



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

February 18, 2026

Ms. Charlene Poulin
Portland Water District
P.O. Box 3553
Portland, ME. 04104

Mr. Eric Dudley
City of Westbrook
2 York St.
Westbrook, ME, 04092

*Sent via electronic mail
Delivery confirmation requested*

**RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100846
Maine Waste Discharge License (WDL) Application #W001510-6D-J-R
Proposed Draft MEPDES Permit Renewal**

Dear Ms. Poulin and Mr. Dudley:

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, Wednesday, February 18, 2026, and ends on Wednesday, March 18, 2026. 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, March 18, 2026. 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

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

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

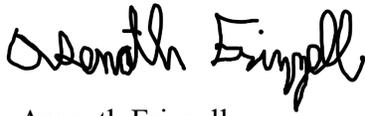
PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

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

Portland Water District: Westbrook Facility
February 18, 2026
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If you have any questions regarding the matter, please feel free to call me at 207-215-6856.

Sincerely,

A handwritten signature in black ink that reads "Asenath Frizzell". The signature is written in a cursive style with a large initial 'A' and 'F'.

Asenath Frizzell
Division of Water Quality Management
Bureau of Water Quality

Enclosure

cc: Michael Cobb, USEPA
Kathryn Rosenberg, USEPA
Richard Carvalho, USEPA
Lori Mitchell, DEP/CMRO
Emily Cyr, DEP/SMRO
Fred Gallant, DEP/SMRO
Gregg Wood, DEP/CMRO
Holly Ireland, DEP/CMRO
Laura Crossley, DEP/CMRO
Sean Mahoney, CLF
Ivy Frignoca, Friends of Casco Bay



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

DEPARTMENT ORDER

IN THE MATTER OF

PORTLAND WATER DISTRICT)	MAINE POLLUTANT DISCHARGE
CITY OF WESTBROOK)	ELIMINATION SYSTEM PERMIT
WESTBROOK, CUMBERLAND COUNTY, MAINE)	AND
PUBLICLY OWNED TREATMENT WORKS)	
ME0100846)	WASTE DISCHARGE LICENSE
W001510-6D-J-R)	RENEWAL
		APPROVAL

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 PORTLAND WATER DISTRICT (PWD/ permittee) and the CITY OF WESTBROOK (City/co-permittee), collectively referred to as co-permittees, with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On October 6, 2022, the Department accepted as complete for processing an application from the Portland Water District and City of Westbrook for renewal of combination Waste Discharge License (WDL) W001510-6D-I-R / Maine Pollutant Discharge Elimination System (MEPDES) permit ME0100846, which was issued by the Department on July 6, 2017 for a five-year term. The July 6, 2017 permit authorized the discharge of an unspecified quantity of flow [plant design capacity is a monthly average of 4.54 million gallons per day (MGD)] of secondary treated waste water from a municipal waste water treatment facility and an unspecified quantity of untreated storm water and sanitary waste water from five (5) combined sewer overflow (CSO) outfalls to the Presumpscot River, Class C, in Westbrook, Maine.

PERMIT SUMMARY

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

1. Establishing the daily maximum *E. coli* limit of 236 MPN or CFU/ 100 mL on a year-round basis.
2. Establishing ambient Total Phosphorus monitoring and report only mass and concentration limits for the sampling season June 1st through September 30th.

CONCLUSIONS

BASED on the findings in the attached PROPOSED Fact Sheet dated February 18, 2026, 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 standards of classification;
 - d. Where the actual quality of any classified receiving waterbody exceeds the minimum standards of the next highest classification, that higher quality will be maintained and protected; and
 - e. Where a discharge will result in lowering the existing 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 discharges (including the CSOs) will be subject to effluent limitations that require application of best practicable treatment defined in *Conditions of licenses*, 38 M.R.S., §414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of the PORTLAND WATER DISTRICT and THE CITY OF WESTBROOK to discharge an unspecified quantity of flow (design capacity of 4.54 MGD) of secondary treated waste waters from a municipally owned treatment works facility and an unspecified quantity of untreated storm water and sanitary wastewater from five combined sewer overflow (CSO) outfalls to the Presumpscot River, Class C, in Westbrook, 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 and Other Administrative Matters*, 5 M.R.S. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. ch. 2(21)(A) (effective September 15, 2024)].

DONE AND DATED AT AUGUSTA, MAINE, THIS ___ DAY OF _____ 2026.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
Melanie Loyzim, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application September 27, 2022
Date of application acceptance October 06, 2022

This Order prepared by Asenath Frizzell , BUREAU OF WATER QUALITY

A. AUTHORIZED DISCHARGES

The permittee are authorized to discharge only in accordance with: 1) the permittee General Application for Waste Discharge Permit, accepted for processing on October 06, 2022; 2) the terms and conditions of this permit; and 3) only from Outfall #001A and the five (5) combined sewer overflow (CSO) outfalls listed in *Conditions for Combined Sewer Overflow*, Special Condition J, of this permit. Discharges of wastewater from any other point source are not authorized under this permit and must be reported in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*, of this permit.

B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee are authorized to discharge secondary treated wastewater from **Outfall #001A** to the Presumpscot River. Such discharges shall be limited and monitored by the permittee as specified below⁽¹⁾:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow <i>[50050]</i>	Report MGD <i>[03]</i>	---	Report MGD <i>[03]</i>	---	---	---	Continuous <i>[99/99]</i>	Recorder <i>[RC]</i>
Biochemical Oxygen Demand (BOD ₅) <i>[00310]</i>	1,137 lbs/day <i>[26]</i>	1,705 lbs/day <i>[26]</i>	Report lbs/day <i>[26]</i>	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	2/Week <i>[02/07]</i>	24-Hour Composite <i>[24]</i>
BOD5 % Removal ⁽²⁾ <i>[81010]</i>	---	---	---	85% <i>[23]</i>	---	---	1/Month <i>[01/30]</i>	Calculate <i>[CA]</i>
Total Suspended Solids (TSS) <i>[00530]</i>	1,137 lbs/day <i>[26]</i>	1,705 lbs/day <i>[26]</i>	Report lbs/day <i>[26]</i>	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	2/Week <i>[02/07]</i>	24-Hour Composite <i>[24]</i>
TSS % Removal ⁽²⁾ <i>[81011]</i>	---	---	---	85% <i>[23]</i>	---	---	1/Month <i>[01/30]</i>	Calculate <i>[CA]</i>
Settleable Solids <i>[00545]</i>	---	---	---	---	---	0.3 mL/L <i>[25]</i>	5/Week <i>[05/07]</i>	Grab <i>[GR]</i>
<i>E. coli</i> Bacteria ⁽³⁾ <i>(April 15 – October 31) [31616]</i>	---	---	---	126/100 mL ⁽⁴⁾ <i>[13]</i>	---	236/100 mL <i>[13]</i>	2/Week <i>[02/07]</i>	Grab <i>[GR]</i>
Total Residual Chlorine ⁽⁵⁾ <i>[50060]</i>	---	---	---	0.1 mg/L <i>[19]</i>	---	0.3 mg/L <i>[19]</i>	1/Day <i>[01/01]</i>	Grab <i>[GR]</i>
pH (Std. Units) <i>[00400]</i>	---	---	---	---	---	6.0-9.0 <i>[12]</i>	5/Week <i>[05/07]</i>	Grab <i>[GR]</i>
Mercury (Total) ⁽⁶⁾ <i>[71900]</i>	---	---	---	15.5 ng/L <i>[3M]</i>	---	23.2 ng/L <i>[3M]</i>	1/Year <i>[01/YR]</i>	Grab <i>[GR]</i>
Phosphorus (Total) ^(7a) <i>(June 1 – Sept. 30) [00665]</i>	Report lbs/day <i>[26]</i>	---	Report lbs/day <i>[26]</i>	Report mg/L <i>[19]</i>	---	Report mg/L <i>[19]</i>	1/Month <i>[01/30]</i>	24-Hour Composite <i>[24]</i>
Phosphorus (Total) ^(7b) <i>(June 1 – Sept. 30) [00665]</i>	Report lbs/day <i>[26]</i>	---	Report lbs/day <i>[26]</i>	Report mg/L <i>[19]</i>	---	Report mg/L <i>[19]</i>	1/Month <i>[01/30]</i>	Grab <i>[GR]</i>

