STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

July 28, 2025

Mr. Shawn Brown
Town of Norway
43 Brown St.
Norway, ME. 04268

Sent via electronic mail
Delivery confirmation requested

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100455
Maine Waste Discharge License (WDL) Application #W002647-6C-K-R
Proposed Draft MEPDES Permit Renewal

Dear Mr. Brown:

Enclosed is a **proposed draft** MEPDES permit and Maine WDL which the Department proposes to issue 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 today, **Monday, July 28, 2025, and ends on Thursday, August 28, 2025**. 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, August 28, 2025**. Failure to submit comments in a timely fashion may result in the proposed
draft/license permit document being issued as drafted.

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

If you have any questions regarding the matter, please feel free to call me at 207-215-6856.

Sincerely,

Asenath Frizzell
Division of Water Quality Management
Bureau of Water Quality

Enclosure

ec: Lori Mitchell, DEP/CMRO
Emily Cry, DEP/SMRO
Fred Gallant, DEP/SMRO
Gregg Wood, DEP/CMRO
Holly Ireland, DEP/CMRO
Laura Crossley, DEP/CMRO
Michael Cobb, USEPA
Kathryn Rosenberg, USEPA
Richard Carvalho, USEPA
Sean Mahoney, CLF
Maine IFW
Maine DMR

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

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF NORWAY	)	MAINE POLLUTANT DISCHARGE
NORWAY, OXFORD COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS	)	AND
ME0100455	)	WASTE DISCHARGE LICENSE
W002647-6C-K-R **APPROVAL**	)	**RENEWAL**

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

APPLICATION SUMMARY

On August 7, 2023, the Department accepted as complete for processing an application from the Town of Norway for the renewal of combination Waste Discharge License (WDL) W002647-6C-J-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100455, which was issued by the Department on August 6, 2018 for a five-year term. The August 6, 2018 permit authorized the seasonal monthly average discharge of 0.975 million gallons per day (MGD) from September 1 to May 31st every year and a seasonal monthly average discharge of 0.755 MGD from June 1 to June 15th every year of secondary treated wastewater from a publicly owned treatment works (POTW) to the Little Androscoggin River, Class C, in Norway, Maine.

PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions from the previous permitting action and it is:

1. Updated the E. Coli monthly average and daily maximum concentration limits to match those established in 38 M.R.S. §465 (4)(B), *Standards for Classification of Fresh Surface Waters*, Class C.

CONCLUSIONS

BASED on the findings in the attached Proposed Fact Sheet dated July 28, 2025, 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, *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 national resource, that water quality will be maintained and protected;

   (c) Where the standards of classification of the receiving waterbody are not met, the discharge will not cause or contribute to the failure of the waterbody to meet the standards of classification;

   (d) Where the actual quality of any classified receiving waterbody 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. The discharge will be subject to effluent limitations that require application of best practicable treatment as defined in *Conditions of licenses*, 38 M.R.S. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of the TOWN OF NORWAY to seasonally discharge a monthly average of 0.975 MGD (September 1 to May 31st) and 0.755 (June 1st to June 15th) of secondary treated wastewater from a publicly owned treatment works to the Little Androscoggin River, Class C, in Norway, 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 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 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 Matter*s, 06-096 C.M.R. ch. 2(21)(A) (effective September 15, 2024)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS ____ DAY OF _____2025.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:_____
Melanie Loyzim, Commissioner

Date of initial receipt of application: 8/1/2023
Date of application acceptance: 8/7/2023

This Order prepared by Asenath Frizzell, Bureau of Water Quality

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge **secondary treated sanitary wastewater from Outfall #001B** to the Little Androscoggin River in Norway, Maine. Such discharges are limited and must be monitored by the permittee as specified below[(1)]. **No discharge is authorized when the river flow in the Little Androscoggin River at the point of discharge is less than 31 cfs[(2)].**

September 1 - May 31 of each year

Effluent Characteristic	Discharge Limitations						Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow *[50050]*	0.975 MGD *[03]*	---	---	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
$CBOD_5$ *[80082]*	203 lbs./day *[26]*	325 lbs./day *[26]*	366 lbs./day *[26]*	25 mg/L *[19]*	40 mg/L *[19]*	45 mg/L *[19]*	1/Week *[1/07]*	24 Hour Composite *[24]*
CBOD % Removal[(3)] *[81383]*	---	---	---	---	---	85% *[23]*	1/Month *[01/30]*	Calculate *[CA]*
TSS *[00530]*	244 lbs./day *[26]*	366 lbs./day *[26]*	407 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/Week *[01/07]*	24 Hour Composite *[24]*
TSS % Removal[(3)] *[81011]*	---	---	---	---	---	85% *[23]*	1/Month *[01/30]*	Calculate *[CA]*
Settleable Solids *[00545]*	---	---	---	---	---	0.3 ml/L *[25]*	2/Week *[2/07]*	Grab *[GR]*
E. coli Bacteria *[31633]* (*April 15 –October 31*) [(4)]	---	---	---	100 CFU or MPN/100 mL[(5)] *[13]*	---	236 CFU or MPN/100 mL *[13]*	1/Week *[01/07]*	Grab *[GR]*

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

Footnotes: See Pages 9 through 13 of this permit for applicable footnotes.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. The permittee is authorized to discharge **secondary treated sanitary wastewater from Outfall #001B** to the Little Androscoggin River in Norway, Maine. Such discharges are limited and must be monitored by the permittee as specified below[(1)]. **No discharge is authorized when the river flow in the Little Androscoggin River at the point of discharge is less than 31 cfs[(2)].**

September 1 - May 31 of each year

Effluent Characteristic	Discharge Limitations						Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Total Residual Chlorine[(6)] *[50060]*	---	---	---	0.1 mg/L *[19]*	---	0.3 mg/L *[19]*	1/Day *[01/01]*	Grab *[GR]*
pH (Std. Unit) *[00400]*	---	---	---	---	---	6.0 – 9.0 *[12]*	5/Week *[05/07]*	Grab *[GR]*
Mercury (Total) [(7)] *[71900]*	---	---	---	14.7 ng/L *[3M]*	---	22.1 ng/L *[3M]*	1/Year *[01/YR]*	Grab *[GR]*

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

Footnotes: See Pages 9 through 13 of this permit for applicable footnotes.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

3. The permittee is authorized to discharge **secondary treated wastewater from Outfall #001A** to the Little Androscoggin River in Norway, Maine. Such discharges must be limited and monitored by the permittee as specified below [(1)]. **No discharge is authorized when the flow in the Little Androscoggin River at the point of discharge is less than 31 cfs[(2)].**

June 1 – June 15 of each year

Effluent Characteristic	Discharge Limitations						Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow *[50050]*	0.755 MGD *[03]*	---	---	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
$CBOD_5$ *[80082]*	157 lbs./day *[26]*	252 lbs./day *[26]*	283 lbs./day *[26]*	25 mg/L *[19]*	40 mg/L *[19]*	45 mg/L *[19]*	2/Week *[02/07]*	24 Hour Composite *[24]*
CBOD % Removal[(3)] *[81383]*	---	---	---	---	---	85% *[23]*	1/Month *[01/30]*	Calculate *[CA]*
TSS *[00530]*	189 lbs./day *[26]*	283 lbs./day *[26]*	315 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	2/Week *[02/07]*	24 Hour Composite *[24]*
TSS % Removal[(3)] *[81011]*	---	---	---	---	---	85% *[23]*	1/Month *[01/30]*	Calculate *[CA]*
Settleable Solids *[00545]*	--	---	---	---	---	0.3 ml/L *[25]*	3/Week *[03/07]*	Grab *[GR]*
E. coli Bacteria *[31633]* (*April 15 – October 31*)[(4)]	---	---	---	100 CFU or MPN/100 mL[(5)] *[13]*	---	236 CFU or MPN/100 mL *[13]*	1/Week *[01/07]*	Grab *[GR]*

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

Footnotes: See Pages 9 through 13 of this permit for applicable footnotes.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

4. The permittee is authorized to discharge **secondary treated wastewater from Outfall #001A** to the Little Androscoggin River in Norway, Maine. Such discharges must be limited and monitored by the permittee as specified below [(1)]. **No discharge is authorized when the flow in the Little Androscoggin River at the point of discharge is less than 31 cfs[(2)].**

June 1 – June 15 of each year

Effluent Characteristic	Discharge Limitations			Monitoring Requirements				
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Total Residual Chlorine[(6)] *[50060]*	---	---	---	0.1 mg/L *[19]*	---	0.3 mg/L *[19]*	1/Day *[01/01]*	Grab *[GR]*
pH (Std. Unit) *[00400]*	---	---	---	---	---	6.0 – 9.0 *[12]*	1/Day *[01/01]*	Grab *[GR]*
Mercury (Total) [(7)] *[71900]*	---	---	---	14.7 ng/L *[3M]*	---	22.1 ng/L *[3M]*	1/Year *[01/YR]*	Grab *[GR]*

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly DMRs.
Footnotes: **See Pages 9 through 13 of this permit for applicable footnotes.**

SPECIAL CONDITIONS

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

5. Whole effluent toxicity, analytical chemistry and priority pollutant testing requirements.
SURVEILLANCE LEVEL – Beginning upon issuance and lasting until 24 months prior to permit expiration and commencing again 12 months prior to permit expiration and lasting through permit expiration (Years 1,2,3 and 5 of the term of the permit). This requirement would be in year 5 in 2027, based on the schedule set forth in the August 6, 2018 permitting action.

