



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

January 30, 2024

Mr. Michael Broadbent
Superintendent, Auburn Sewerage District
268 Court Street, P.O. Box 586
Auburn, ME. 04210

*Sent via electronic mail
Delivery confirmation requested*

**RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME100005
Maine Waste Discharge License (WDL) Application #W000685-5T-I-R
Proposed Draft MEPDES Permit Renewal**

Dear Mr. Broadbent,

Attached is a **proposed draft** MEPDES permit and Maine WDL which the Department proposes to issue for your facility as a final document after opportunity for your review and comment. By transmittal of this letter, you are provided with an opportunity to comment on the proposed draft permit and its special and standard conditions. If it contains errors or does not accurately reflect present or proposed conditions, please respond to this Department so that changes can be considered.

By copy of this letter, the Department is requesting comments on the proposed draft permit from various state and federal agencies and from any other parties who have notified the Department of their interest in this matter.

The comment period begins on January 30, 2024 and ends on Thursday, February 29, 2024. All comments on the proposed draft permit must be received in the Department of Environmental Protection office on or before the close of business Thursday, February 29, 2024. Failure to submit comments in a timely fashion will result in the proposed draft/license permit document being issued as drafted.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

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

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

Auburn Sewerage District
January 30, 2024
Page 2 of 2

Comments in writing should be submitted to my attention at the following address:

Maine Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
17 State House Station
Augusta, ME 04333-0017
Benjamin.S.Pendleton@Maine.gov

If you have any questions regarding the matter, please feel free to contact me.

Sincerely,



Benjamin Pendleton
Division of Water Quality Management
Bureau of Water Quality
ph: 207-592-6873

Enc.

cc: Galen Nickerson, DEP
Lori Mitchell, DEP
Sean Mahoney, CLF
Environmental Review, DMR
Ellen Weitzler, USEPA
Michael Cobb, USEPA
Lynne Jennings, USEPA
Richard Carvalho, USEPA
Environmental Review, IFW



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

AUBURN SEWERAGE DISTRICT)	MAINE POLLUTANT DISCHARGE
AUBURN, ANDROSCOGGIN COUNTY, ME.)	ELIMINATION SYSTEM PERMIT
COMBINED SEWER OVERFLOWS)	AND
ME0100005)	WASTE DISCHARGE LICENSE
W000685-5T-I-R)	RENEWAL
APPROVAL)	

In compliance with the applicable provisions of *Pollution Control*, 38 M.R.S. §§ 411–424-B, *Water Classification Program*, 38 M.R.S. §§ 464 – 470, *Federal Water Pollution Control Act*, Title 33 U.S.C. § 1251, and applicable rules of the Department of Environmental Protection (Department), the Department has considered the application of the AUBURN SEWERAGE DISTRICT (District), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On September 23, 2021, the Department accepted as complete for processing, a renewal application for Maine Pollutant Discharge Elimination System (MEPDES) ME0100005/Waste Discharge License (WDL) W000685-5T-G-R, which was issued on September 22, 2016, for a five-year term. The September 22, 2016, permit authorized the District to discharge an unspecified quantity of untreated sanitary wastewater combined with stormwater runoff from one (1) combined sewer overflow (CSO) structure (Outfall #001 at Riverside Drive). The CSO discharges to the Androscoggin River, Class C in Auburn, Maine.

Since the September 22, 2016, renewal the Department has had one modification. The modification was issued on April 6, 2017, to modify the language in the permit Special Condition A(1) *Conditions for Combined Sewer Overflows (CSO)* to reincorporate the Miller Street Outfall (#005) as a CSO discharge outfall. The modification also made changes to Special Condition A(4) and established a September 31, 2017, milestone for the District to submit a written plan that included a scope of work and schedule for permanently eliminating Outfall #005 as a CSO discharge point. The Miller Street Outfall (#005) was subsequently closed on September 23, 2021.

PERMIT SUMMARY

This permitting action requires the permittee to monitor the flow and number of overflow events at the CSO structure, periodically update the District’s CSO Master Plan and annually report progress to eliminate the CSO.

CONCLUSIONS

Based on the findings summarized in the attached Fact Sheet dated *January 30, 2024*, and subject to the special and standard conditions that follow, 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, *Classification of Maine waters*, 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 waterbody, 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. Pursuant to *Combined Sewer Overflow Abatement*, 06-096 C.M.R. Chapter 570 § 4, the discharge will be subject to the application of best practicable treatment.