The italicized numeric values in brackets in the table above and the tables that follow are not limitations but are code numbers used by Department personnel to code Discharge Monitoring Reports (DMRs). Footnotes – See pages 7-11 for footnotes.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd) – OUTFALL #001A

SURVEILLANCE LEVEL - Beginning upon permit issuance and lasting through 24 months prior to permit expiration (Years 1, 2, & 3 of the term of the permit) and commencing again 12 months prior to permit expiration (Year 5 of the term of the permit).⁽¹⁾

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity⁽⁸⁾						
<u>Acute – NOEL</u>						
<i>Ceriodaphnia dubia</i> [TDA3B] (Water flea)	---	---	---	Report % [23]	1/2 Years [01/2Y]	Composite [24]
<i>Salvelinus fontinalis</i> [TDA6F] (Brook trout)	---	---	---	Report % [23]	1/2 Years [01/2Y]	Composite [24]
<u>Chronic – NOEL</u>						
<i>Ceriodaphnia dubia</i> [TBP3B] (Water flea)	---	---	---	Report % [23]	1/2 Years [01/2Y]	Composite [24]
<i>Salvelinus fontinalis</i> [TBQ6F] (Brook trout)	---	---	---	Report % [23]	1/2 Years [01/2Y]	Composite [24]
Analytical chemistry (9,11) [51477]	---	---	---	Report ug/L [28]	1/2 Years [01/2Y]	Composite/Grab [24]

Footnotes – See pages 7-11 for footnotes.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd) – OUTFALL #001A

SCREENING LEVEL - Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) 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.⁽¹⁾

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity(8)						
<u>Acute – NOEL</u>						
<i>Ceriodaphnia dubia</i> [TDA3B] (Water flea)	---	---	---	Report % [23]	2/Year [02/YR]	Composite [24]
<i>Salvelinus fontinalis</i> [TDA6F] (Brook trout)	---	---	---	Report % [23]	2/Year [02/YR]	Composite [24]
<u>Chronic – NOEL</u>						
<i>Ceriodaphnia dubia</i> [TBP3B] (Water flea)	---	---	---	Report % [23]	2/Year [02/YR]	Composite [24]
<i>Salvelinus fontinalis</i> [TBQ6F] (Brook trout)	---	---	---	Report % [23]	2/Year [01/YR]	Composite [24]
Analytical chemistry (9,11) [51477]	---	---	---	Report ug/L [28]	1/Quarter [01/90]	Composite/Grab [24]
Priority Pollutants (10,11) [50008]	---	---	---	Report ug/L [28]	1/Year [01/YR]	Composite/Grab [24]

Footnotes – See pages 7-11 for footnotes.

SPECIAL CONDITIONS

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

Footnotes:

- 1. Sampling –Influent sampling** for those parameters requiring it must be sampled prior to any treatment. **Effluent sampling** for all parameters must be sampled after the last treatment process on a year-round basis. 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 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 Accreditation 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. BOD₅ and TSS Percent Removal** – The treatment facility must maintain a minimum of 85 percent removal of BOD₅ and a minimum of 85 percent removal for TSS for all flows receiving secondary treatment.

3. ***E. coli* bacteria** – *E. coli* bacteria limits and monitoring requirements are in effect on a year-round basis.
4. **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.
5. **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.
6. **Mercury** – The permittee must conduct all mercury monitoring required by this permit 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 1631E, *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 https://www.maine.gov/dep/water/wd/municipal_industrial/index.html or (DEP website at 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 1631E on file with the Department for this facility.
7. **Total phosphorus** – See **Attachment A** of this permit for *Protocol for Total Phosphorus Sample Collection and Analysis for Wastewater and Receiving Water Monitoring Required by Permits*.
 - a. **Effluent Sampling** – Sample should be taken at the effluent sampling location. Monitoring and reporting total phosphorus mass and concentrations are only required seasonally June 1 – September 30th of each year.
 - b. **Ambient Sampling** – Sample should be taken above the facility’s and SAPPI’s outfalls. Monitoring and reporting total phosphorus mass and concentrations are only required seasonally June 1 – September 30th of each year.
8. **Whole effluent toxicity (WET) testing** - Definitive WET testing is a multi-concentration testing event (a minimum of five dilutions bracketing the critical acute and chronic thresholds of 2.3%), 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 factors of 44:1.

- a. **Surveillance level testing** - Beginning upon permit issuance and lasting through 24 months prior to permit expiration (Years 1, 2, &3 of the term of the permit) and commencing again 12 months prior to permit expiration (Year 5 of the term of the permit). The PWD must conduct surveillance level WET testing. Acute and chronic tests must be conducted on the water flea (*Ceriodaphnia dubia*) and the brook trout (*Salvelinus fontinalis*) at a frequency of once every other year (1/2 Years). Tests must be conducted in a different calendar quarter each year.
- b. **Screening level testing** - Beginning 24 months prior to permit expiration and lasting through 12 months prior to the permit expiration (Year 4 of the term of the permit) 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 PWD must conduct screening level WET testing at a minimum frequency of twice per year (2/Year) on the water flea and brook trout. There must be at least six (6) months between sampling events.

WET test results must be submitted to the Department not later than the next 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 2.3%.

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, Chemistry and Mercury Reporting Forms” 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 “Whole Effluent Toxicity, Chemistry and Mercury Reporting Forms” 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

9. **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** – Beginning upon permit issuance and lasting through 24 months prior to permit expiration (Years 1, 2, &3 of the term of the permit) and commencing again 12 months prior to permit expiration (Year 5 of the term of the permit), the PWD must conduct analytical chemistry testing at a minimum frequency of once every other year (1/2 Years).
 - b. **Screening level testing** – Beginning 24 months prior to permit expiration and lasting through 12 months prior to the permit expiration (Year 4 of the term of the permit) 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 PWD must conduct analytical chemistry testing at a minimum frequency of once per calendar quarter (1/Quarter) for four consecutive calendar quarters.
10. **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** is not required pursuant to 06-096 C.M.R. ch. 530.
 - b. **Screening level testing** – Beginning 24 months prior to permit expiration and lasting through 12 months prior to the permit expiration (Year 4 of the term of the permit) 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 PWD 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.
11. **Analytical chemistry and priority pollutant** - 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 or that achieve the most current minimum reporting levels of detection as specified by the Department.

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 PWD may review the laboratory reports for up to 10 business days after receiving the test results from laboratory conducting the testing before submitting them. The PWD must evaluate test results being submitted and identify to the Department, possible exceedances of the acute, chronic or human health ambient water quality criteria (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 DISCHARGE 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 contain 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 IV**, 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 *Wastewater Treatment Plant 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. 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 PWD must conduct an Industrial Waste Survey (IWS) at 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 (last amended March 17, 2008).

E. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the PWD 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 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.

F. 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.

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

G. OPERATION & MAINTENANCE (O&M) PLAN

The PWD must have a current written comprehensive Operation & Maintenance (O&M) Plan. The plan must provide a systematic approach by which the PWD 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 PWD to achieve compliance with the conditions of this permit.

By December 31 of each year, and within 90 days of any process changes or minor equipment upgrades, the PWD 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 EPA personnel upon request.

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

H. WET WEATHER FLOW 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 PWD 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.

I. 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 PWD must provide the Department with a certification describing any of the following that have occurred since the effective date of this permit [*ICIS Code 96299*]. See **Attachment G** 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.
- (e) Increases in the type or volume of transported (hailed) 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.

J. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

Pursuant to this permit and Standards for the Addition of Transported Wastes to Wastewater Treatment Facilities, 06-096 C.M.R. ch. 555 (effective March 9, 2009), during the effective period of this permit, the PWD is authorized to receive and introduce into the treatment process or solids handling stream up to **a daily maximum of 22,700 gallons per day** of transported wastes, subject to the following terms and conditions.

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

receipt or introduction of transported wastes into the treatment process or solids handling stream must be suspended until there is no further risk of adverse effects.

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

These records must be maintained at the treatment facility for a minimum of five years.

