (Mod. A) 4,291:1 (C)	20.4 mg/L	47.2 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. For facilities that dechlorinate the discharge in order to meet water quality-based thresholds, the Department has established daily maximum and monthly average BPT limits of 0.3 mg/L and 0.1 mg/L, respectively. The permittee does not have to dechlorinate the effluent to achieve compliance with water quality-based limitations.

The daily maximum technology based effluent TRC concentration limitation of 1.0 mg/L is more stringent than either calculated water quality-based threshold and is therefore being carried forward in this permitting action. This permitting action carries forward the TRC measurement frequency of five times per week from the previous permitting action.

A review of the discharge data as reported on the permittee’s Discharge Monitoring Reports (DMRs) submitted to the Department for the period February 2017 -September 2023 indicate the following:

Total Residual Chlorine (#DMRs = 5)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	1.0	0.7 – 1	0.8

- h. pH: This permitting action carries forward the pH range limit of 6.0 –9.0 standard units (SU), considered by the Department as BPT for secondary treated wastewater pursuant to 06-096 CMR 525(3)(III)(c). A review of the discharge data as reported on the permittee’s Discharge Monitoring Reports (DMRs) submitted to the Department for the period February 2017 -September 2023 (#DMRs = 23) indicate the pH results ranged from 7.4SU – 9.3 SU. The permittee had two excursions in the pH limitations. Therefore, this permitting action carries forward the pH minimum monitoring frequency of five times per week from the previous permitting action.

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

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

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

06-096 CMR 530 establishes four categories of testing requirements based predominately on the chronic dilution factor. The categories are as follows:

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

06-096 CMR 530 (1)(D) specifies the criteria to be used in determining the minimum monitoring frequency requirements for WET, priority pollutant and analytical chemistry testing. The chronic dilution factor associated with the discharge from the Sunday River Wastewater Treatment Facility is 4,291:1 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. 06-096 CMR 530 §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 Sunday River facility qualifies for waived routine toxics testing under the provisions of 06-096 CMR 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.

Special Condition G, 06-096 CMR 530 §(2)(D)(4) *Statement for Reduced/Waived Toxics Testing*, of this permitting action requires the permittee to file an annual certification with the Department. 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. ANTI-DEGRADATION/DISCHARGE IMPACT ON RECEIVING WATER QUALITY

Federal regulation 40 CFR, §122(l) contains the criteria for what is often referred to as the anti-backsliding provisions of the Federal Water Pollution Control Act (Clean Water Act). In general, the regulation states that except for provisions specified in the regulation, effluent limitations, standards, or conditions must be at least as stringent as the final effluent limitations, standards or conditions in the previous permit. Applicable exceptions include: (1) material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitation and (2) information is available which was not available at the time of the permit issuance (other than revised regulations, guidance, or test methods) and which would justify the application of less stringent effluent limitations at the time of permit issuance. All limitations in this permit are equally or more stringent than those in the previous permit.

8. 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.

9. PUBLIC COMMENTS

Public notice of this application was made in the *Bethel Citizen* newspaper on or about January 13, 2022. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