	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity (8)						
Acute – NOEL						
Ceriodaphnia dubia (Water flea) *[TDA3B]*	---	---	---	Report % *[23]*	1/2 Years *[01/2Y]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TDA6F]*	---	---	---	Report % *[23]*	1/2 Years *[01/2Y]*	Composite *[24]*
Chronic – NOEL						
Ceriodaphnia dubia (Water flea) *[TBP3B]*	---	---	---	Report % *[23]*	1/2 Years *[01/2Y]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TBQ6F]*	---	---	---	Report % *[23]*	1/2 Years *[01/2Y]*	Composite *[24]*
Analytical Chemistry **(9,11)** *[51168]*	---	---	---	Report µg/L *[28]*	1/2 Years *[01/2Y]*	Composite/Grab *[24]*
Priority Pollutant **(10,11)** *[50008]*	---	---	---	---	---	---

SCREENING LEVEL - Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4) and every five years thereafter. This requirement should start in 2026 (Year 4), based on the schedule set forth in the August 6, 2018 permitting action.

	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity (8)						
Acute – NOEL						
Ceriodaphnia dubia (Water flea) *[TDA3B]*	---	---	---	Report % *[23]*	2/Year *[02/YR]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TDA6F]*	---	---	---	Report % *[23]*	2/Year *[02/YR]*	Composite *[24]*
Chronic – NOEL						
Ceriodaphnia dubia (Water flea) *[TBP3B]*	---	---	---	Report % *[23]*	2/Year *[02/YR]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TBQ6F]*	---	---	---	Report % *[23]*	2/Year *[02/YR]*	Composite *[24]*
Analytical Chemistry **(9,11)** *[51168]*	---	---	---	Report µg/L *[28]*	3/Year *[03/YR]*	Composite/Grab *[24]*
Priority Pollutant **(10,11)** *[50008]*	---	---	---	Report µg/L *[28]*	1/Year *[01/YR]*	Composite/Grab *[24]*

Footnotes: **See Pages 9 through 13 of this permit for applicable footnotes.**

SPECIAL CONDITIONS

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

Footnotes:

1. **Sampling** – Influent sampling must be conducted at the headworks building influent channel. Effluent sampling must be sampled at the end of the chlorine contact chamber but prior to the discharge pipe. Any change in sampling location must be approved by the Department in writing. The permittee must conduct sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (C.F.R.) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 C.F.R. 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. Samples that are sent to a publicly owned treatment works (POTW) pursuant to *Waste discharge licenses*, 38 M.R.S. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 C.M.R. Ch. 263 (amended March 15, 2023). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10 − 144 C.M.R. Ch. 263. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 C.F.R. 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 (DMR).

   In accordance with 40 C.F.R. § 122.44(i)(1)(iv), the permittee must monitor according to sufficiently sensitive test procedures (i.e., methods) approved under 40 C.F.R. Part 136 or required under 40 C.F.R. 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 C.F.R. Part 136 or required under 40 C.F.R. 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.

2. **Discharge dates** - During the period June 16 – August 31, the Department may authorize a discharge on a day-by-day basis in order to protect the integrity of the treatment lagoons during those periods when the river flow is below 31 cfs at the point of discharge. **The permittee must obtain authorization in writing from the Department prior to discharging under these circumstances**.

3. **Percent removal** – The treatment facility must maintain a minimum of 85 percent removal of both chemical biological oxygen demand ($CBOD_5$**)** and total suspended solids (TSS) for all flows receiving secondary treatment. Compliance with the limitation is based on a twelve-month rolling average. Calendar monthly average percent removal values must be calculated based on influent and effluent concentrations. The twelve-month rolling average calculation is based on the most recent twelve-month period.

4. ***E. coli*** **bacteria** - *E. coli* bacteria limits and monitoring requirements are seasonal and apply between April 15th and October 31st of each year. In accordance with 38 M.R.S. § 414-A(5), the Department may, at any time and with notice to the permittee, modify this permit to establish bacteria limitations on a year-round basis to protect the health, safety, and welfare of the public.

5. **Bacteria Reporting** – The monthly average *E. coli* bacteria limitation is a geometric mean limitation and sample results must be reported as such. Results must be expressed in MPN/100mL or CFU/100mL.

6. **Total Residual Chlorine (TRC) Monitoring** – Limitations and monitoring requirements are in effect any time elemental chlorine or chlorine-based compounds are utilized to disinfect the discharge(s). The permittee must utilize a USEPA-approved test method capable of bracketing the TRC limitations specified in this permitting action. For instances when a facility has not disinfected with chlorine-based compounds for an entire reporting period, the facility must report "N9" for this parameter on the monthly DMR.

7. **Two/week sampling requirement** – There must be at least one day between sampling events when required to sample 2/week.

8. **Composite Samples** – Samples must consist of 24-hour composites collected with an automatic composite sampler. Alternatively, when weather conditions and/or equipment prevents automatic compositing and upon Department notification, the permittee may manually composite a minimum of eight grab samples collected at one-hour intervals during the working day at the facility. The permittee must indicate the type of sample collected on the DMR.

9. **Mercury** – The permittee must conduct all mercury monitoring required by this permit or required to determine compliance with interim limitations established pursuant to 06-096 C.M.R. ch. 519 in accordance with the U.S. Environmental Protection Agency's (USEPA) "clean sampling techniques" found in USEPA Method 1669, *Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels*. All mercury analysis must be conducted in accordance with USEPA Method 1631 revision E, *Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry.* For the most up-to-date reporting form, go to http://www.maine.gov/dep/water/wd/municipal_industrial/index.html or DEP website at http://www.maine.gov/dep/index.html, and search "wastewater reporting forms" and select "Whole Effluent Toxicity, Chemistry, and Mercury Reporting Forms" for a reporting form for mercury test results. Compliance with the monthly average limitation

established in Special Condition A of this permit will be based on the cumulative arithmetic mean of all mercury tests results that were conducted utilizing sampling Method 1669 and analysis Method 1631 revision E on file with the Department for this facility.

10. **Whole effluent toxicity (WET) testing** – Definitive WET testing is a multi-concentration testing event (a minimum of five dilutions bracketing the critical acute and chronic thresholds of 4.6%), which provides a point estimate of toxicity in terms of No Observed Effect Level, commonly referred to as NOEL or NOEC. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level with survival, reproduction, and growth as the end points. The critical acute and chronic thresholds were derived as the mathematical inverse of the applicable acute and chronic dilution factor of 21.6:1.

    a. **Surveillance level testing –** Except in the year that screening level testing is being performed, the permittee must conduct surveillance level acute and chronic WET testing at a minimum frequency of once every two years (reduced testing) using the brook trout (*Salvelinus fontinalis*) and the water flea (*Ceriodaphnia dubia*). Tests using the brook trout must be conducted in a different calendar quarter each year, when practicable. Since this is a hold and release operation, collection of samples in each of the four calendar quarters may not be possible.

    b. **Screening level testing** – Beginning in the calendar year 2026 (Year 4, based on the schedule set forth in the August 6, 2018 permitting action) and every five years thereafter, if a timely request for renewal has been made and the permit continues in force or is replaced by a permit renewal containing this requirement, the permittee must conduct screening level acute and chronic WET testing at a minimum frequency of twice per year (2/year) on the water flea and brook trout. Toxicity tests must be conducted with a minimum of 6 months separating test events.

    WET test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee must evaluate test results being submitted and identify to the Department possible exceedances of the critical acute and chronic water quality thresholds of 4.6%.

    Toxicity tests must be conducted by an experienced laboratory approved by the Department. The laboratory must follow procedures as described in the following USEPA methods manuals.

    a. U.S. Environmental Protection Agency. 2002. *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, 5th ed. EPA 821-R-02-012. U.S. Environmental Protection Agency, Office of Water, Washington, D.C., October 2002 (the acute method manual).

b. U.S. Environmental Protection Agency. 2002. *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, 4th ed. EPA 821-R-02-013. U.S. Environmental Protection Agency, Office of Water, Washington, D.C., October 2002 (the freshwater chronic method manual).

Results of WET tests must be reported on the "Whole Effluent Toxicity Report Fresh Waters" form each time a WET test is performed. The form can be found at https://www.maine.gov/dep/water/wd/municipal_industrial/index.html.