This space intentionally left blank

ACTION

Based on the findings and conclusions as stated above, the Department APPROVES the above noted application of the AUBURN SEWERAGE DISTRICT to discharge an unspecified quantity of untreated sanitary wastewater combined with storm water runoff from one (1) CSO (#001 Riverside Drive) to the Androscoggin River, Class C in Auburn, 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 and the authorization to discharge become effective upon the date of signature below and expire at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the authorization to discharge and the terms and conditions of this permit and all modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S. § 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 filed with Board of Environmental Protection _____

Date of initial receipt of application: September 2, 2021
Date of application acceptance: September 23, 2021

SPECIAL CONDITIONS

A. CONDITIONS FOR COMBINED SEWER OVERFLOW

1. Definitions

For the purposes of this permit, the following terms are defined as follows:

- a. Combined Sewer Overflow - a discharge of excess wastewater from a municipal or quasi-municipal sewerage system that conveys both sanitary wastes and stormwater in a single pipe system and that is in direct response to a storm event or snowmelt.
 - b. Dry Weather Flows - flow in a sewerage system that occurs as a result of non-storm events or are caused solely by ground water infiltration.
 - c. Wet Weather Flows - flow in a sewerage system that occurs as a direct result of a storm event, or snowmelt in combination with dry weather flows.
2. Pursuant to Chapter 570 of Department Rules (Combined Sewer Overflow Abatement), the permittee is authorized to discharge combined stormwater and sanitary wastewater from the following CSO subject to the conditions and requirements contained herein:

<u>Outfall</u>	<u>Location</u>	<u>Receiving Water & Class</u>
#001	Riverside Drive	Androscoggin River Class C

3. Prohibited Discharges

- a. The discharge of dry weather flows is prohibited. All such discharges must be reported to the Department in accordance with Standard Condition D(1) of this permit.
- b. No discharge may occur as a result of mechanical failure, improper design or inadequate operation or maintenance.
- c. No discharges may occur at flow rates below the maximum design capacity of the wastewater treatment facility, pumping stations or sewerage system.

4. Narrative Effluent Limitations

- a) 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.
- b) 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.
- c) The permittee must not discharge effluent that imparts color, taste, turbidity, toxicity, radioactivity, or other properties which cause those waters to be unsafe for the designated uses and characteristics ascribed to their classification.

SPECIAL CONDITIONS

A. CONDITIONS FOR COMBINED SEWER OVERFLOW (cont'd)

- d) The permittee must not discharge effluent that lowers 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.

5. CSO Long Term Control Plan (see Sections 2 & 3 of Chapter 570 Department Rules)

The permittee must continue to work with the Lewiston-Auburn Water Pollution Control Authority (LAWPCA) to implement CSO control projects in accordance with the most currently approved CSO Master Plan and implementation schedule in a document entitled City of Lewiston, Maine, Auburn Sewerage District, and Lewiston Auburn Water Pollution Control Authority (LAWPCA), Clean Water Act Master Plan Fifteen Year Update, November 2015.

By December 31, 2024, in collaboration with the City of Lewiston and the Lewiston Auburn Water Pollution Control Authority (LAWPCA), submit to the Department a CSO Master Plan Update (MPU).

December 31, 2026, in collaboration with the City of Lewiston and LAWPCA, complete the construction of a CSO Storage Tank at LAWPCA, with a minimum volume of 2 million gallons.

To modify the dates and or projects specified above excluding the abatement schedule in the Master Plan, the permittee must file an application with the Department to formally modify this permit. The work items identified in the Master Plan abatement schedule may be amended from time to time based upon approval by the Department. The permittee must submit request(s) to the Department, for review and approval, in writing prior to any proposed changes to the Master Plan abatement implementation schedule.

6. Nine Minimum Controls (NMC) (see 06-096 C.M.R. ch. 570 § 5).

The permittee must implement and follow the Nine Minimum Control documentation. Work performed on the Nine Minimum Controls during the year must be included in the annual CSO Progress Report (see below).

7. CSO Compliance Monitoring Program (06-096 C.M.R. ch. 570 § 6).

The permittee must conduct flow monitoring according to a Department approved *Compliance Monitoring Program* on all outfalls, as part of the CSO Master Plan.

Results must be submitted annually as part of the annual CSO Progress Report (see below), and must include annual precipitation, and actual CSO volumes. Any abnormalities during CSO monitoring must also be reported. The results must be reported to the Department on form “*CSO Activity and Volumes*” (**Attachment A** of this permit) or similar format and submitted to the Department in electronic format.