5. The addition of transported wastes into the treatment process or solids handling stream must not cause the treatment facilities design capacity to be exceeded. If, for any reason, the treatment process or solids handling facilities become overloaded, introduction of transported wastes into the treatment process or solids handling stream must be reduced or terminated in order to eliminate the overload condition.
6. Holding tank wastewater from domestic sources to which no chemicals in quantities potentially harmful to the treatment process have been added must not be recorded as transported wastes but should be reported in the treatment facility's influent flow.
7. During wet weather events, transported wastes may be added to the treatment process or solids handling facilities only in accordance with a current Wet Weather Flow Management Plan approved by the Department that provides for full treatment of transported wastes without adverse impacts.
8. In consultation with the Department, chemical analysis is required prior to receiving transported wastes from new sources that are not of the same nature as wastes previously received. The analysis must be specific to the type of source and designed to identify concentrations of pollutants that may pass through, upset or otherwise interfere with the facility's operation.
9. Access to transported waste receiving facilities may be permitted only during the times specified in the application materials and under the control and supervision of the person responsible for the wastewater treatment facility or his/her designated representative.
10. The authorization in this Special Condition is subject to annual review and, with notice to the PWD and other interested parties of record, may be suspended or reduced by the Department as necessary to ensure full compliance with 06-096 C.M.R. ch. 555 and the terms and conditions of this permit.

K. CONDITIONS FOR COMBINED SEWER OVERFLOW

Pursuant to *Combined Sewer Overflow Abatement*, 06-096 C.M.R. ch. 570, the PWD is authorized to discharge mixed sanitary and stormwater from the following locations of CSOs (storm water/sanitary wastewater) subject to the conditions and requirements contained herein:

1. CSO Locations

Outfall #	Regulator Location	Receiving Water, Class
002	Warren Parking Lot Regulator	Presumpscot River, C
003	Siphon Inlet Structure	Presumpscot River, C
004	Dunn Street Regulator	Presumpscot River, C
007	Brown Street Regulator	Presumpscot River, C
008	King Street Regulator	Presumpscot River, C

2. Prohibited Discharges

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

3. Narrative Discharge Limitations

- a) Any discharge must not contain a visible oil sheen, settled substances, foam, or floating solids at any time that impair the characteristics and designated uses ascribed to the classification of the receiving waters.
- b) Any discharge must not contain materials in concentrations or combinations that are hazardous or toxic to aquatic life; or which would impair the usage designated by the classification of the receiving waters.
- c) Any discharge must not impart color, turbidity, toxicity, radioactivity or other properties that cause the receiving waters to be unsuitable for the designated uses and other characteristics ascribed to their class.
- d) Notwithstanding specific conditions of this permit, any discharge by itself or in combination with other discharges must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

4. CSO Master Plan (see § 2 & 3 of Chapter 570 Department Rules)

The permittee must implement CSO control projects in accordance with an approved CSO Master Plan and abatement schedule. The CSO Master Plan, entitled *Sewer System Master Plan for Westbrook, Maine, December 1993*, prepared by Portland Water District and the City of Westbrook, and a supplemental document entitled *CSO Master Plan for Westbrook, Maine, Volume II, December 1996*, were approved by the Department on March 26, 1997. A revised abatement schedule dated October 8, 1999 was approved by the Department on October 27, 1999. The revised abatement schedule was further modified in the document entitled, *Combined Sewer Overflow Master Plan Update Study for Westbrook, ME*, prepared by Woodard & Curran and dated December 2008 (referred as “Volume I” in correspondence) and further modified in a document entitled, *Combined Sewer Overflow Master Plan Update Study for Westbrook, ME*, prepared by Woodard & Curran and dated September 2010 (referred as “Volume II” in correspondence). The revised abatement schedule was further modified in the document entitled *2014 Combined Sewer Overflow Master Plan Update Study for Westbrook, Maine* prepared by Jordan Environmental Engineering, dated December 2014 and revised May 2015.

The Department and PWD entered into an Administrative Consent Agreement with an effective date of August 2, 2016, which stipulated that the permittee’s complete nine CSO abatement projects over a five year period from 2017 through 2021.

The Administrative Consent Agreement called for the submittal of the next CSO MPU on or before 6/30/2021. Two extensions were granted to this deadline, the first from 6/30/2021 to 6/30/2022 and the second from 6/30/2022 to 12/31/2023 to allow the permittee to conduct flow monitoring which was then be used to calibrate the hydraulic model of PWD’s interceptors in Westbrook. The flow monitoring extended into 2023 before storms of sufficient size were captured to properly calibrate the model, which pushed the submittal date for the CSO MPU back to 12/28/2023.

The hydraulic model revealed that a flow imbalance develops during wet weather between the flows coming into Cottage Place Pump Station from the siphon and the amount the station can pump to the WWTF. As flows back up at the siphon, CSO discharge begins to happen at CSO 003, located at the siphon, and then CSO activity migrates out to the other four CSO locations if the storm lasts long enough.

The main finding of the CSO MPU was that the installation of a storage tank adjacent to the siphon would significantly reduce or eliminate CSO activity at all five locations.

On or before December 31, 2028, the permittee must complete construction of an offline storage tank adjacent to the siphon to significantly reduce or eliminate CSO activity at CSO 003 and the other four CSO locations.

On or before December 31, 2027 the permittee must complete the SSES and I/I Identification phase for Meter Basin 102-97.

On or before December 31, 2028, (ICIS Code 81699) the permittee must submit to the Department for review and approval the next five year CSO Master Plan Update.

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

The permittee must implement and follow the Nine Minimum Control documentation as approved by EPA on May 29, 1997. Work performed on the Nine Minimum Controls during the year must be included in the annual CSO Progress Report (see below).

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

The PWD must conduct block testing or flow monitoring according to an approved *Compliance Monitoring Program* on all CSO points, as part of the CSO Master Plan. Annual flow volumes for all CSO locations must be determined by actual flow monitoring, or by estimation using a model such as EPA's Storm Water Management Model (SWMM).

Results must be submitted annually as part of the annual *CSO Progress Report* (see below), and must include annual precipitation, CSO volumes (actual or estimated) and any block test data required. Any abnormalities during CSO monitoring must also be reported. CSO control projects that have been completed must be monitored for volume and frequency of overflow to determine the effectiveness of the project toward CSO abatement. This requirement shall not apply to those areas where complete separation has been completed and CSO outfalls have been eliminated.

7. Additions of New Wastewater (see §8 of 06-096 C.M.R. ch. 570)

06-096 C.M.R. ch. 570 § 8 lists requirements relating to any proposed addition of wastewater to the combined sewer system. Documentation of the new wastewater additions to the system and associated mitigating measures must be included in the annual *CSO Progress Report* (see below). Reports must contain the volumes and characteristics of the wastewater added or authorized for addition and descriptions of the sewer system improvements and estimated effectiveness. Any sewer extensions upstream of a CSO must be reviewed and approved by the Department prior to their connection to the collection system. A Sewer Extension/Addition Reporting Form shall be completed and submitted to the Department along with plans and specifications of the proposed extension/addition.

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

By March 1 of each year (*ICIS Code CSO010*), the permittee must submit an *Annual CSO Progress Report* covering the previous calendar year (January 1 to December 31) to the Department. The CSO Progress Report must include, but is not necessarily limited to, the following topics as further described in 06-096 C.M.R. ch. 570: CSO abatement projects, schedule comparison, progress on inflow sources, costs, flow monitoring results,

ATTACHMENT A

Protocol for Total Phosphorus Sample Collection and Analysis for Waste Water and Receiving Water Monitoring Required by Permits

Approved Analytical Methods: EPA 200.7 (Rev. 44), 365.1 (Rev. 2.0), (Lachat), 365.3, 365.4; SM 3120 B, 4500-P B.5, 4500-P E, 4500-P F, 4500-P G, 4500-P H; ASTM D515-88(A), D515-88(B); USGS I-4471-97, I-4600-85, I-4610-91; OMAAOAC 973.55, 973.56

Sample Collection: The Maine DEP is requesting that total phosphorus analysis be conducted on composite effluent samples, unless a facility's Permit specifically designates grab sampling for this parameter. Facilities can use individual collection bottles or a single jug made out of glass or polyethylene. Bottles and/or jugs should be cleaned prior to each use with dilute HCL. This cleaning should be followed by several rinses with distilled water. Commercially purchased, pre-cleaned sample containers are an acceptable alternative. The sampler hoses should be cleaned, as needed.