The permittee must analyze the effluent for the analytical chemistry and priority pollutant parameters specified on the "WET and Chemical Specific Data Report Form" form each time a WET test is performed. The form can be found at: https://www.maine.gov/dep/water/wd/municipal_industrial/index.html

11. **Analytical chemistry** – Refers to those pollutants listed in their respective categories on the "WET and Chemical Specific Data Report Form" found at: https://www.maine.gov/dep/water/wd/municipal_industrial/index.html

    a. **Surveillance level testing** – Except in the year that screening level testing is being performed, the permittee must conduct analytical chemistry testing at a minimum frequency of once every two years (1/2 years). Testing must be conducted in all four calendar quarters during the term of the permit, when practicable. Testing must be conducted in a different calendar quarters each year such that a test is conducted in all calendar quarters during the term of the permit, as possible.

    b. **Screening level testing** – Beginning in the calendar year 2026 (Year 4, based on the schedule set forth in the August 6, 2018 permitting action) and every five years thereafter, the permittee must conduct screening level analytical chemistry testing at a minimum frequency of three times per year (3/Year) in successive calendar quarters, when practicable.

12. **Priority pollutant testing** – Refers to those pollutants listed in their respective categories on the "WET and Chemical Specific Data Report Form" found at: https://www.maine.gov/dep/water/wd/municipal_industrial/index.html

    a. **Surveillance level testing** – Priority pollutant testing is not required for this facility pursuant to Department rule 06-096 C.M.R. ch.530 § 2(D)(1).

    b. **Screening level testing** - Beginning in the calendar year 2026 (Year 4, based on the schedule set forth in the August 6, 2018 permitting action) and every five years thereafter, the permittee must conduct screening level priority pollutant testing at a minimum frequency of once per year (1/Year) in any calendar quarter provided the sample is representative of the discharge and any seasonal or other variations in effluent quality.

Analytical chemistry and priority pollutant tests – Testing must be conducted on samples collected at the same time as those collected for whole effluent toxicity tests, when applicable, and must be conducted using methods that permit detection of a pollutant at existing levels in the effluent.

Analytical chemistry and priority pollutant test results must be submitted to the Department no later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the laboratory reports for up to 10 business days after receiving the test results from the laboratory conducting the testing before submitting them. The permittee must evaluate test results being submitted and identify to the Department, possible exceedances of the acute, chronic, or human health AWQC as established in 06-096 C.M.R. ch. 584. For the purposes of DMR reporting, enter a "1" for yes, testing done this monitoring period or "N-9" monitoring not required this period.

B. 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 usages 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 usages designated for the classification of the receiving waters.

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

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.

C. TREATMENT PLANT OPERATOR

The person who has management responsibility over the treatment facility must hold a **Maine Grade II**, Biological Treatment certificate (or higher) or must be a Maine Registered Professional Engineer pursuant to Wastewater *Treatment Plant Operators*, 32 M.R.S. § 4171-4182 and *Regulations for Wastewater Operator Certification*, 06-096 C.M.R. ch. 531 (effective July 24, 2023). All proposed contracts for facility operation by any person must be approved by the Department before the **Permittee** may engage the services of the contract operator.

D. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on August 8, 2023; 2) the terms and conditions of this permit; and 3) only from Outfall #001A and #001B. 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.

E. LIMITATIONS FOR INDUSTRIAL USERS

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

F. NOTIFICATION REQUIREMENTS

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

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

2. Any substantial change (increase or decrease) in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants into the system at the time of permit issuance.

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

   (a) The quality and quantity of wastewater introduced to the wastewater collection and treatment system; and

   (b) Any anticipated impact of the change in the quantity or quality of the wastewater to be discharged from the treatment system.

G. MONITORING AND REPORTING

Electronic Reporting
NPDES Electronic Reporting, 40 C.F.R. Part 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 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. Toxics reporting must be done using the Department Toxsheet reporting form. An electronic copy of the Toxsheet reporting document must be submitted to your Department compliance inspector as an attachment to an email. 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.

H. OPERATION & MAINTENANCE (O&M) PLAN

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

By December 31 of each year, **or within 90 days of any process changes or minor equipment upgrades,** the permittee 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 kept on-site at all times and made available to Department and USEPA personnel upon request.

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

I. WET WEATHER MANAGEMENT PLAN

The treatment facility staff must have a current written Wet Weather Flow 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 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.

J. STATEMENT FOR REDUCED/WAIVED TOXICS TESTING

In accordance with 06-096 C.M.R. ch. 530(2)(D)(4), and 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 C** 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.

K. REOPENING OF PERMIT FOR MODIFICATION

In accordance with 38 M.R.S. § 414-A(5) and upon evaluation of the test results in the Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at 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.

L. SEVERABILITY

In the event that any provision or part thereof, of this permit is declared to be unlawful by a reviewing court, the remainder of the permit 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

PROPOSED FACT SHEET

DATE: **July 28, 2025**

PERMIT NUMBER: **ME0100455**

WASTE DISCHARGE LICENSE: **W002647-6C-K-R**

NAME AND ADDRESS OF APPLICANT:

TOWN OF NORWAY
19 DANFORTH STREET
NORWAY, MAINE 04268

COUNTY: **OXFORD**

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

TOWN OF PARIS
43 BROWN STREET
PARIS, MAINE 04268

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

COGNIZANT OFFICIAL AND CONTACT INFORMATION:

MR. SHAWN BROWN, SUPERINTENDENT
(207) 743-5304
sbrown@megalink.net

1. APPLICATION SUMMARY

a. Application: On August 7, 2023, the Department accepted as complete for processing an application from the Town of Norway for the renewal of combination Waste Discharge License (WDL) W002647-6C-J-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100455, which was issued by the Department on August 6, 2018 for a five-year term. The August 6, 2018 permit authorized the seasonal monthly average discharge of 0.975 million gallons per day (MGD) from September 1 to May 31st every year and a seasonal monthly average discharge of 0.755 MGD from June 1 to June 15th every year of secondary treated wastewater from a publicly owned treatment works (POTW) to the Little Androscoggin River, Class C, in Norway, Maine.

b. Source Description: The facility, located on Brown Street in Norway, treats domestic, industrial and commercial wastewaters from the Town of Norway. There are no significant industrial users contributing flows greater than 10% of Norway's influent flow. Norway maintains separate sanitary and stormwater collection systems. The wastewater treatment facility does not accept septage.

The sanitary sewer collection system is approximately 25 miles in length with 9 pump stations. All pump stations have receptacles whereby portable generators are used to provide back-up power during a power outage. A map showing the location of the treatment facility is included as Fact Sheet **Attachment A**.

c. Wastewater Treatment: Screenings and grit are removed at the headworks by means of an automatic press box. Biological treatment is accomplished by two aerated lagoons each with a volume of approximately 26 million gallons for a total of 52 million gallons. Secondary effluent is chlorinated in a contact tank and dechlorinated prior to being discharged to the Little Androscoggin River through an outfall pipe measuring 18 inches in diameter without a diffuser but has been determined by the Department to receive rapid and complete mixing with the receiving waters. See **Attachment B** of this Fact Sheet for a schematic of the wastewater treatment facility.

Norway has made several improvements since the August 6, 2018 permitting action. The improvements are as follows (according to the application):

- Updated manhole access points.
- Upgrade the Lower Main pump station.
- Updated all drain lines in all pump stations.
- Updated and improved the maintenance building.
- Updated and provided new generators to 7 pump stations.
- Cleaned, surveyed and planned for the replacement of 6,000 feet of sewer line.
- Updated aeration system.

2. PERMIT SUMMARY

a. Terms and conditions: This permitting action is carrying forward all the terms and conditions from the previous permitting action and it is:

1. Updated the E. Coli monthly average and daily maximum concentration limits to match those established in 38 M.R.S. §465 (4)(B), *Standards for Classification of Fresh Surface Waters*, Class C.

b. History: This section provides a summary of significant licensing/permitting actions and milestones that have been completed for the permittee's facility.

September 28, 1994 – The Department issued WDL #W002647-46-C-R for a five-year term.

August 20, 1999 – The U.S. Environmental Protection Agency (EPA) issued a renewal of National Pollutant Discharge Elimination System (NPDES) permit #ME0100455 for a five-year term.

May 23, 2000 – Pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S. § 420 and *Waste discharge licenses*, 38 M.R.S. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 C.M.R. ch. 519 (amended October 6, 2001), the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W002647-46-C-R by establishing interim monthly average and daily maximum effluent concentration limits of 14.7 parts per trillion (ppt.) and 22.1 ppt., respectively, and a minimum monitoring frequency requirement of 4 tests per year for mercury.

January 12, 2001 - The Department received authorization from USEPA to administer the NPDES program in Maine. From that point forward, the program has been referred to as the MEPDES Program and MEPDES permit number ME0100455 was established as the primary reference number for the facility.

May 3, 2001 – The Department issued combination MEPDES permit #ME0100455 / WDL #W002647-5L-D-R for a five-year term.

June 2, 2008 – The Department issued WDL #W002647-5L-E-R / MEPDES permit #0100455 to the Town for a five-year term.

March 4, 2010 – The Department issued permit modification WDL #W002647-6C-F-M / MEPDES permit #ME0100455 to the Town to revise their MEPDES permit to allow BOD_5 limitations and monitoring requirements with CBOD.

February 6, 2012 – The Department issued permit modification WDL #W002647-6C-G-M / MEPDES permit #ME0100455.