SPECIAL CONDITIONS

A. CONDITIONS FOR COMBINED SEWER OVERFLOW (cont'd)

CSO control projects that have been completed must be monitored for volume and frequency of overflow to determine the effectiveness of the project toward CSO abatement. This requirement will not apply to those areas where separation has been completed and CSO outfalls have been eliminated.

8. Annual CSO Progress Reports (06-096 C.M.R. Ch. 570 § 7).

By March 1 of each year, the permittee must submit *CSO Progress Reports* covering the previous calendar year (January 1 to December 31). The CSO Progress Report must include, but is not necessarily limited to, the following topics:

- A. CSO abatement projects. CSO abatement projects including milestone dates such as design start and completion and construction start and completion.
- B. Schedule comparison. A comparison of the existing schedule with the Department-approved implementation schedule. If the existing schedule is behind the approved schedule, list the reasons why, and how the licensee proposes to catch up in order to comply with the approved schedule.
- C. Progress on inflow sources. Progress made on locating and removing private inflow sources, such as roof leaders and basement sump pumps.
- D. Costs. Total cost and local share of CSO abatement projects to date, plus an anticipated budget for projects in the next year.
- E. Flow monitoring results. Results of any specific flow monitoring to determine effectiveness of previous CSO abatement projects. Compare actual CSO abatement with projections made during the CSO Master Plan.
- F. CSO activity and volumes. Yearly precipitation, CSO volumes (actual or estimated), and any block test data (see Section 6) submitted on department form titled "CSO Activity and Volumes". The form must be in electronic form, if possible, to allow easy data entry. Report any abnormalities during CSO monitoring.
- G. Nine minimum controls update. Work done on the Nine Minimum Controls during the year including, but not limited to the following:
 - (1) Results of operation and maintenance programs for the sewer system and combined sewer overflows during the year, such as, frequency of regulator inspections, number of catch basins cleaned, and feet of sewer cleaned or repaired, with estimates of material removed, if possible.

SPECIAL CONDITIONS

A. CONDITIONS FOR COMBINED SEWER OVERFLOW (cont'd)

- (2) Low-cost projects to maximize use of the collection system for storage or to maximize flow to the POTW for treatment.
- (3) Modifications to the pretreatment program to assure the CSO impacts are minimized.
- (4) Low-cost projects that maximize flow to the POTW for treatment.
- (5) Documentation that no CSO discharges occurred during dry weather.
- (6) Projects to control solid and floatable materials in CSO discharges.
- (7) Pollution prevention programs that focus on contaminant reduction activities.
- (8) Public notification to ensure that the public receives adequate notification of CSO occurrences and CSO impacts.
- (9) Any monitoring and sampling results to effectively characterize CSO impacts and the effectiveness of CSO controls.

H. Sewer extensions and new commercial or industrial flows. List the sewer extensions and new commercial or industrial flows added during the year, along with what mitigating measures were accomplished to prevent these flows from contributing to CSOs (see Section 8).

The CSO Progress Reports must be completed on a standard form entitled "Annual CSO Progress Report", furnished by the Department, and submitted in electronic form, if possible, to the following address:

CSO Coordinator
Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
17 State House Station
Augusta, Maine 04333
e-mail: CSOCoordinator@maine.gov

9. Signs

The permittee must maintain an identification sign at the CSO location as notification to the public that intermittent discharges of untreated sanitary wastewater occur. The sign must be located at or near the outfall and be easily readable by the public. The sign must be a minimum of 12" x 18" in size with white lettering against a green background and must contain the following information:

**AUBURN SEWERAGE DISTRICT
WET WEATHER
SEWAGE DISCHARGE
OUTFALL NAME AND NUMBER**

SPECIAL CONDITIONS

B. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from outfalls cited in Special Condition A(1) of this permit. 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.