10. DEPARTMENT CONTACTS

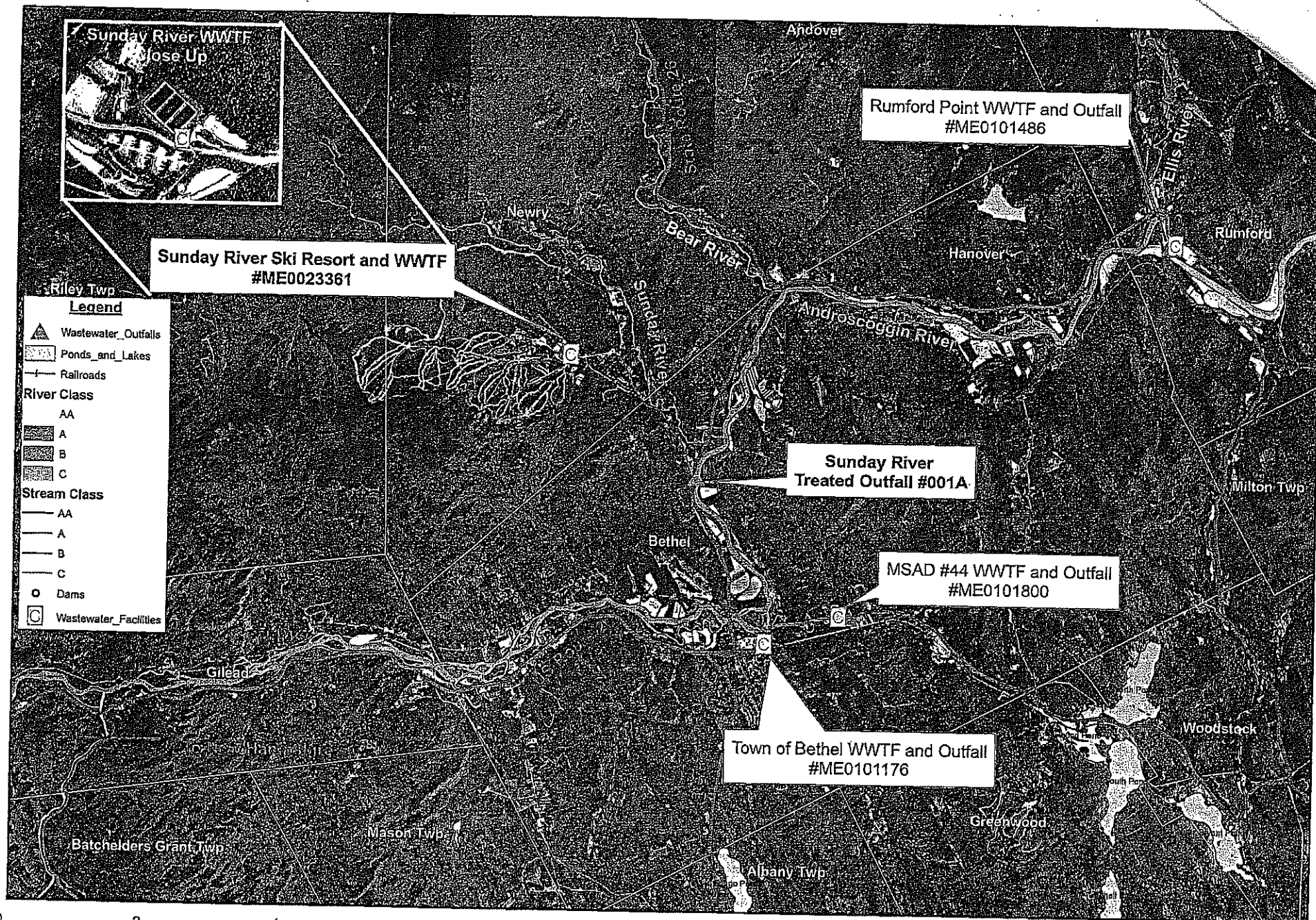
Additional information concerning this permitting action may be obtained from, and written comments sent to:

Rod Robert
Division of Water Quality Management - Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
Tel: (207) 680-0576 e-mail: rodney.robert@maine.gov

11. RESPONSE TO COMMENTS

Reserved until the end of the formal thirty (30) day comment period

ATTACHMENT A



Sunday River Wastewater Treatment Facility at Bethel, Maine



ATTACHMENT B

CHAPTER 530.2(D)(4) CERTIFICATION

MEPDES# _____ Facility Name _____

Since the effective date of your permit have there been:	NO	YES (Describe in Comments)
1. 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?		
2. changes in the operation of the treatment works that may increase the toxicity of the discharge?		
3. changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge?		

COMMENTS:

Name(print) _____

Signature _____ Date _____

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

This form may be used to meet the requirements of Chap 530.2(D)(4). This Chapter requires all dischargers having waived or reduced Toxic testing to file a statement with the Department describing changes to the waste being contributed to their system as outlined above. As an alternative the discharger may submit a signed letter containing the same information.