May 15, 2013 – The Department issued MEPDES permit #ME0100455/WDL #W002647-6C-H-R for a five-year term.

September 11, 2013 – The Department issued administrative modification #ME0100455/WDL #W002647-6C-I-M to eliminate the monthly average limitations, monitoring requirements, reporting requirements, and the schedule of compliance for inorganic arsenic and total arsenic from the May 15, 2013 permit in response to a letter dated May 16, 2013 to the Commissioner of the Maine Department of Environmental Protection from the Acting Director of the Office of Ecosystem Protection in Region I of the U.S. Environmental Protection Agency (USEPA), which states "Pursuant to Section 303(c)(2) of the Clean Water Act and 40 C.F.R. Part 131, I hereby approve the following water quality standards revisions to 38 M.R.S., §420, sub-§2 as set forth in P.L. 2011 Ch. 194 (LD 515)."

August 6, 2018 - The Department issued MEPDES permit #ME0100455/WDL #W002647-6C-J-R for a five-year term.

August 1, 2023 - The permittee submitted a timely and complete General Application to the Department for renewal of the August 6, 2018 permit (including subsequent permit modification). The application was accepted for processing on August 7, 2023 and was assigned WDL #W002647-6C-K-R / MEPDES #ME0100455.

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 the 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 Department rule *Surface Water Toxics Control Program,* 06-096 C.M.R. ch. 530, require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants,* 06-096 C.M.R. ch. 584 (amended February 16, 2020), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Classification of major river basins, 38 M.R.S. § 467(1)(B)(1)(b) classifies the Little Androscoggin River Stream at the point of discharge as Class C waters, as follows:

"*B. Little Androscoggin River Drainage.*
(1) Little Androscoggin River, main stem.
(b) From the Maine Central Railroad bridge in South Paris to its confluence with the Androscoggin River - Class C."

Standards for classification of fresh surface waters, 38 M.R.S. § 465(4) describes the standards for Class C waters as follows:

"*4. Class C waters. Class C shall be the 4th highest classification.*

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

B. 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:

(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.

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. REASONABLE POTENTAL

Pursuant to 33 U.S.C. § 1311(b)(1)(C) and 40 C.F.R. § 122.44(d)(1), NPDES permits must contain any requirements in addition to Technology Based Effluent Limits (TBELs) that are necessary to achieve Water Quality Standards (WQS) established under 33 U.S.C. § 1311 (b)(1)(C). In addition, limitations "must control any pollutant or pollutant parameter (conventional, non-conventional, or toxic) which the permitting authority determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any water quality standard, including State narrative criteria for water quality." 40 C.F.R. § 122.44(d)(1)(i). To determine if the discharge causes, or has the reasonable potential to cause, or contribute to an excursion above any WQS, EPA considers: 1) existing controls on point and non-point sources of pollution; 2) the variability of the pollutant or pollutant parameter in the effluent; 3) the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity); and 4) where appropriate, the dilution of the effluent by the receiving water. *See* 40 C.F.R. § 122.44(d)(1)(ii).

If the permitting authority determines that the discharge of a pollutant will cause, has the reasonable potential to cause, or contribute to an excursion above WQSs, the permit must contain Water Quality-Based Effluent Limits (WQBELs) for that pollutant. *See* 40 C.F.R. § 122.44(d)(1)(i).

6. 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 the Little Androscoggin River main stem, from the Rt. 26 bridge in Paris to Rt. 121 in Oxford (Assessment Unit ID ME0104000209_416R),

as "Category 2: Rivers and Streams Attaining Some Designated Uses – Insufficient Information for Other Uses."

The Report states, "All freshwaters are listed in Category 4A (Total Maximum Daily Load (TMDL) Completed) due to 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 recommending limits on consumption for all freshwater fish. Maine has instituted statewide programs for removal and reduction of mercury sources."

Pursuant to 38 M.R.S. §420(1-B)(B)(1), "a facility is not in violation of the ambient criteria for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413 subsection 11." Pursuant to 06-096 C.M.R. ch. 519, the Department has established interim monthly average and daily maximum mercury concentration limits and requirements for this facility.

7. EFFLUENT LIMITATIONS & MONITORING REQUIRMENTS

a. **Flow:** The June 02, 2008 permitting action and this permitting action is carrying forward, the following discharge flow regime. The permittee is allowed to discharge a monthly average of 0.975 MGD from September 1 through May 31st and a monthly average of 0.755 MGD from June 1st through June 15th every year. The permittee is not allowed to discharge from June 16th through August 31st every year, unless the Department approves and the Little Androscoggin River is at 31 cfs flow rate.

The Department reviewed 69 Discharge Monitoring Reports (DMRs) that were submitted from August 7, 2018 through May 22, 2024 for the 0.755 MGD and 0.975 MGD flow regime time period. A review of data indicates the following:

Flow (Outfall #001B) N = 44

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	0.975	0.05 – 0.88	0.421

Flow (Outfall #001A) N = 2

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	0.755	0.3 – 0.64	0.471

The June 02, 2008 permitting action and this permit are carrying forward, the continuous monthly average flow reporting requirement while discharging as well as the seasonal discharge regimes as specified above.

b. **Dilution Factors**: Dilution factors associated with the discharge from the Norway wastewater treatment facility were derived in accordance with 06-096 C.M.R. ch. 530(4)(A). Since this permit authorizes seasonal flow limitations (0.775 MGD and 0.975 MGD) the Department has chosen the most conservative approach to determine dilution factors by utilizing the monthly average flow limitation of 0.975 MGD and the receiving water trigger flow of 31 cfs for discharge. With a monthly average treatment plant design flow of 0.975 MGD, dilutions calculations are as follows:

$$\text{Dilution Factor} = \frac{\text{River Flow (cfs)(Conv. Factor)} + \text{Plant Flow}}{\text{Plant Flow}}$$

$$\text{Acute} = \frac{(31 \text{ cfs}[1])(0.6464) + 0.975 \text{ MGD}}{0.975 \text{ MGD}} = 21.6:1$$

$$\text{Chronic} = \frac{(31 \text{ cfs})(0.6464) + 0.975 \text{ MGD}}{0.975 \text{ MGD}} = 21.6:1$$

$$\text{Harmonic Mean}[2] = \frac{(104 \text{ cfs})(0.6464) + 0.975 \text{ MGD}}{0.975 \text{ MGD}} = 69.9:1$$

c. **Carbonaceous Biochemical Oxygen Demand ($CBOD_5$):** The March 4, 2010 permit modification established, and this permitting action is carrying forward, monthly average and weekly average technology-based concentration limits of 25 mg/L and 40 mg/L, respectively, for $CBOD_5$ which are based on *Effluent Guidelines and Standards*, 06-096 C.M.R. ch. 525(3)(III)(a)(4) (effective January 12, 2001). The daily maximum limit of 45 mg/L, was mathematically derived using the same ratio established for secondary BOD BPT limitations (i.e. 30/45/50 mg/L). The corresponding seasonal mass limits were calculated based on the applicable concentration limits and the applicable seasonal flow limit 0.975 MGD.

This permitting action is also carrying forward a requirement for a minimum of 85% removal of $CBOD_5$ pursuant to 06-096 C.M.R. ch.525(3)(III)(a)(4)(iii).

September 1 – May 31 (0.975 MGD Flow Regime)
Monthly average: (0.975 MGD)(8.34)(25 mg/L) = 203 lbs./day
Weekly average: (0.975 MGD)(8.34)(40 mg/L) = 325 lbs./day
Daily Maximum: (0.975 MGD)(8.34) (45 mg/L) = 366 lbs./day

[1] A flow of 20.8 CFS at the U.S. Geological Survey gauge NWIS 01057000 near South Paris (Snow Falls) translates to a flow of 31 CFS (20 MGD) at Norway. A flow of 31 cfs is the minimum river flow at which the facility may discharge and is therefore substituted for the actual 1Q10 and 7Q10 river flows. Department staff have determined that the effluent receives "rapid and complete mixing" pursuant to 06-096 CMR 530(4)(B)(1) based on observations from a dye study conducted in 1998.

[2] The harmonic mean dilution is a long-term average dilution and the receiving water flow in the calculation is based on a statistical evaluation of the long-term flow data from USGS Gauge Station 0105700.