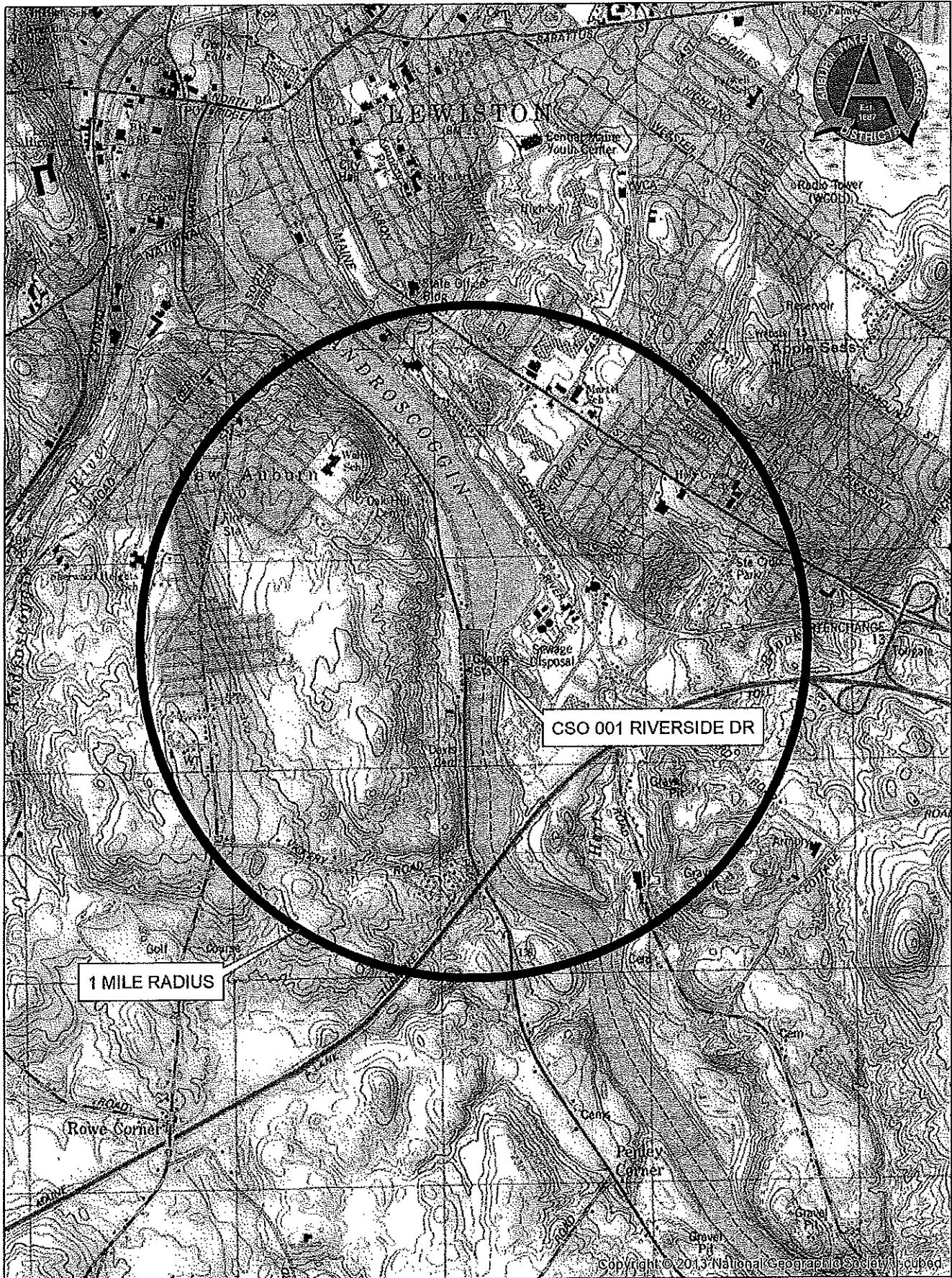
C. REOPENING OF PERMIT FOR MODIFICATION

In accordance with 38-M.R.S. §-414-A(5) and upon evaluation of the tests results or monitoring requirements specified in the Special Conditions of this permit, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at any time and with notice to the permittee, modify this permit to: 1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded, (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

D. SEVERABILITY

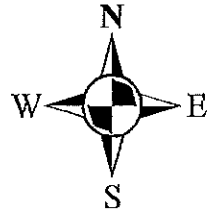
In the event that any provision(s), or part thereof, of this permit is declared to be unlawful by a reviewing court, the remainder of the permit must remain in full force and effect and must be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless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