Sample Preservation: During compositing the sample must be at 0-6 degrees C (without freezing). If the sample is being sent to a commercial laboratory or analysis cannot be performed the day of collection then the sample must be preserved using H₂SO₄ to obtain a sample pH of <2 su and refrigerated at 0-6 degrees C (without freezing). The holding time for a preserved sample is 28 days.

Note: Ideally, Total P samples are preserved as described above. However, if a facility is using a commercial laboratory then that laboratory may choose to add acid to the sample once it arrives at the laboratory. The Maine DEP will accept results that use either of these preservation methods.

Laboratory QA/QC: Laboratories must follow the appropriate QA/QC procedures that are described in each of the approved methods.

Sampling QA/QC: If a composite sample is being collected using an automated sampler, then once per month run a blank on the composite sampler. Automatically, draw distilled water into the sample jug using the sample collection line. Let this water set in the jug for 24 hours and then analyze for total phosphorus. Preserve this sample as described above.

ATTACHMENT B

RE-ASSESSMENT OF TECHNICALLY BASED INDUSTRIAL DISCHARGE LIMITS

Pursuant to federal regulation 40 CFR Part 122.21(j)(4) and Department rule Chapter 528, all Publicly Owned Treatment Works (POTWs) with approved Industrial Pretreatment Programs (IPPs) shall provide the Department with a written evaluation of the need to revise local industrial discharge limits under federal regulation 40 CFR Part 403.5(c)(1) and Department rule 06-096 CMR Chapter 528(6).

Below is a form designed by the U.S. Environmental Protection Agency (EPA - New England) to assist POTWs with approved IPPs in evaluating whether their existing Technically Based Local Limits (TBLLs) need to be recalculated. The form allows the permittee and Department to evaluate and compare pertinent information used in previous TBLLs calculations against present conditions at the POTW. **Please read the directions below before filling out the attached form.**

ITEM I.

- * In Column (1), list what your POTW's influent flow rate was when your existing TBLLs were calculated. In Column (2), list your POTW's present influent flow rate. Your current flow rate should be calculated using the POTW's average daily flow rate from the previous 12 months.
- * In Column (1) list what your POTW's SIU flow rate was when your existing TBLLs were calculated. In Column (2), list your POTW's present SIU flow rate.
- * In Column (1), list what dilution ratio and/or 7Q10 value was used in your previous MEPDES permit. In Column (2), list what dilution ration and/or 7Q10 value is presently being used in your reissued MEPDES permit.

The 7Q10 value is the lowest seven day average flow rate, in the river, over a ten-year period. The 7Q10 value and/or dilution ratio used by the Department in your MEPDES permit can be found in your MEPDES permit "Fact Sheet."

- * In Column (1), list the safety factor, if any, that was used when your existing TBLLs were calculated.
- * In Column (1), note how your bio-solids were managed when your existing TBLLs were calculated. In Column (2), note how your POTW is presently disposing of its biosolids and how your POTW will be disposing of its biosolids in the future.

ITEM II.

- * List what your existing TBLLs are - as they appear in your current Sewer Use Ordinance (SUO).

RE-ASSESSMENT OF TECHNICALLY BASED INDUSTRIAL DISCHARGE LIMITS

ITEM III.

- * Identify how your existing TBLLs are allocated out to your industrial community. Some pollutants may be allocated differently than others, if so please explain.

ITEM IV.

- * Since your existing TBLLs were calculated, identify the following in detail:
 - (1) if your POTW has experienced any upsets, inhibition, interference or pass-through as a result of an industrial discharge.
 - (2) if your POTW is presently violating any of its current MEPDES permit limitations - include toxicity.

ITEM V.

- * Using current sampling data, list in Column (1) the average and maximum amount of pollutants (in pounds per day) received in the POTW's influent. Current sampling data is defined as data obtained over the last 24 month period.

All influent data collected and analyzed must be in accordance with federal regulation 40 CFR Part 136. Sampling data collected should be analyzed using the lowest possible detection method(s), e.g. graphite furnace, or other approved method.

Based on your existing TBLLs, as presented in Item II., list in Column (2) each Maximum Allowable Industrial Headworks Loading (MAIHL) value corresponding to each of the local limits derived from an applicable environmental criteria or standard, e.g. water quality, sludge, MEPDES permit, inhibition, etc. For each pollutant, the MAIHL equals the calculated Maximum Allowable Headwork Loading (MAHL) minus the POTW's domestic loading source(s). For more information, please see, Local Limits Development Guidance (July 2004).

ITEM VI.

- * Using current sampling data, list in Column (1) the average and maximum amount of pollutants (in micrograms per liter) present your POTW's effluent. Current sampling data is defined as data obtained during the last 24 month period.

All effluent data collected and analyzed must be in accordance with federal regulation 40 CFR Part 136. Sampling data collected should be analyzed using the lowest possible detection method(s), e.g. graphite furnace, or other approved method.

RE-ASSESSMENT OF TECHNICALLY BASED INDUSTRIAL DISCHARGE LIMITS

- * List in Column (2A) what the Ambient Water Quality Criteria (AWQC) (found in Department rule Chapter 584 –*Surface Water Quality Criteria For Toxic Pollutants, Appendix A*, October 2005) were (in micrograms per liter) when your TBLLs were calculated. Please note what hardness value was used at that time. Hardness should be expressed in milligrams per liter of Calcium Carbonate. In the absence of a specific AWQC, control(s) adequate to protect the narrative water quality standards for the receiving water may be applied.

List in Column (2B) the current AWQC values for each pollutant multiplied by the dilution ratio used in your reissued MEPDES permit. For example, with a dilution ratio of 25:1 at a hardness of 20 mg/l - Calcium Carbonate (copper's chronic freshwater AWQC equals 2.36 ug/l) the chronic MEPDES permit limit for copper would equal 45 ug/l. Example calculation:

$$\text{EOP concentration} = [\text{Dilution factor} \times 0.75 \times \text{AWQC}] + [0.25 \times \text{AWQC}]$$
$$\text{Chronic AWQC} = 2.36 \text{ ug/L}$$

$$\text{Chronic EOP} = [25 \times 0.75^{(1)} \times 2.36 \text{ ug/L}] + [0.25 \times 2.36 \text{ ug/L}] = 45 \text{ ug/L}$$

(1) Department rule Chapter 530, *Surface Water Toxics Control Program*, October 2005) requires that 10% of the AWQC be set aside for background that may be present in the receiving water and 15% of the AWQC be set aside as a reserve capacity for new dischargers or expansion of existing discharges.

ITEM VII.

- * In Column (1), list all pollutants (in micrograms per liter) limited in your reissued MEPDES permit. In Column (2), list all pollutants limited in your previous MEPDES permit.

ITEM VIII.

- * Using current sampling data, list in Column (1) the average and maximum amount of pollutants in your POTW's biosolids. Current data is defined as data obtained during the last 24-month period. Results are to be expressed as total dry weight.

All biosolids data collected and analyzed must be in accordance with federal 40 CFR Part 136.

In Column (2A), list current State and/or Federal sludge standards that your facility's biosolids must comply with. Also note how your POTW currently manages the disposal of its biosolids. If your POTW is planning on managing its biosolids differently, list in Column (2B) what your new biosolids criteria will be and method of disposal.

If you have any questions, please contact the State Pretreatment Coordinator at the Maine Department of Environmental Protection, Bureau of Land & Water Quality, Division of Water Quality Management, State House Station #17, Augusta, ME. 04333. The telephone number is (207) 287-8898, and the email address is bradley.g.kelso@maine.gov.

**REASSESSMENT OF TECHNICALLY BASED LOCAL LIMITS
(TBLLs)**

POTW Name & Address : _____

MEDES Permit # : _____

Date EPA approved current TBLLs : _____

Date EPA approved current Sewer Use Ordinance : _____

ITEM I.