June 1 – June 15 (0.755 MGD Flow Regime)
Monthly average: (0.755 MGD)(8.34)(25 mg/L) = 157 lbs./day
Weekly average: (0.755 MGD)(8.34)(40 mg/L) = 252 lbs./day
Daily Maximum: (0.755 MGD)(8.34) (45 mg/L) = 283 lbs./day

The Department reviewed 69 Discharge Monitoring Reports (DMRs) that were submitted from August 7, 2018 through May 22, 2024. A review of data for the **0.975 MGD** (Outfall #001B) flow regime time period, inclusive, indicates the following:

$CBOD_5$ mass (N=43)

Value	Limit (lbs./day)	Range (lbs./day)
Monthly Average	203	2 – 98
Weekly Average	325	3 – 113
Daily Maximum	366	3 – 113

$CBOD_5$ concentration

Value	Limit (mg/L)	Range (mg/L)
Monthly Average	25	2 – 16
Weekly Average	40	2 – 27
Daily Maximum	45	2 – 23

A review of data for the **0.775 MGD** (Outfall #001A) flow regime time period, inclusive, indicates the following:

$CBOD_5$ mass

Value	Limit (lbs./day)	Range (lbs./day)
Monthly Average	157	45 – 67
Weekly Average	252	45 – 67
Daily Maximum	283	71 - 71

$CBOD_5$ concentration

Value	Limit (mg/L)	Range (mg/L)
Monthly Average	30	11 – 20
Weekly Average	45	20 – 24
Daily Maximum	50	11 – 22

This permitting action is carrying forward the previously established monitoring frequency of 1/Week during the September 1st through May 31st time period, and 2/Week during the June 1st through June 15th time period.

d. **TSS:** This permitting action is carrying forward the previously established monthly average and weekly average technology-based concentration limits of 30 mg/L and 45 mg/L, respectively, for TSS based on the secondary treatment requirements specified at 06-096 C.M.R. ch. 525(3)(III), and a daily maximum concentration limit of 50 mg/L, which is based on a Department best professional judgment of best practicable treatment

for secondary treated wastewater. This permit is carrying forward a requirement for a minimum of 85% removal of TSS pursuant to 06-096 C.M.R. ch. 525(3)(III)(b)(3). Seasonal mass limitations for TSS were calculated as follows:

<u>September 1 – May 31</u>
Monthly average: (0.975 MGD)(8.34)(30 mg/L) = 244 lbs./day
Weekly average: (0.975 MGD)(8.34)(45 mg/L) = 366 lbs./day
Daily Maximum: (0.975 MGD)(8.34) (50 mg/L) = 407 lbs./day

<u>June 1 – June 15</u> (0.755 Flow Regime)
Monthly average: (0.755 MGD)(8.34)(30 mg/L) = 189 lbs./day
Weekly average: (0.755 MGD)(8.34)(45 mg/L) = 283 lbs./day
Daily Maximum: (0.755 MGD)(8.34) (50 mg/L) = 315 lbs./day

The Department reviewed 69 Discharge Monitoring Reports (DMRs) that were submitted from August 7, 2018 through May 22, 2024. A review of data for the **0.975 MGD** (Outfall #001B) flow regime time period, inclusive, indicates the following:

TSS mass (N = 45)

Value	Limit (lbs./day)	Range (lbs./day)
Monthly Average	244	4 – 190
Weekly Average	366	4 – 295
Daily Maximum	407	4 – 295

TSS concentration (N = 45)

Value	Limit (mg/L)	Range (mg/L)
Monthly Average	30	2 – 31
Weekly Average	45	3 – 41
Daily Maximum	50	3 – 41

A review of data for the **0.775 MGD** (Outfall #001A) flow regime time period, inclusive, indicates the following:

TSS mass

Value	Limit (lbs./day)	Range (lbs./day)
Monthly Average	189	61 – 152
Weekly Average	283	61 – 158
Daily Maximum	315	87 – 158

TSS concentration

Value	Limit (mg/L)	Range (mg/L)
Monthly Average	30	24 – 30
Weekly Average	45	25 – 30
Daily Maximum	50	25 – 32

This permitting action is carrying forward the previously established monitoring frequency of 1/Week during the September 1st through May 31st and 2/Week during the June 1st through June 15th time period.

e. **Settleable Solids:** This permitting action is carrying forward the previously established daily maximum concentration limit of 0.3 ml/L, which is considered a best practicable treatment limitation (BPT) for secondary treated wastewater.

A summary of effluent settleable solids data as reported on the monthly DMRs for the period of August 7, 2018 through May 22, 2024 (discharging months only, DMRs = 69) indicates the daily maximum settleable solids concentration discharge has been 0.1 ml/L 100% of the time.

This permitting action is carrying forward the previously established monitoring frequency of 2/Week during the September 1st through May 31st time period, and 3/Week during the June 1 – June 15 time period.

f. ***Escherichia coli* bacteria:** The previous permitting action established, seasonal (April 15-October 31 of each year) monthly average and daily maximum *E. coli* bacteria concentration limits of 100 colonies/100 ml and 949 colonies/100 ml. This permitting action is carrying forward the monitoring season of April 15th through October 31 of every year. This permitting action is establishing a monthly average concentration limit of 100 colonies or MPN/ 100mL and the daily maximum concentration limit of 236 colonies or MPN/ 100mL.

Although *E. coli* bacteria limits are seasonal and apply between April 15 and October 31 of each year, the Department reserves the right to impose year-round bacteria limits if deemed necessary to protect the health, safety and welfare of the public.

The Department reviewed 69 Discharge Monitoring Reports (DMRs) that were submitted from August 7, 2018 through May 22, 2024. A review of data for the **0.755 MGD** (Outfall #001A) flow regime time period, inclusive, indicates the following:

***E. coli* bacteria (N= 2)**

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100mL)
Monthly Average	100	1 - 4	2.50
Daily Maximum	949	1 – 4	2.50

A review of data for the **0.775 MGD** (Outfall #001B) flow regime time period, inclusive, indicates the following:

***E. coli* bacteria (N= 15)**

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100mL)
Monthly Average	100	1 - 32	8.98
Daily Maximum	949	1 – 179	29.47

This permitting action is carrying forward a minimum monitoring frequency requirement of once per week for *E. coli* bacteria based on best professional judgment.

g. **Total Residual Chlorine (TRC):** This permitting action is carrying forward the previously established technology-based monthly average and daily maximum concentration limits of 0.1 mg/L and 0.3 mg/L, respectively, for TRC. 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 permitting actions impose the more stringent of either a water quality-based or BPT-based limit. With dilution factors as determined above, end-of-pipe (EOP) water quality-based concentration thresholds for TCR may be calculated as follows: Calculated

Acute (A) Criterion	Chronic (C) Criterion	A & C Dilution Factors	Acute Threshold	Chronic Threshold
0.019 mg/L	0.011 mg/L	21.6:1 (A+C)	0.41 mg/L	0.24 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 need to 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 Town dechlorinates the effluent prior to discharge in order to achieve compliance with the water quality-based thresholds. Both the monthly average and daily maximum technology-based concentration thresholds for TRC are more stringent than the calculated water quality-based thresholds above and are therefore being carried forward in this permitting action.

The Department reviewed 69 DMRs that were submitted from August 7, 2018 through May 22, 2024 for the **0.975 MGD** (Outfall #001B) flow regime time period, inclusive. A review of data indicates the following:

Total residual chlorine (N = 14)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	0.1	0.05 – 0.05	0.05
Daily Maximum	0.3	0.05 – 0.10	0.054

A review of data for the **0.775 MGD** (Outfall #001A) flow regime time period, inclusive, indicates the following:

Total residual chlorine (N = 2)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	0.1	0.05 – 0.05	0.05
Daily Maximum	0.3	0.05 – 0.05	0.05

This permitting action is carrying forward the previously established minimum monitoring frequency requirement of 1/Day for TRC based on best professional judgment.

h. **pH:** The previous permitting action established, and this permitting action is carrying forward, a technology-based pH limit of 6.0 – 9.0 standard units, which is based on 06-096 C.M.R. ch. 525(3)(III), and a minimum monitoring frequency requirement of 5/Week during the September 1st through May 31st time period, and 1/Day during the June 1 – June 15 time period based on best professional judgment.

The Department reviewed DMRs that were submitted from August 7, 2018 through May 22, 2024 for the permittee. A review of data indicates the following:

pH (N=

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	6.0 – 9.0	6.30 – 7.21	6.91
Daily Maximum	6.0 – 9.0	6.76 – 8.69	7.36

i. **Mercury:** Pursuant to 38 M.R.S. § 420 and 38 M.R.S. § 413 and 06-096 C.M.R. ch. 519, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W002647-46-C-R by establishing interim monthly average and daily maximum effluent concentration limits of 14.7 parts per trillion (ppt.) and 22.1 ppt., respectively, and a minimum monitoring frequency requirement of 4 tests per year for mercury.

38 M.R.S. § 420(1-B)(B)(1) provides that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department. A review of the Department's database for the period of August 7, 2018 through May 22, 2024 is as follows:

Mercury (n = 6)

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)
Monthly Average	14.7	1.25 – 6.78	3.97
Daily Maximum	22.1		

On February 6, 2012, the Department issued a minor revision to the permit thereby revising the minimum monitoring frequency requirement from four times per year to once per year pursuant to 38 M.R.S. § 420(1-B)(F). This minimum monitoring frequency is being carried forward in this permitting action.

j. ***Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing***

38 M.R.S. § 414-A and 38 M.R.S. § 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 C.M.R. ch. 530 sets forth effluent monitoring requirements and procedures to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric water quality criteria are met. 06-096 C.M.R. ch. 584 sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters. WET, priority pollutant and analytical chemistry testing as required by 06-096 C.M.R. ch. 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 the water flea (*Ceriodaphnia dubia*) and brook trout (*Salvelinus fontinalis*). Chemical-specific monitoring is required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health water quality criteria. Analytical Chemistry and Priority Pollutant refers to those pollutants listed in their respective categories on the "Whole Effluent Toxicity, Chemistry and Mercury Reporting Forms." The form can be found at: https://www.maine.gov/dep/water/wd/municipal_industrial/index.html.