ATTACHMENT A



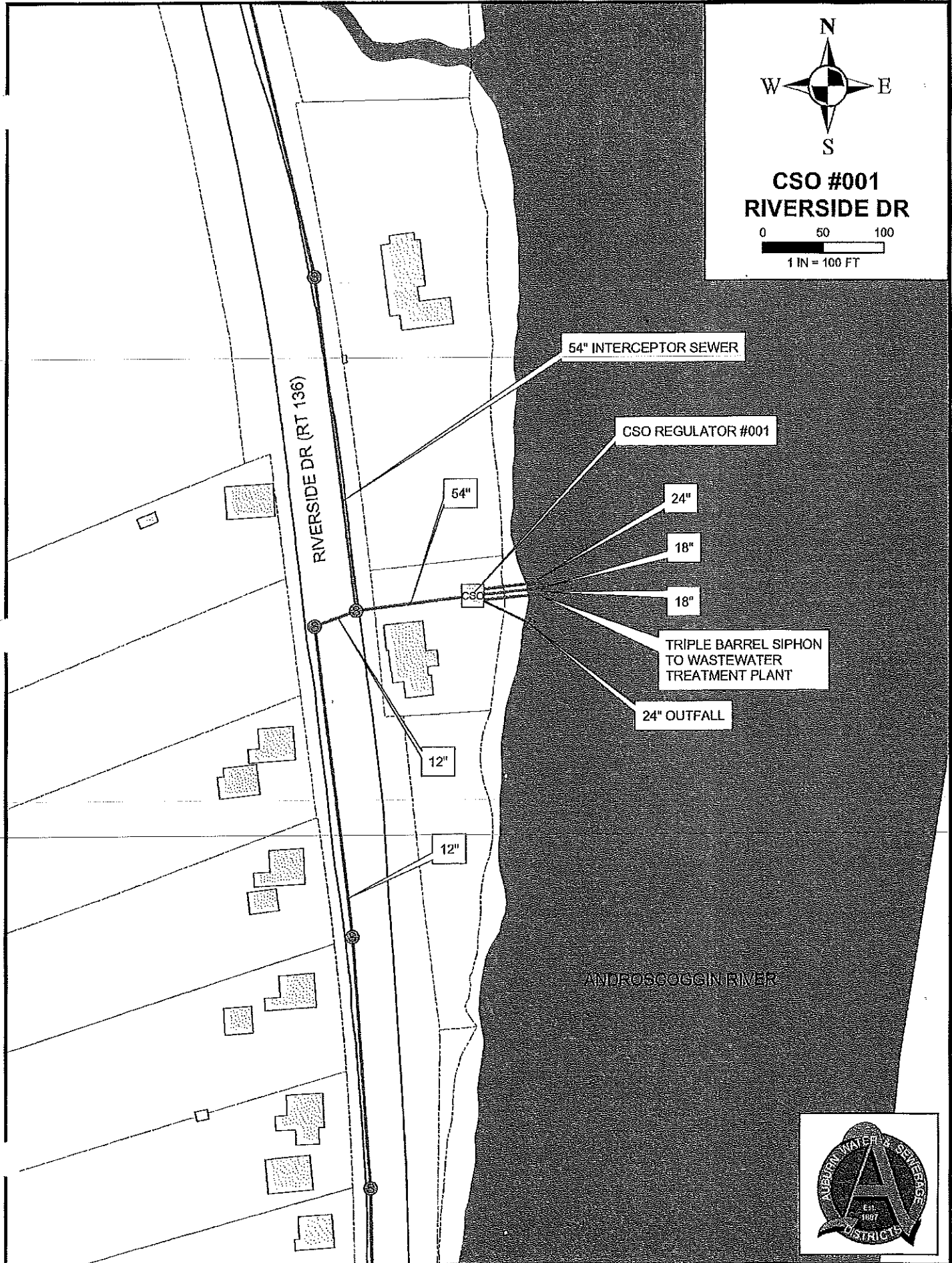
CSO 001 RIVERSIDE DR

1 MILE RADIUS



**CSO #001
RIVERSIDE DR**

0 50 100
1 IN = 100 FT



54" INTERCEPTOR SEWER

CSO REGULATOR #001

54"

24"

18"

18"

TRIPLE BARREL SIPHON
TO WASTEWATER
TREATMENT PLANT

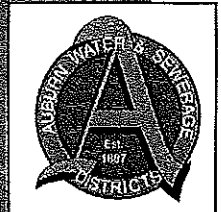
24" OUTFALL

12"

12"

RIVERSIDE DR (RT 136)

ANDROSCOGGIN RIVER



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

FACT SHEET

DATE: *JANUARY 30, 2024*

PERMIT NUMBER: **ME0100005**
WASTE DISCHARGE LICENSE: **W000685-5T-I-R**

NAME AND ADDRESS OF APPLICANT:
**AUBURN SEWER DISTRICT
268 COURT STREET
P.O. BOX 586
AUBURN, MAINE 04210**

COUNTY: **ANDROSCOGGIN**

NAME AND ADDRESS WHERE DISCHARGE(S) OCCUR(S):
**COMBINED SEWER OVERFLOW
RIVERSIDE DRIVE
AUBURN, MAINE 04210**

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

COGNIZANT OFFICIAL CONTACT INFORMATION:
**MICHAEL BROADBENT
207-784-6469
mbroadbent@awsd.org**