In Column (1) list the conditions that existed when your current TBLLs were calculated. In Column (2), list current conditions or expected conditions at your POTW.

	Column (1)	Column (2)
	<u>EXISTING TBLLs</u>	<u>PRESENT CONDITIONS</u>
POTW Flow (MGD)	_____	_____
SIU Flow (MGD)	_____	_____
Dilution Ratio or 7Q10 from the MEPDES Permit)	_____	_____
Safety Factor	_____	_____
Biosolids Disposal Method(s)	_____	_____

**REASSESSMENT OF TECHNICALLY BASED LOCAL LIMITS
(TBLLs)**

ITEM II.

EXISTING TBLLs

<u>POLLUTANT</u>	<u>NUMERICAL LIMIT</u> (mg/l) or (lb/day)	<u>POLLUTANT</u>	<u>NUMERICAL LIMIT</u> (mg/l) or (lb/day)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

ITEM III.

Note how your existing TBLLs, listed in Item II., are allocated to your Significant Industrial Users (SIUs), i.e. uniform concentration, contributory flow, mass proportioning, other. Please specify by circling.

ITEM IV.

Has your POTW experienced any upsets, inhibition, interference or pass-through from industrial sources since your existing TBLLs were calculated?

If yes, explain. _____

Has your POTW violated any of its MEPDES permit limits and/or toxicity test requirements?

If yes, explain. _____

**REASSESSMENT OF TECHNICALLY BASED LOCAL LIMITS
(TBLLs)**

ITEM V.

Using current POTW influent sampling data fill in Column (1). In Column (2), list your Maximum Allowable Industrial Headwork Loading (MAIHL) values used to derive your TBLLs listed in Item II. In addition, please note the environmental criteria for which each MAIHL value was established, *i.e.* water quality, sludge, MEPDES, etc.

<u>Pollutant</u>	<u>Column (1)</u> <u>Influent Data Analyses</u>		<u>Column (2)</u> <u>MAIHL Values</u>	<u>Criteria</u>
	<u>Maximum</u> (lb/day)	<u>Average</u> (lb/day)	(lb/day)	
Arsenic	_____	_____	_____	_____
Cadmium	_____	_____	_____	_____
Chromium	_____	_____	_____	_____
Copper	_____	_____	_____	_____
Cyanide	_____	_____	_____	_____
Lead	_____	_____	_____	_____
Mercury	_____	_____	_____	_____
Nickel	_____	_____	_____	_____
Silver	_____	_____	_____	_____
Zinc	_____	_____	_____	_____
Other (List)	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

**REASSESSMENT OF TECHNICALLY BASED LOCAL LIMITS
(TBLLs)**

ITEM VI.

Using current POTW effluent sampling data, fill in Column (1). In Column (2A) list what the Ambient Water Quality Criteria (AWQC) were at the time your existing TBLLs were developed. List in Column (2B) current AWQC values multiplied by the dilution ratio used in your reissued MEPDES permit.

	Column (1)		Columns	
	Effluent Data Analyses		(2A)	(2B)
	<u>Maximum</u> (ug/l)	<u>Average</u> (ug/l)	<u>From TBLLs</u> (ug/l)	<u>Today</u> (ug/l)
Pollutant				
Arsenic	_____	_____	_____	_____
Cadmium*	_____	_____	_____	_____
Chromium*	_____	_____	_____	_____
Copper*	_____	_____	_____	_____
Cyanide	_____	_____	_____	_____
Lead*	_____	_____	_____	_____
Mercury	_____	_____	_____	_____
Nickel*	_____	_____	_____	_____
Silver	_____	_____	_____	_____
Zinc*	_____	_____	_____	_____
Other (List)				
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

*Hardness Dependent (mg/l - CaCO3)

**RE-ASSESSMENT OF TECHNICALLY BASED LOCAL LIMITS
(TBLLs)**

ITEM VII.

In Column (1), identify all pollutants limited in your reissued MEPDES permit. In Column (2), identify all pollutants that were limited in your previous MEPDES permit.

Column (1) REISSUED PERMIT		Column (2) PREVIOUS PERMIT	
<u>Pollutants</u>	<u>Limitations</u> (ug/l)	<u>Pollutants</u>	<u>Limitations</u> (ug/l)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

ITEM VIII.

Using current POTW biosolids data, fill in Column (1). In Column (2A), list the biosolids criteria that were used at the time your existing TBLLs were calculated. If your POTW is planning on managing its biosolids differently, list in Column (2B) what your new biosolids criteria would be and method of disposal.

Pollutant	Column (1)	Columns	
	Biosolids Data Analyses <u>Average</u> (mg/kg)	(2A) Biosolids Criteria From TBLLs (mg/kg)	(2B) New (mg/kg)
Arsenic	_____	_____	_____
Cadmium	_____	_____	_____
Chromium	_____	_____	_____
Copper	_____	_____	_____
Cyanide	_____	_____	_____
Lead	_____	_____	_____
Mercury	_____	_____	_____
Nickel	_____	_____	_____
Silver	_____	_____	_____
Zinc	_____	_____	_____
Molybdenum	_____	_____	_____
Selenium	_____	_____	_____
Other (List)	_____	_____	_____

ATTACHMENT C

**MEPDES PERMIT REQUIREMENTS
FOR
INDUSTRIAL PRETREATMENT ANNUAL REPORT**

The information described below shall be included in the pretreatment program annual reports:

1. An updated list of all industrial users by category, as set forth in federal regulation 40 CFR Part 403.8 and Department rule 06-096 CMR Chapter 528(9) indicating compliance or noncompliance with the following:
 - baseline monitoring reporting requirements for newly promulgated industries
 - compliance status reporting requirements for newly promulgated industries
 - periodic (semi-annual) monitoring reporting requirements,
 - categorical standards, and
 - local limit.
2. A summary of compliance and enforcement activities during the preceding year, including the number of:
 - significant industrial users inspected by POTW (include inspection dates for each industrial user);
 - significant industrial users sampled by POTW (include sampling dates for each industrial user);
 - compliance schedules issued (include list of subject users);
 - written notices of violations issued (include list of subject users);
 - administrative orders issued (include list of subject users),
 - criminal or civil suits filed (include list of subject users); and
 - penalties obtained (include list of subject users and penalty amounts).
3. A list of significantly violating industries required to be published in a local newspaper in accordance with federal regulation 40 CFR Part 403.8(f)(2)(viii) and Department rule 06-096 CMR Chapter 528(9)(f)(2)(vii).
4. A narrative description of program effectiveness including present and proposed changes to the program, such as funding, staffing, ordinances, regulations, rules and/or statutory authority.
5. A summary of all pollutant analytical results for influent, effluent, sludge and any toxicity or bioassay data from the wastewater treatment facility. The summary shall include a comparison of influent sampling results versus threshold inhibitory concentrations for the POTW and effluent sampling results versus water quality standards. Such a comparison shall be based on the sampling program described in the paragraph below or any similar sampling program described in this permit.

**MEPDES PERMIT REQUIREMENTS
FOR
INDUSTRIAL PRETREATMENT ANNUAL REPORT**

At a minimum, annual sampling and analysis of the influent and effluent of the POTW shall be conducted for the following pollutants:

- | | |
|--------------------|-------------------|
| a.) Total Cadmium | f.) Total Nickel |
| b.) Total Chromium | g.) Total Silver |
| c.) Total Copper | h.) Total Zinc |
| d.) Total Lead | i.) Total Cyanide |
| e.) Total Mercury | j.) Total Arsenic |

The sampling program shall consist of one 24-hour, flow-proportioned, composite and at least one grab sample that is representative of the flows received by the POTW. The composite shall consist of hourly, flow-proportioned grab samples taken over a 24-hour period if the sample is collected manually, or shall consist of a minimum of 48 samples collected at 30-minute intervals if an automated sampler is used. Cyanide shall be taken as a grab sample during the same period as the composite sample. Sampling and preservation shall be consistent with federal regulation 40 CFR Part 136.