06-096 C.M.R. ch. 530(2)(A) specifies the dischargers subject to the rule as:

> "*All licensed dischargers of industrial process wastewater or domestic wastes discharging to surface waters of the State must meet the testing requirements of this section. Dischargers of other types of wastewater are subject to this subsection when and if the Department determines that toxicity of effluents may have reasonable potential to cause or contribute to exceedances of narrative or numerical water quality criteria.*"

The permittee discharges domestic (sanitary) wastewater to surface waters and is therefore subject to the testing requirements of the toxics rule.

06-096 C.M.R. ch. 530(2)(B) categorizes dischargers subject to the toxics rule into one of four levels (Levels I through IV).

The four categories for dischargers are as follows:

Level I	Chronic dilution factor of <20:1
Level II	Chronic dilution factor of ≥20:1 but <100:1.
Level III	Chronic dilution factor ≥100:1 but <500:1 or >500:1 and Q ≥1.0 MGD
Level IV	Chronic dilution factor >500:1 and Q ≤1.0 MGD

Based on the criteria, the permittee's facility is considered a Level II discharger as the chronic dilution of the receiving water is 21.6:1. 06-096 C.M.R. ch. 530(2)(D) specifies default WET, priority pollutant, and analytical chemistry test schedules for Level II dischargers as follows.

Surveillance level testing

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

Screening level testing

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

This permit 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.

a. Whole Effluent Toxicity (WET) Evaluation: 06-096 C.M.R. ch. 530(3)(E) states:

> *"For effluent monitoring data and the variability of the pollutant in the effluent**,** the Department must apply the statistical approach in Section 3.3.2 and Table 3-2 of USEPA's "Technical Support Document for Water Quality-Based Toxics Control" (USEPA Publication 505/2-90-001, March, 1991, EPA, Office of Water, Washington, D.C.) to data to determine whether water-quality based effluent limits must be included in a waste discharge license. Where it is determined through this approach that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedence of water quality criteria, appropriate water quality-based limits must be established in any licensing action."*

On July 24, 2024, the Department conducted a statistical evaluation on the most recent 60 months of WET test results on file with the Department for the Town of Norway POTW in accordance with the statistical approach outlined above. The July 24, 2024 statistical

evaluation indicates the discharge from the Town of Norway has not exceeded or demonstrated a reasonable potential to exceed the critical acute or chronic ambient water quality thresholds for the water flea *(Ceriodaphnia dubia)* or brook trout *(Salvelinus fontinalis)*. See **Attachment D** of this Fact Sheet for a summary of the WET test results.

06-096 C.M.R. ch. 530(2)(D)(3)(c) states, in part, that Level II facilities "… *may reduce surveillance testing to one WET or specific chemical series every other year provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedance as calculated pursuant to section 3(e).*"

Based on the provisions of 06-096 C.M.R. ch. 530 and Department best professional judgment, this permitting action is carrying forward routine screening level WET testing and establishing reduced surveillance level requirements for this facility for both the water flea and the brook trout.

06-096 C.M.R. ch. 530(2)(D)(4) states, "*All dischargers having waived or reduced testing must file statements with the Department on or before December 31 of each year describing the following.*

(a) Changes in the number or types of non-domestic wastes contributed directly or indirectly to the wastewater treatment works that may increase the toxicity of the discharge;

(b) Changes in the operation of the treatment works that may increase the toxicity of the discharge; and

(c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge."

Special Condition I. 06-096 C.M.R. ch. 530(2)(D)(4) *Statement For Reduced/Waived Toxics Testing* of this permit explains the statement required by the discharger to reduce WET testing.

Analytical Chemistry & Priority Pollutant Testing Evaluation:

06-096 C.M.R. ch. 530(4)(C) states:

> *"The background concentration of specific chemicals must be included in all calculations using the following procedures. The Department may publish and periodically update a list of default background concentrations for specific pollutants on a regional, watershed or statewide basis. In doing so, the Department shall use data collected from reference sites that are measured at points not significantly affected by point and non-point discharges and best calculated to accurately represent ambient water quality conditions. The Department*

> *shall use the same general methods as those in section 4(D) to determine background concentrations. For pollutants not listed by the Department, an assumed concentration of 10% of the applicable water quality criteria must be used in calculations."*

The Department has limited information on the background levels of metals in the water column in the Little Androscoggin River in the vicinity of the permittee's outfall. Based on data collected from 60 rivers and streams upstream of known point sources statewide, a background concentration of 10% of the applicable water quality criteria is being used in the calculations of this permitting action.

06-096 C.M.R. ch. 530(4)(E) states:

> "*In allocating assimilative capacity for toxic pollutants, the Department shall hold a portion of the total capacity in an unallocated reserve to allow for new or changed discharges and non-point source contributions. The unallocated reserve must be reviewed and restored as necessary at intervals of not more than five years. The water quality reserve must be not less than 15% of the total assimilative quantity.*"

On July 31, 2024, the Department conducted a statistical evaluation of the most recent 60 months of chemical-specific test results on file with the Department. The July 31, 2024 evaluation indicated that the discharge does not exceed or have a reasonable potential to exceed any acute, chronic, or human health AWQC for any of the pollutants of concern. See **Attachment D** of this Fact Sheet for test dates and results for the pollutants of concern.

On July 31, 2024, the Department conducted statistical evaluations based on 15% of the ambient water quality criteria reserve being withheld (Report ID 1463) and 0% of the reserve of the criteria being withheld (Report ID 1467) to determine if the unallocated assimilative capacity would avoid an exceedance or avoid a reasonable potential to exceed applicable ambient water quality criteria for toxic pollutants. Report ID 1467 indicates Norway no longer has a reasonable potential to exceed the chronic ambient water quality criteria for Copper or zinc. Therefore, the Department is utilizing the full 15% of the unallocated assimilative capacity in the statistical evaluation when establishing limits for toxic pollutants in waste discharge licenses for facilities in the Little Androscoggin River watershed.

06-096 C.M.R. ch. 530(3)(E) states:

"Where it is determined through [the statistical approach referred to in USEPA's Technical Support Document for Water Quality-Based Toxics Control] that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedance of water quality criteria, appropriate water quality-based limits must be established in any licensing action."

06-096 C.M.R. ch. 530(3)(D) states:

"Where the need for effluent limits has been determined, limits derived from acute water quality criteria must be expressed as daily maximum values. Limits derived from chronic or human health criteria must be expressed as monthly average values."

06-096 C.M.R. ch. 530(4)(F) states, in part:

"Where there is more than one discharge into the same fresh or estuarine receiving water or watershed, the Department shall consider the cumulative effects of those discharges when determining the need for and establishment of the level of effluent limits. The Department shall calculate the total allowable discharge quantity for specific pollutants, less the water quality reserve and background concentration, necessary to achieve or maintain water quality criteria at all points of discharge, and in the entire watershed. The total allowable discharge quantity for pollutants must be allocated consistent with the following principles.

Evaluations must be done for individual pollutants of concern in each watershed or segment to assure that water quality criteria are met at all points in the watershed and, if appropriate, within tributaries of a larger river.

The total assimilative capacity, less the water quality reserve and background concentration, may be allocated among the discharges according to the past discharge quantities for each as a percentage of the total quantity of discharges, or another comparable method appropriate for a specific situation and pollutant. Past discharges of pollutants must be determined using the average concentration discharged during the past five years and the facility's licensed flow.

The amount of allowable discharge quantity may be no more than the past discharge quantity calculated using the statistical approach referred to in section 3(E) [Section 3.3.2 and Table 3-2 of USEPA's "Technical Support Document for Water Quality-Based Toxics Control"] of the rule, but in no event may allocations cause the water quality reserve amount to fall below the minimum referred to in 4(E) [15% of the total assimilative capacity]. Any difference between the total allowable discharge quantity and that allocated to existing dischargers must be added to the reserve."

On July 31, 2024, the Department conducted a statistical evaluation of the most recent 60 months of chemical-specific test results on file with the Department (Report ID 1467). **The evaluation indicates that the discharge: demonstrated a reasonable potential (RP) to exceed the chronic AWQC threshold for ammonia.** The discharge does not exceed or demonstrate a reasonable potential to exceed the critical AWQC for any other parameters tested. See **Attachment D** of this Fact Sheet for a summary of detectable test results.

The July 31, 2024 evaluation reported a RP to exceed the chronic AWQC for ammonia using a river temperature of 25 ˚C. Based on the date of the sample (March 2), a river temperature of 15˚C would be applicable, due to ammonia being a temperature dependent compound. The use of a 25 ˚C RP calculations would not be accurate for a time when the water would be much colder than 25 ˚C. Calculations based on the colder river temperature show that the discharge does not demonstrate a reasonable potential to exceed the acute or chronic AWQC. Therefore, this permitting action is not establishing a limit for ammonia.