1. APPLICATION SUMMARY

- a. Application: On September 23, 2021, the Department accepted as complete for processing, a renewal application for Maine Pollutant Discharge Elimination System (MEPDES) ME0100005/Waste Discharge License (WDL) W000685-5T-G-R, which was issued on September 22, 2016, for a five-year term. The September 22, 2016, permit authorized the District to discharge an unspecified quantity of untreated sanitary wastewater combined with stormwater runoff from one (1) combined sewer overflow structure. The CSO discharges to the Androscoggin River, Class C in Auburn, Maine.

The Department issued a modification on April 6, 2017, to modify the language of Special Condition A(1) *Conditions for Combined Sewer Overflows (CSO)* to reincorporate the Miller Street Outfall (#005) as a CSO discharge outfall. The modification also made changes to Special Condition A(4) and established a September 31, 2017, milestone for the District to submit a written plan that included a scope of work and schedule for permanently eliminating Outfall #005 as a CSO discharge point. The Miller Street Outfall (#005) was subsequently closed on September 23, 2021.

1. APPLICATIONS SUMMARY (con't)

- b. Source Description – The District has an existing sanitary sewer collection system consisting of approximately 130 miles of piping and 23 pump stations. The collection system conveys sanitary wastewater generated by residential and commercial entities within the District's boundaries to the LAWPCA wastewater treatment facility. Discharges from the LAWPCA facility are regulated by the Department via MEPDES permit #ME0101478. Seven of the pump stations, associated with the District's collection system, are equipped with on-site back-up power in the event of a power failure and 16 of the pump stations are serviced by portable generators. The collection system has one CSO outfall:

<u>Outfall #</u>	<u>Location</u>	<u>Receiving Water & Class</u>
001	Riverside Drive	Androscoggin River Class C

See **Attachment A** of this Fact Sheet for a location map of the remaining outfall.

2. PERMIT SUMMARY

- a. Terms and conditions: This permitting action requires the permittee to monitor the flow and number of overflow events at the remaining CSO structure, periodically update the District's CSO Master Plan and annually report progress to eliminate the CSO.
- b. History: This section provides a summary of significant licensing actions and milestones that have been completed for the District:

July 1, 1996 – Metcalf and Eddy (M&E) submitted the CSO Master Plan to the Department and EPA.

January 24, 1997 – The District submitted its NMC documentation to the Department and EPA.

May 25, 1999 – Department personnel from the Bureau of Land & Water Quality's Division of Engineering and Technical Assistance met the District, Lewiston, and M&E to clarify the Department's comments of April 16.

February 9, 2000 – The City of Lewiston and the District submitted responses to comments on the CSO Master Plan by the Department and EPA.

February 29, 2000 – The District submitted its 1999 CSO Progress report that stated that four CSOs have been removed to date: CSO 010, Mill St. to Little Androscoggin; CSO 011, High St. to Little Androscoggin; and CSO 007, Center St. to Androscoggin. Regarding CSO 004, Dunn St. to Androscoggin, the regulator device for 004 was relocated to Seventh Street on February 2, 1996.

2. PERMIT SUMMARY (cont'd)

April 18, 2000 – The District submitted a letter to the Department that included a summary of improvements in 1999, a proposed CSO Master Plan Funding Schedule from 1997 to 2014, and five-year Capital Improvements Plans for the District and the City of Auburn.

April 20, 2000 – With the EPA's concurrence, the Department issued a letter to the City of Lewiston, the District and LAWPCA stating that there was agreement between all parties on a fifteen-year schedule of sewer separation (to be completed by 2014), with an update of the CSO Master Plan in five years.

July 17, 2000 – The District submitted its proposed detailed five-year schedule of sewer separation projects.

November 9, 2000 – The Department issued a letter approving five-year CSO abatement project schedules for the City of Lewiston and District, including a submission date for a CSO Master Plan update.

December 8, 2000 – The Department issued WDL renewal # W000685-5T-C-R for a five-year term.

February 7, 2001 – The Department formally approved the District's CSO Master Plan entitled, Auburn Sewer District and City of Lewiston Clean Water Act Master Plan, dated October 2000.

October 9, 2007 – The Department issued a modification of the 12/29/05 permit by modifying the dates by which CSO #005, Miller Street and CSO #004, Dunn Street, were to be eliminated.