6. A detailed description of all interference and pass-through that occurred during the past year.
7. A thorough description of all investigations into interference and pass-through during the past year.
8. A description of monitoring, sewer inspections and evaluations which were done during the past year to detect interference and pass-through, specifying parameters and frequencies.
9. A description of actions being taken to reduce the incidence of significant violations by significant industrial users.
10. The date of the latest adoption of local limits and an indication as to whether or not the City is under a State or Federal compliance schedule that includes steps to be taken to revise local limits.

CSO activity and volumes, nine minimum controls update, sewer extensions, and new commercial or industrial flows.

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

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

9. Signs

If not already installed, the PWD must install and maintain an identification sign at each CSO location as notification to the public that intermittent discharges of untreated sanitary wastewater occur. The sign must be located at or near the outfall and be easily readable by the public. The sign must be a minimum of 12" x 18" in size with white lettering against a green background and must contain the following information:

**PORTLAND WATER DISTRICT
WET WEATHER
SEWAGE DISCHARGE
CSO # AND NAME**

OR

**Combined Sewage Outfall
Contains sewage during and after
periods of heavy rainfall.
PORTLAND WATER DISTRICT
CSO # and Name
CSO Permittee Tel. #**

10. Definitions

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

- a. Combined Sewer Overflow - a discharge of excess wastewater from a municipal or quasi-municipal sewerage system that conveys both sanitary wastes and storm water in a single pipe system and that is in direct response to a storm event or snowmelt.

- b. Dry Weather Flows - flow in a sewerage system that occurs as a result of non-storm events or are caused solely by ground water infiltration.
- c. Wet Weather Flows - flow in a sewerage system that occurs as a direct result of a storm event, or snowmelt in combination with dry weather flows.

L. INDUSTRIAL PRETREATMENT PROGRAM

1. Pollutants introduced into the collection system by a non-domestic source (user) must not pass-through the publicly owned treatment works (POTW) or interfere with the operation or performance of the works.
 - a. The PWD must develop and enforce specific effluent limits (local limits) for Industrial User(s), and all other users, as appropriate, which together with appropriate changes in the POTW facilities or operation, are necessary to ensure continued compliance with the POTW's MEPDES permit or sludge use or disposal practices. Specific local limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.
 - b. **Within 180 days of the effective date of this permit, [ICIS code PR002]** the PWD must prepare and submit a written technical evaluation to the Department analyzing the need to revise local limits. As part of this evaluation, the PWD must assess how the POTW performs with respect to influent and effluent of pollutants, water quality concerns, sludge quality, sludge processing concerns/inhibition, biomonitoring results, activated sludge inhibition, worker health and safety and collection system concerns. In preparing this evaluation, the PWD must complete the "*Re-Assessment of Technically Based Local Limits*" form included as **Attachment B** of this permit with the technical evaluation to assist in determining whether existing local limits need to be revised. Justifications and conclusions should be based on actual plant data if available and should be included in the report. Should the evaluation reveal the need to revise local limits, the PWD must complete the revisions within 120 days of notification by the Department and submit the revisions to the Department for approval. The PWD must carry out the local limits revisions in accordance with EPA's document entitled, *Local Limits Development Guidance (July 2004)*.
2. The permittee must implement the Industrial Pretreatment Program in accordance with the legal authorities, policies, procedures, and financial provisions described in the permittee's approved Pretreatment Program, and the General Pretreatment Regulations, found at 40 C.F.R. Part 403 and *Pretreatment Program*, 06-096 C.M.R. ch. 528 (effective March 17, 2008). At a minimum, the permittee must perform the following duties to properly implement the Industrial Pretreatment Program (IPP):
 - a. Carry out inspection, surveillance, and monitoring procedures which will determine, independent of information supplied by the industrial user, whether the industrial user is in compliance with the Pretreatment Standards. At a minimum, all significant

industrial users must be sampled and inspected at the frequency established in the approved IPP but in no case less than once per year and maintain adequate records.

- b. Issue or renew all necessary industrial user control mechanisms within 90 days of their expiration date or within 180 days after the industry has been determined to be a significant industrial user.
- c. Obtain appropriate remedies for noncompliance by an industrial user with any pretreatment standard and/or requirement.
- d. Maintain an adequate revenue structure for continued implementation of the Pretreatment Program.
- e. The PWD must provide the Department with an annual report describing the permittee's pretreatment program activities for the twelve-month period ending 60 days prior to the due date in accordance with federal regulation found at 40 C.F.R. part 403.12(i) and 06-096 C.M.R. ch. 528(12)(i). The annual report *[ICIS code 53199]* must be consistent with the format described in the “*MEPDES Permit Requirements For Industrial Pretreatment Annual Report*” form included as **Attachment C** of this permit and must be submitted no later than December 1 of each calendar year. Reports with reporting year ending after 31 December 2025 and with a due date on or after 1 March 2026, must be done electronically as NetDMR attachments and/or using EPA’s NPDES Electronic Reporting Tool (“NeT”), which will be accessible through EPA’s Central Data Exchange at <https://cdx.epa.gov/>.

Other requests, reports and notices that should continue to be submitted directly to the Pretreatment Coordinator in Maine Department of Environmental Protection Water Bureau include:

- (1) Pretreatment Reports Reassessment of Technically Based Industrial Discharge Limits Form,
 - (2) Revisions to Industrial Discharge Limits,
 - (3) Report describing Pretreatment Program activities, and
 - (4) Proposed changes to a Pretreatment Program
- f. The PWD must obtain approval from the Department prior to making any significant changes to the industrial pretreatment program in accordance with federal regulation found at 40 C.F.R. part 403.18(c) and 06-096 C.M.R. ch. 528(18).
 - g. The PWD must assure that applicable National Categorical Pretreatment Standards are met by all categorical industrial users of the POTW. These standards are published in the federal regulations found at 40 C.F.R. parts 405 through 471.
 - h. The PWD must modify its pretreatment program to conform to all changes in the federal regulations and State rules that pertain to the implementation and enforcement of the industrial pretreatment program. **Within 180 days of the effective date of this**

permit [ICIS code 50799], the PWD must provide the Department in writing, proposed changes to the PWD's pretreatment program deemed necessary to assure conformity with current federal regulations and State rules. At a minimum, the permittee must address in its written submission the following areas: (1) Enforcement response plan; (2) revised sewer use ordinances; and (3) slug control evaluations. The PWD will implement these proposed changes pending the Department's approval under federal regulation 40 C.F.R. part 403.18 and 06-096 C.M.R. ch. 528(18). This submission is separate and distinct from any local limits analysis submission described in section 1(a) above.

M. 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 anytime and with notice to the permittee, modify this permit to: 1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

N. SEVERABILITY

In the event that any provision, or part thereof, of this permit is declared to be unlawful by a reviewing court, the remainder of the permit will 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
AND
MAINE WASTE DISCHARGE LICENSE**

February 18, 2026

PERMIT NUMBER: **ME0100846**
LICENSE NUMBER: **W001510-6D-J-R**

NAME AND ADDRESS OF APPLICANTS:

**PORTLAND WATER DISTRICT
Westbrook Wastewater Facility
P.O. Box 3553
Portland, Maine 04104-3553**

**CITY OF WESTBROOK
2 York Street
Westbrook, Maine 04092**

COUNTY: **Cumberland County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**Westbrook Wastewater Treatment Facility
Park Road
Westbrook, Maine 04102**

RECEIVING WATER AND CLASSIFICATION: **Presumpscot River, Class C**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