8. ANTI-BACKSLIDING

Federal regulation 40 C.F.R. §122.44(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 equal or more stringent than those in the previous permit.

9. ANTI-DEGREDATION

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 Little Androscoggin River to meet standards for Class C classification.

10. PUBLIC COMMENTS

Public notice of this application was made in the *Advertiser Democrat Newspaper* on or about August 3, 2023. 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).

12. DEPARTMENT CONTACTS

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

Asenath Frizzell
Division of Water Quality Management - Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 215-6856
e-mail: Aseanth.Frizzell@maine.gov

13. RESPONSE TO COMMENTS

During the period of DATE through the issuance date of the final permit, the Department solicited comments on the Proposed draft MEPDES permit to be issued to the Town of Norway for the proposed discharge. This section is reserved for response to comments.

ATTACHMENT A

Legend

MEPDES Facility

- ACTIVE FACILITY
- INACTIVE FACILITY

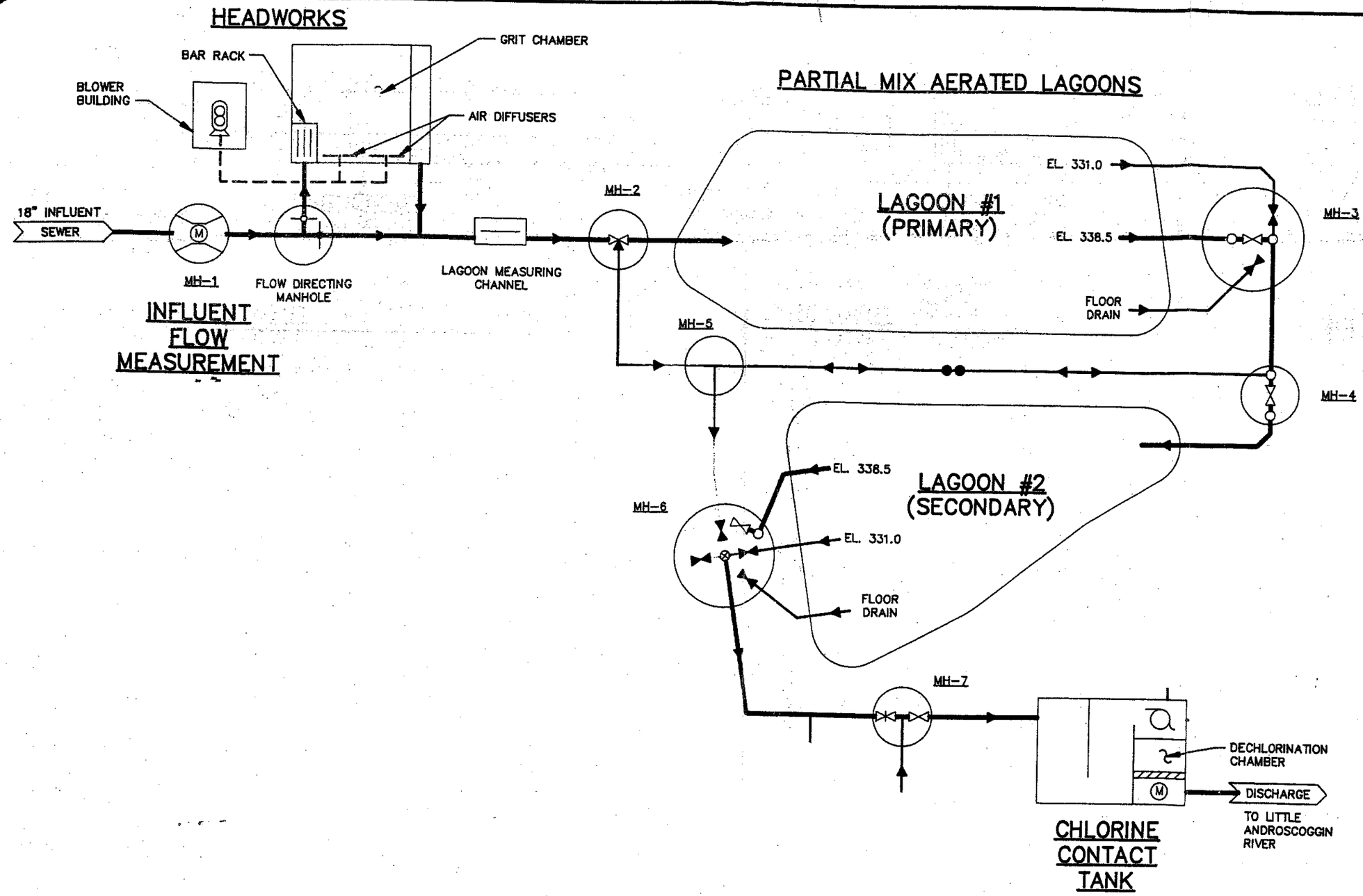
MEPDES Outfalls

- ACTIVE OUTFALL
- INACTIVE OUTFALL

CSO

- ACTIVE CSO
- CLOSED CSO

ATTACHMENT B



PROCESS FLOW DIAGRAM
NORWAY WWTF

FIGURE:	I-1

WOODARD & CURRAN INC.
CONSULTING ENGINEERS

ATTACHMENT C

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

MEPDES#_____Facility Name_____

Since the effective date of your permit, have there been;		NO	YES Describe in comments section
1	Increases in the number, types, and flows of industrial, commercial, or domestic discharges to the facility that in the judgment of the Department may cause the receiving water to become toxic?	☐	☐
2	Changes in the condition or operations of the facility that may increase the toxicity of the discharge?	☐	☐
3	Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge?	☐	☐
4	Increases in the type or volume of hauled wastes accepted by the facility?	☐	☐

COMMENTS:

Name (printed): _____

Signature:_____Date: _____

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

This form may be used to meet the requirements of Chapter 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.

Scheduled Toxicity Testing for the next calendar year

Test Conducted	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
WET Testing	□	□	□	□
Priority Pollutant Testing	□	□	□	□
Analytical Chemistry	□	□	□	□
Other toxic parameters[1]	□	□	□	□

Please place an "X" in each of the boxes that apply to when you will be conducting any one of the three test types during the next calendar year.

[1] This only applies to parameters where testing is required at a rate less frequently than quarterly.

ATTACHMENT D

FACILITY WET EVALUATION REPORT

Facility: NORWAY WWTF **Permit Number:** ME0100455 **Report Date:** 5/22/2025

Receiving Water: LITTLE ANDROSCOGGIN RIVER **Rapidmix:** Y

Diluition Factors: 1/4 Acute: N/A Acute: 21.553 Chronic: 21.5526

Effluent Limits: Acute (%): 4.640 Chronic (%): 4.640 **Date range for Evaluation: From** 22/May/2020 **To:** 22/May/2025

Test Type: A_NOEL

Test Species: TROUT

Test Date	Result (%)	Status
12/02/2020	100.000	OK
11/10/2021	100.000	OK
03/02/2022	100.000	OK
12/06/2023	100.000	OK

Species Summary:

Test Number: 4 **RP:** 2.600 **Min Result (%):** 100.000 **RP factor (%):** 38.462 **Status:** OK

Test Type: C_NOEL

Test Species: TROUT

Test Date	Result (%)	Status
12/02/2020	100.000	OK
11/10/2021	100.000	OK
03/02/2022	100.000	OK
12/06/2023	100.000	OK

Species Summary:

Test Number: 4 **RP:** 2.600 **Min Result (%):** 100.000 **RP factor (%):** 38.462 **Status:** OK

Test Type: A_NOEL

Test Species: WATER FLEA

Test Date	Result (%)	Status
12/02/2020	100.000	OK
11/10/2021	100.000	OK
03/02/2022	100.000	OK
12/06/2023	100.000	OK

Species Summary:

Test Number: 4 **RP:** 2.600 **Min Result (%):** 100.000 **RP factor (%):** 38.462 **Status:** OK

Test Type: **C_NOEL**

Test Species: **WATER FLEA**	**Test Date**	**Result (%)**	**Status**
	12/02/2020	100.000	OK
	11/10/2021	100.000	OK
	03/02/2022	100.000	OK
	12/06/2023	100.000	OK

Species Summary:

Test Number: 4 **RP:** 2.600 **Min Result (%):** 100.000 **RP factor (%):** 38.462 **Status:** OK

PRIORITY POLLUTANT DATA SUMMARY

Date Range: 31/Jul/2019-31/Jul/2024

Facility Name: **NORWAY WWTF** NPDES: **ME0100455**

Test Date	Monthly (Flow MGD)	Daily (Flow MGD)	Total Test Number	Test # By Group M	V	BN	P	O	A	Clean	Hg
12/02/2020	0.29	0.22	19	9	0	0	0	10	0	F	0
11/10/2021	0.16	0.19	133	13	28	46	25	10	11	F	0
03/02/2022	0.49	0.09	19	9	0	0	0	10	0	F	0
05/23/2022	0.31	0.32	10	9	0	0	0	1	0	F	0
12/06/2023	0.53	0.21	19	9	0	0	0	10	0	F	0

Key:

A = Acid O = Others P = Pesticides

BN = Base Neutral M = Metals V = Volatiles

CONTENTS

A. GENERAL PROVISIONS

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

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

(a) They are not

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. OPERATION AND MAINTENACE OF FACILITIES

1. General facility requirements.

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

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

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

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

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

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

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

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

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

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

5. Bypasses.

(a) Definitions.