December 29, 2005 – The Department issued combination MEPDES permit #ME0100005/Maine WDL W000685-5T-D-R for a five-year term.

May 27, 2010 – The District submitted a timely and complete application to the Department to renew the 12/29/05 MEPDES permit.

June 30, 2010 – The District submitted an Updated CSO Master Plan and implementation schedule entitled, City of Lewiston, Maine, Auburn Sewerage District, and Lewiston Auburn Water Pollution Control Authority (LAWPCA), Clean Water Act Master Plan Ten Year Update, June 2010, Final Report, to the Department for review and approval.

November 18, 2010 – The Department issued combination MEPDES permit #ME0100005/Maine WDL W000685-5T-F-R for a five-year term.

June 30, 2015 – The Auburn Sewerage District submitted an Updated CSO Master Plan and implementation schedule entitled, City of Lewiston, Maine, Auburn Sewerage District, and Lewiston Auburn Water Pollution Control Authority (LAWPCA), Clean Water Act Master Plan Fifteen Year Update, November 2015, Final Report, to the Department for review and approval.

September 22, 2016 – The Department issued combination MEPDES permit ME0100005/WDL W000685-5T-I-R, for a five-year term.

2. PERMIT SUMMARY (cont'd)

April 06, 2017 - The Department issued a minor revision of the 09/22/16 permit by reincorporating CSO Outfall #005, Miller Street.

September 2, 2021 – The Auburn Sewerage District submitted a timely and complete application to the Department for renewal of the September 22, 2016, MEPDES permit/WDL. The application was accepted for processing on September 23, 2021, and was assigned MEPDES ME0100005/WDL W000685-5T-I-R.

3. CONDITIONS OF PERMITS

Conditions of licenses, 38 M.R.S. § 414-A(D), 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, toxics are regulated under 38 M.R.S. § 420, 06-096 C.M.R. ch. 530 which requires the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, and 06-096 C.M.R. ch. 584 (last amended February 16, 2020), all of which 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

1. *Classification of major river basins*, 38 M.R.S. 467(1)(A)(2), from its confluence with the Ellis River to Worumbo Dam in Lisbon Falls the Androscoggin River is classified as a Class C waterbody. *Standards for classification of fresh surface waters*, 38 M.R.S. § 465(4) describes the standards for Class C waters.

A. Class C waters must be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; navigation; and as a habitat for fish and other aquatic life. [PL 2003, c. 227, §4 (AMD); PL 2003, c. 227, §9 (AFF); PL 2005, c. 561, §10 (AFF).]

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

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

4. RECEIVING WATER QUALITY STANDARDS (con't)

- (a) A license or water quality certificate other than a general permit was issued prior to March 16, 2004, for the Class C water and was not based on a 6.5 parts per million 30-day average dissolved oxygen criterion; or
- (b) A discharge or a hydropower project was in existence on March 16, 2005, and required but did not have a license or water quality certificate other than a general permit for the Class C water.

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

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

The department may negotiate and enter into agreements with licensees and water quality certificate holders in order to provide further protection for the growth of indigenous fish. Agreements entered into under this paragraph are enforceable as department orders according to the provisions of sections 347-A to 349. Between April 15th and October 31st, the number of *Escherichia coli* bacteria in Class C waters may not exceed a geometric mean of 100 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. The board shall adopt rules governing the procedure for designation of spawning areas. Those rules must include provision for periodic review of designated spawning areas and consultation with affected persons prior to designation of a stretch of water as a spawning area. [PL 2021, c. 551, §12 (AMD).]

C. Discharges to Class C waters may cause some changes to aquatic life, except that the receiving waters must be of sufficient quality to support all species of fish indigenous to the receiving waters and maintain the structure and function of the resident biological community. 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 biological communities affected by an invasive species, the department may find that the discharged effluent will not cause unacceptable changes to aquatic life as long as the materials and methods used will ensure the support of all species of indigenous fish and the structure and function of the resident biological community and will allow restoration of nontarget species.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine Department of Environmental Protection 2018/2020/2022 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 the segments of the Androscoggin River (Assessment Unit ME0104000210_425R_01) main stem from the Little Androscoggin River to Pejepscot Dam as *Category 4-B: Rivers and Streams Impaired by Pollutants – Pollution Control Requirements Reasonably Expected to Result in Attainment*. Impairment in this context refers to a fish consumption advisory due to the presence of dioxin.