PORTLAND WATER DISTRICT

**Ms. Charlene Poulin
Director of Wastewater Services
(207) 774-5961 x3105
cpoulin@pwd.org**

CITY OF WESTBROOK

**Mr. Eric Dudley P.E.
Director of Engineering and Public Services
(207) 854-0660 x3001
edudley@westbrook.me.us**

1. APPLICATION SUMMARY

- a. Application: On October 6, 2022, the Department accepted as complete for processing an application from the Portland Water District and City of Westbrook for renewal of combination Waste Discharge License (WDL) W001510-6D-I-R / Maine Pollutant Discharge Elimination System (MEPDES) permit ME0100846, which was issued by the Department on July 6, 2017 for a five-year term. The July 6, 2017 permit authorized the discharge of an unspecified quantity of flow [plant design capacity is a monthly average of 4.54 million gallons per day (MGD)] of secondary treated waste water from a municipal waste water treatment facility and an unspecified quantity of untreated storm water and sanitary waste water from five (5) combined sewer overflow (CSO) outfalls to the Presumpscot River, Class C, in Westbrook, Maine.
- b. Source Description: The PWD treats domestic and commercial sanitary wastewater generated by approximately 31,000 customers from the City of Westbrook, the Town of Gorham, a southern section of the Town of Windham, and industrial waste from the following categorical industrial users: Silvex (approximately 43,000 gpd of metal finishing wastewater pretreated via hydroxide precipitation), Irwin (approximately 3,660 gpd of mop water, parts washer rinse, and air compressor blow down which is treated through an ultrafiltration system, combined with some volume of non-process basement groundwater, treated through an oil/water separator), Southern Maine Industries (approximately 324 gpd batch discharge of metal finishing wastewater treated via hydroxide precipitation), Calpine, a gas-powered steam electricity generating facility (approximately 230,000 gpd of cooling tower and chiller blowdown with an oily waste separator) and Schlotterbeck and Foss (approximately 41,000 gpd of wastewater generated from food preparation, processing and packaging treated through an oil and grease separator). In addition, two non-discharge categorical metal finishers are connected to the system - D&G Machine in Westbrook and MEGA Industries of Gorham. Both of these industries discharge domestic waste only but are permitted and part of the IPT program due to their categorical status. The PWD also receives pretreated or untreated wastewater from three industrial laundries, a newspaper printing facility, a research and development laboratory, a brewery and the Maine Correctional Center (prison). See **Attachment A** of this fact sheet for a map of the location of the outfall.

In Westbrook, the PWD maintains five CSOs, approximately 25,000 feet of interceptor lines, and 17,500 feet of force main from three pump stations, all with on-site back-up power. In Gorham, there is approximately 111,982 feet of collection system, approximately 27,552 feet of interceptor line and 31,000 feet of force main from eleven pump stations. Eight of the eleven pump stations have on-site back-up power while the remaining stations are set up to accept power from portable generators or portable pumps owned and operated by the PWD. There are no CSOs located in the Town of Gorham. The Gorham/Windham section includes seven pump stations (five with back-up power), 17,300 feet of interceptors and 15,000 feet of force mains.

The permittee prepared the original CSO Master Plan back in 1993 and subsequently revised the plan and abatement schedule in 1996, 1999, 2008 and 2010. See Special Condition L, *Conditions For Combined Sewer Overflow*, of this permit for the most current milestones to be completed in accordance with the most current updated CSO Master Plan approved by the

Department as well as the August 2, 2016, Administrative Consent Agreement between the Department and the PWD.

The PWD is authorized to treat up to 22,700 gallons per day (gpd) of transported wastes. The PWD submitted an updated Transported Waste Management Plan as part of their 2016 application for renewal as required in *Standards for the Addition of Transported Wastes to Wastewater Treatment Facilities*, 06-096 C.M.R. ch. 555 (effective March 9, 2009). Also see Special Condition J, *Disposal of Transported Wastes In Wastewater Treatment Facility* of this permit.

- c. Wastewater Treatment: The PWD owns and operates a facility that provides a secondary level of treatment via two separate aeration basins followed by two clarifiers that measure 90 feet in diameter. Sludge dewatering is accomplished by means of a sludge thickener and secondary technology capable of attaining 18-22% solids. Screenings are removed at the two feeder pump stations (East Bridge and Cottage Place) by means of an automatic climbing rake. Screenings are then processed through a wash press to remove biologics and the screenings are bagged for disposal. Grit is removed from the aeration basin anoxic zone as needed. Dewatered sludge is hauled to a landfill. Secondary effluent is chlorinated in contact tanks and dechlorinated prior to being discharged to the Presumpscot River through a reinforced concrete outfall pipe measuring 42 inches in diameter with a diffuser. The diffuser consists of fourteen equally spaced risers with ports measuring 6 inches in diameter to enhance rapid and complete mixing of the discharged effluent with the receiving waters. The diffuser is checked semi-annually to ensure ports are clear. See **Attachment B** of this Fact Sheet for a schematic of the wastewater treatment facility.

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. Establishing the daily maximum *E. coli* limit of 236 MPN or CFU/ 100 mL on a year-round basis.
2. Establishing ambient Total Phosphorus monitoring and report only mass and concentration limits for the sampling season June 1st through September 30th.

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

September 9, 1988 - The Department issued license renewal WDL #W001510-46-A-R for a five-year term.

September 23, 1985 - The Department issued license renewal WDL #W001510-46-A-A for a five-year term.

September 28, 1993 – The U.S. Environmental Protection Agency (EPA) issued National Pollutant Discharge Elimination System (NPDES) permit #ME0100846 for a five-year term.

May 28, 1996 – The Department issued WDL #W001510-46-B-R for a five-year term.

November 30, 1998 – The EPA approved a Total Maximum Daily Load (TMDL) report prepared by the Department for the lower Presumpscot River.

January 24, 2000 – The Department administratively modified WDL #W001510-46-B-R by issuing a letter to the PWD requiring year-round disinfection beginning September 30, 2000. This action was necessary in that the State's Department of Marine Resources (Maine DMR) had water quality information that indicated that the City of Westbrook's and Town of Falmouth's waste water treatment facilities were likely causing elevated bacteria levels in Mackworth Cove. As a result, the shellfish growing and winter harvesting area in Mackworth Cove were closed. Year-round disinfection resulted in Maine DMR re-opening the growing and harvesting area.

May 23, 2000 – The Department administratively modified WDL #W001510-46-B-R by establishing interim average and maximum concentration limits for mercury.

August 15, 2000 - The Department issued license WDL #W001510-68-C-N for a five-year term. This added the references for the Section 401 Water Quality Certification to the permit.

December 21, 2001 – The Department issued combination MEPDES permit #ME0100846/ WDL #W001510-5L-C-R, for a five-year term. Issuance of the MEPDES permit resulted in the NPDES permit last issued by the EPA on 9/28/93 being superseded which nullified the terms and conditions contained therein.

December 22, 2006 – The Department issued combination MEPDES permit #ME0100846/ WDL #W001510-5L-D-R for a five-year term.

September 2, 2011 – The permittee submitted a timely application for renewal of combination MEPDES permit #ME0100846/ WDL #W001510-5L-C-R. The Department accepted the application as complete on September 6, 2011 and assigned WDL#W001510-6D-E-R.

February 6, 2012 – The Department issued minor revision MEPDES permit #ME0100846/ WDL #W001510-6D-F-M that reduced the monitoring frequency for total mercury from 4/Year to 1/Year.

March 6, 2012 – The Department issued MEPDES permit renewal #ME0100846/ WDL #W001510-6D-E-R for a five-year term.

December 4, 2012 – The Department issued minor revision MEPDES permit #ME0100846/ WDL #W001510-6D-G-M, that increased the quantity of transported waste the facility is allowed to receive and treat from 10,000 gallons per day (gpd) to

22,700 gpd. This represents 0.5% of the design capacity of the wastewater treatment facility.

September 11, 2013 – The Department issued minor revision MEPDES permit #ME0100846/ WDL #W001510-6D-H-M that eliminated the numeric water quality-based limitations for inorganic arsenic given an updated statistical evaluation of arsenic data on file at the Department indicated the discharge no longer had a reasonable potential to exceed the human health ambient water quality criteria for inorganic arsenic.

August 2, 2016 – The Department and PWD entered into an Administrative Consent Agreement to resolve violations of the MEPDES permit.

January 12, 2017 - The PWD and the City of Westbrook submitted a timely and complete joint application to the Department to renew #ME0100846/ WDL #W001510-6D-E-R. The Department accepted the application as complete on January 12, 2017 and assigned WDL#W001510-6D-I-R.

July 6, 2017 - The Department issued MEPDES permit renewal #ME0100846/ WDL #W001510-6D-I-R for a five-year term.

September 27, 2022 - The PWD and the City of Westbrook submitted a complete joint application to the Department to renew #ME0100846/ WDL #W001510-6D-I-R. The Department accepted the application as complete on October 6, 2022 and assigned WDL#W001510-6D-J-R.