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

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

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

(c) Notice.

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

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

(d) Prohibition of bypass.

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

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

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

6. Upsets.

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

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

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

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

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

C. MONITORING AND RECORDS

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

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

3. Monitoring and records.

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

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

(c) Records of monitoring information shall include:

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

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

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

D. REPORTING REQUIREMENTS

1. Reporting requirements.

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

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

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

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

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

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

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

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

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

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

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

(f) Twenty-four hour reporting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Publicly owned treatment works.

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

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

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

E. OTHER REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Maximum daily discharge limitation means the highest allowable daily discharge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEP INFORMATION SHEET

Appeals to the Board of Environmental Protection

Date: November 2024 **Contact: Clerk.BEP@maine.gov or (207) 314-1458**

SUMMARY

This document provides information regarding a person's rights and obligations in filing an administrative or judicial appeal of: (1) a final license decision made by the Commissioner of the Department of Environmental Protection ("DEP"); or (2) an insurance claim-related decision ("Clean-up and Response Fund decision") made by the Commissioner or the Office of State Fire Marshal pursuant to 38 M.R.S. § 568-A.

Except as explained below, there are two methods available to an aggrieved person seeking to appeal a license decision made by the Commissioner or a Clean-up and Response Fund decision: (1) an administrative appeal before the Board of Environmental Protection ("Board"); or (2) a judicial appeal before Maine's Superior Court. An aggrieved person seeking review of a license decision or Clean-up and Response Fund decision made by the Board may seek judicial review in Maine's Superior Court.

An appeal of a license decision made by the DEP Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S. § 3451(4)), a general permit for an offshore wind energy demonstration project (38 M.R.S. § 480-HH(1)), or a general permit for a tidal energy demonstration project (38 M.R.S. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

A person filing an appeal with the Board should review the applicable rules and statutes, including the DEP's Chapter 2 rule, *Processing of Applications and Other Administrative Matters* (06-096 C.M.R. ch. 2); Organization and Powers, 38 M.R.S. §§ 341-D(4) and 346; and the Maine Administrative Procedure Act, 5 M.R.S. § 11001.

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

Within 30 calendar days of the date of: (1) a final license decision of the Commissioner; or (2) a Clean-up and Response Fund decision, an aggrieved person may appeal to the Board for review of that decision. "Aggrieved person" means any person whom the Board determines may suffer a particularized injury as a result of a Commissioner's license decision or a Clean-up and Response Fund decision. A complete appeal must be received by the Board no later than 5:00 p.m. on the 30th calendar day of the decision being appealed. With limited exception, untimely appeals will be dismissed.

HOW TO SUBMIT AN APPEAL TO THE BOARD

An appeal to the Board may be submitted via postal mail or electronic mail (e-mail) and must contain all signatures and required appeal contents. An electronic filing must contain the scanned original signature of the appellant(s). The appeal documents must be sent to the following address.

Chair, Board of Environmental Protection
c/o Board Clerk
17 State House Station
Augusta, ME 04333-0017
Clerk.BEP@maine.gov

The DEP may also request the submittal of the original signed paper appeal documents when the appeal is filed electronically. The risk of material not being received in a timely manner is on the sender, regardless of the method used.

At the time an appeal is filed with the Board, the appellant must send a copy of the appeal to: (1) the Commissioner of the DEP (Maine Department of Environmental Protection, 17 State House Station, Augusta, Maine 04333-0017); (2) the licensee, if the appellant is not the licensee; and (3) if a hearing was held on the application, any intervenors in that hearing proceeding. For appeals of Clean-up and Response Fund decisions made by the State Fire Marshal, the appellant must also send a copy of the appeal to the State Fire Marshal. **Please contact the Board Clerk at clerk.bep@maine.gov or DEP staff at 207-287-7688 with questions or for contact information regarding a specific license or Clean-up and Response Fund decision.**

REQUIRED APPEAL CONTENTS

A written appeal must contain the information specified in Chapter 2, section 23(B) or section 24(B), as applicable, at the time the appeal is submitted. **Please carefully review these sections of Chapter 2**, which is available online at https://www.maine.gov/sos/cec/rules/06/chaps06.htm, or contact the Board Clerk to obtain a copy of the rule. Failure to comply with the content of appeal requirements may result in the appeal being dismissed pursuant to Chapter 2, section 23(C) or section 24(C).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with the administrative record.* Generally, the record on which the Board decides an appeal is limited to the record prepared by the agency in its review of the application, any supplemental evidence admitted to the record by the Board Chair and, if a hearing is held on the appeal, additional evidence admitted during the hearing. A person who seeks to appeal a decision to the Board is encouraged to contact the DEP (or State Fire Marshal for Clean-up and Response Fund decisions made by that agency) to inspect the record before filing an appeal.

2. *Be familiar with the applicable rules and laws.* An appellant is required to identify the licensing criterion or standard the appellant believes was not satisfied in issuing the decision, the bases of the objections or challenges, and the remedy sought. Prior to filing an appeal, review the decision being appealed to identify the rules and laws that are applicable to the decision. An appellant may contact the DEP or Board staff with any questions regarding the applicable rules and laws or the appeal procedure generally.

3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a separate stay of the decision is requested and granted (*see* Chapter 2, section 23(M)), the licensee may proceed with an approved project pending the outcome of the appeal. Any activity initiated in accordance with the approved license during the pendency of the appeal comes with the risk of not knowing the outcome of the appeal, including the possibility that the decision may be reversed or modified by the Board.

4. *Alternative dispute resolution.* If the appeal participants agree to use mediation or another form of alternative dispute resolution ("ADR") to resolve the appeal and so notify the Board, the Board will not hear the matter until the conclusion of that effort, provided the participants engaged in the alternative dispute resolution demonstrate satisfactory progress toward resolving the issues. *See* Chapter 2, section 23(H) or contact the Board Executive Analyst (contact information below) for more information on the ADR provision.

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

The Board will acknowledge receipt of each appeal and develop a service list of appeal participants and any interested persons for use in the appeal proceeding. Electronic mail (e-mail) is the preferred method of communication during an appeal proceeding; however, the Board reserves the right to require paper copies of all filings. Once the Board Chair rules on the admissibility of all proposed supplemental evidence, the licensee (if the licensee is not the appellant) may respond to the merits of the appeal. Instructions specific to each appeal will be provided in correspondence from the Board Executive Analyst or Board Chair. Generally, once all filings in an appeal proceeding are complete, the DEP staff will assemble a packet of materials for the Board (Board packet), including a staff recommendation in the form of a proposed Board Order. Once available, appeal participants will receive a copy of the Board packet and an agenda with the meeting location and start time. Once finalized, the meeting agenda will be posted on the Board's webpage https://www.maine.gov/dep/bep/index.html. Appeals will be considered based on the administrative record on appeal and oral argument at a regular meeting of the Board. *See* Chapter 2, Section 23(I). The Board may affirm all or part of the decision under appeal; affirm all or part of the decision under appeal with modifications, or new or additional conditions; order a hearing to be held as expeditiously as possible; reverse the decision under appeal; or remand the decision to the Commissioner or State Fire Marshal, as applicable, for further proceedings.

II. JUDICIAL APPEALS

The filing of an appeal with the Board is not a prerequisite for the filing of a judicial appeal. Maine law generally allows aggrieved persons to appeal final license decisions to Maine's Superior Court (*see* 38 M.R.S. § 346(1); Chapter 2; 5 M.R.S. § 11001; and M.R. Civ. P. 80C). A judicial appeal by a party to the underlying proceeding must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other aggrieved person, an appeal must be filed within 40 days of the date the decision was rendered. An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. *See* 38 M.R.S. § 346(4), the Maine Administrative Procedure Act, statutes governing a particular license decision, and the Maine Rules of Civil Procedure for substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal procedure, for administrative appeals contact the Board Clerk at clerk.bep@maine.gov or 207-287-2811 or the Board Executive Analyst at bill.hinkel@maine.gov or 207-314-1458, or for judicial appeals contact the court clerk's office in which the appeal will be filed.

Note: This information sheet, in conjunction with a review of the statutory and rule provisions referred to herein, is provided to help a person to understand their rights and obligations in filing an administrative or judicial appeal, and to comply with notice requirements of the Maine Administrative Procedure Act, 5 M.R.S. § 9061. This information sheet is not intended to supplant the parties' obligations to review and comply with all statutes and rules applicable to an appeal and insofar as there is any inconsistency between the information in this document and the applicable statutes and rules, the relevant statutes and rules apply.