5. RECEIVING WATER QUALITY CONDITIONS (con't)

The report also lists the Androscoggin River in the area of the CSO discharges as (Assessment Unit ME0104000210_425R_01) main stem from the Little Androscoggin River to Pejepscot Dam in *Category 5-D: Rivers and Streams Impaired by Legacy Pollutants*. Impairment in this context refers to the presence of Polychlorinated Biphenyls.

In addition, the report lists all freshwaters in Maine 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 4-A (Total Maximum Daily Load (TMDL) Completed) due to the USEPA approval of a Regional Mercury TMDL in December 2007. Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters, and many fish from any given water, do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Health and Human Services decided to establish a statewide advisory for all freshwater fish that recommends limits on consumption. Maine has already instituted statewide programs for removal and reduction of mercury sources.

The Department is not aware of any information that indicates the intermittent discharges from the CSO owned by the District are causing or contributing to the continuance of the fish consumption advisory.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

This permitting action does not establish numeric effluent limitations for the discharges from the District's CSO. However, in April 1994, the EPA adopted a National Combined Sewer Overflow Control Policy that strives to: 1) Accurately characterize collection systems through sampling, monitoring, and modeling; 2) Implement best management practices as described in its Nine Minimum Controls Strategy; and 3) Develop and implement a long-term control plan.

The District is currently addressing the National Policy by: 1) characterizing the discharge through the installation of flow monitoring equipment to monitor the overflows; and 2) has completed the development of the original CSO Master Plan entitled, Auburn Sewer District and City of Lewiston Clean Water Act Master Plan, dated October 2000. The Master Plan was approved by the Department on February 7, 2001. The most recent update of the CSO Master Plan is entitled, City of Lewiston, Maine, Auburn Sewerage District, and Lewiston Auburn Water Pollution Control Authority, Clean Water Act Master Plan Fifteen Year Update, November 2015, Final Report. Special Condition A, Conditions for Combined Sewer Overflow (CSO), of this permitting action requires the District to continue to evaluate and take specific actions to eliminate the CSO.

7. ANTI-BACKSLIDING

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, effluent limitations, standards, or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit, except for provisions specified in the regulation.

7. ANTI-BACKSLIDING (con't)

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 the previous permit.

8. ANTI-DEGREDAATION

The Department has made a best professional judgment determination based on information gathered to date, that as permitted, the discharge will not cause or contribute the failure of the Androscoggin River to meet the standards for Class C classification and the designated uses of both waterbodies will continue to be maintained and protected.

9. PUBLIC COMMENTS

Public notice of this application was made in the *Lewiston Sun Journal* newspaper on or about August 11, 2021. 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 must 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 C.M.R. ch. 522 (effective January 12, 2001).

10. DEPARTMENT CONTACTS

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

Benjamin Pendleton
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 592-6871
e-mail: Benjamin.S.Pendleton@maine.gov

11. RESPONSE TO COMMENTS

This space intentionally left blank until end of the comment period.

ATTACHMENT A

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION CSO ACTIVITY AND VOLUMES

MUNICIPALITY OR DISTRICT												MEPDES / NPDES PERMIT NO.				
REPORTING YEAR												SIGNED BY:		DATE:		
YEARLY TOTAL PRECIPITATION		INCHES														
CSO EVENT NO.	START DATE OF STORM	PRECIP. DATA		FLOW DATA (GALLONS PER DAY) OR BLOCK ACTIVITY ("1")										EVENT OVERFLOW GALLONS	EVENT DURATION HRS	
		TOTAL INCHES	MAX. HR INCHES	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:			LOCATION: NUMBER:
1																
2																
3																
4																
5																
6																
7																
8																
9																
10																
11																
12																
13																
14																
15																
16																
17																
18																
19																
20																
21																
22																
23																
24																
25																
TOTALS																

Note 1: Flow data should be listed as gallons per day. Storms lasting more than one day should show total flow for each day.
 Note 2: Block activity should be shown as a "1" if the block floated away.

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

CONTENTS

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

A. GENERAL PROVISIONS

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

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

(a) They are not

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

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

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

B. OPERATION AND MAINTENANCE OF FACILITIES

1. General facility requirements.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

5. Bypasses.

(a) Definitions.

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

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

(c) Notice.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

6. Upsets.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

C. MONITORING AND RECORDS

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

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

3. Monitoring and records.

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

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

D. REPORTING REQUIREMENTS

1. Reporting requirements.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

5. Publicly owned treatment works.

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

E. OTHER REQUIREMENTS

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

Maximum daily discharge limitation means the highest allowable daily discharge.

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

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

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