3. CONDITIONS OF PERMITS

Conditions of licenses, 38 M.R.S. §414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, *Certain deposits and discharges prohibited*, 38 M.R.S. §420 and 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 (last 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(9)(A)(4) classifies the Presumpscot River at the point of discharge as a Class C water. “(4) From Saccarappa Falls, also known as Sacarappa Falls, to tidewater - Class C. For the period beginning October 15, 2023 and ending January 1, 2028, there may be no new direct discharges to this segment except for any new direct storm water discharges licensed under [section 413](#), [section 420-D](#) or [article 6](#).”

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 POTENTIAL

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 limitations (TBELs) that are necessary to achieve water quality standards 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 (WQS), 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 limitations (WQBELs) for that pollutant. *See* 40 C.F.R. § 122.44(d)(1)(i).

6. RECEIVING WATER QUALITY CONDITIONS

The State of Maine Department of Environmental Protection 2018/2020/2022 Integrated Water Quality Monitoring and Assessment Report, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the Presumpscot River, main stem, below Saccarappa Falls (assessment unit ID ME0106000103_609R_01) as, “*Category 2: Rivers and Streams Attaining Some Designated Uses – Insufficient information for Other uses.*” The report also lists the Presumpscot River in Westbrook (assessment unit ID

ME0106000103_609R_02) as *Category 4-A: Rivers and Streams with Impaired Use Other than Mercury - TMDL Completed*". The report indicates 4-A Category impairment is recreational use due to episodic elevated *E. coli* bacteria levels caused by CSO discharges.

The Report lists all of Maine’s fresh waters as, “Category 4-A: Waters Impaired by Atmospheric Deposition of Mercury.” Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, “All freshwaters are listed in Category 4-A (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 fresh waters due to mercury. Many fish from any given waters do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Health and Human Services decided to establish a statewide advisory recommending limits on consumption for all freshwater fish. Maine has already instituted statewide programs for removal and reduction of mercury sources.”

Pursuant to 38 M.R.S. § 420(1-B)(B), “a facility is not in violation of the ambient criteria for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413 subsection 11.” 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 AND MONITORING REQUIREMENTS

- a. Flow: The previous permit contained and this permitting action is carrying forward the established “Report Only” requirement, while continuing to regulate the discharge in this manner in no way must be construed to represent any change to design flow (4.54 MGD) or loading criteria of the wastewater treatment facility. This requirement is being carried forward in this permitting action.

A review of the monthly Discharge Monitoring Report (DMR) data for the period July 6, 2017 through April 25, 2025 indicates the following:

Flow (n = 91)

Value	Limit (MGD)	Range (MGD)	Average (MGD)
Monthly Average	Report	1.90 – 5.70	3.12
Daily Maximum	Report	2.20 – 13.4	5.85

- b. Dilution Factors: The source of the Presumpscot River is Maine's second largest lake, Sebago Lake. Lake levels and the flow in the Presumpscot River are controlled by a dam and associated hydro-electric generating facility called the Eel Weir Hydro Project. The Eel Weir Project is owned and operated by the SDW Company and is licensed by the Federal Energy Regulatory Commission (FERC) as Project No. 2984.

The PWD wastewater treatment facility is approximately 13 miles downstream of the Eel Weir Dam. With a minimum flow of 270 cfs (see Department Order #L-19937-33-J-N, August 30, 2011) from the dam and the additional flow contribution of 30 cfs from the drainage area

between the dam and the PWD facility, the resultant 7Q10 flow at the PWD is 300 cfs. It is noted the August 30, 2011 Order requires a minimum flow of 408 CFS between June 1 and September 30 of each year, typically the time of critical low flows in free flow rivers and streams and high temperatures.

As for the harmonic mean river flow, the Department has calculated 511 cfs as being the long term average river flow at the mill based on a statistical analysis of historic USGS gauge flow data for the Presumpscot River.

Dilution factors associated with the discharge from the PWD wastewater treatment facility where derived in accordance with freshwater protocols established in *Surface Water Toxics Control Program*, 06-096 C.M.R. ch. 530 (effective March 21, 2012). With a monthly average design capacity of 4.54 MGD and 300 cfs being both the 1Q10⁽¹⁾ and 7Q10⁽²⁾ low flow values for the Presumpscot River, the dilution factors are:

$$\text{Acute: } 1\text{Q}10 = 300 \text{ cfs}^{(4)} \Rightarrow \frac{(300 \text{ cfs})(0.6464) + (4.54 \text{ MGD})}{(4.54 \text{ MGD})} = 44:1$$

$$\text{Chronic: } 7\text{Q}10 = 300 \text{ cfs} \Rightarrow \frac{(300 \text{ cfs})(0.6464) + (4.54 \text{ MGD})}{(4.54 \text{ MGD})} = 44:1$$

$$\text{Harmonic Mean: } = 511 \text{ cfs}^{(5)} \Rightarrow \frac{(511 \text{ cfs})(0.6464) + (4.54 \text{ MGD})}{(4.54 \text{ MGD})} = 74:1$$

Footnotes:

- (1) The 1Q10 is the lowest one day flow over a ten-year recurrence interval.
- (2) The 7Q10 is the lowest seven day flow over a ten-year recurrence interval.
- (3) 06-096 C.M.R. ch. 530 (4)(B)(1) states that analyses using numeric acute criteria for aquatic life must be based on 1/4 of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone. The regulation goes on to say that where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design, up to including all of it. The Department has made the determination that the discharge does receive rapid and complete mixing with the receiving water, therefore the default stream flow of the total 1Q10 is applicable in acute statistical evaluations pursuant to 06-096 C.M.R. ch. 530.
- (4) From 1991 study.

- c. Biochemical Oxygen Demand (BOD5) & Total Suspended Solids (TSS): This permitting action is carrying forward the monthly and weekly average BOD₅ and TSS best practicable treatment (BPT) concentration limits of 30 mg/L and 45 mg/L respectively, that were based on secondary treatment requirements in 06-096 C.M.R. ch. 525(3)(III). The maximum daily BOD₅

and TSS concentration limits of 50 mg/L were based on a Department best professional judgment of BPT. All three concentration limits are being carried forward in this permitting action. The monthly average and weekly average mass limits in the previous permitting action are being carried forward in this permitting action and are based on the monthly average design capacity of 4.54 MGD and the applicable concentration limits.

Monthly average: $(4.54 \text{ MGD})(8.34 \text{ lbs/gallon})(30 \text{ mg/L}) = 1,137 \text{ lbs/day}$
 Weekly average: $(4.54 \text{ MGD})(8.34 \text{ lbs/gallon})(45 \text{ mg/L}) = 1,705 \text{ lbs/day}$
 Daily maximum: Report Only

It is noted that no daily maximum mass limits for BOD₅ or TSS have been established in the permit (or the previous permit) due to the presence of CSOs in the collection system. Establishing such a limit would likely discourage the PWD from treating as much wastewater as it can physically treat during wet weather events. However, pursuant to Standard Condition B(2) of this permit, the PWD must maximize its capacity to treat as much wastewater as possible to a secondary level of treatment during wet weather events.

A review of the monthly DMR data for the period July 6, 2017 through April 25, 2025 indicates the following:

BOD₅ Mass (n = 91)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	1,137	149 – 1,076	376
Weekly Average	1,705	188 – 2,534*	543
Daily Maximum	Report	215 – 3,863	759

*Two exceedances occurred of the weekly average, one in December 2018 and one in May 2023.

BOD₅ Concentration (n = 91)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	7.00 – 34.0*	14.7
Weekly Average	45	8.00 – 47.0*	19.7
Daily Maximum	50	10.0 – 91.0*	25.8

One exceedance occurred of the monthly average in July 2021. One exceedance occurred of the weekly average in July 2021. Five exceedances occurred of the daily maximum in July 2021, March 2022, August 2022, January 2023 and May 2023.

TSS Mass (DMRs=91)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	1,137	121 – 1,074	319
Weekly Average	1,705	138 – 3,378*	494
Daily Maximum	Report	171 – 4,978	707

*One exceedance occurred of weekly average in May 2023.

TSS Concentration (DMRs=91)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	6.00 – 24.0	12.2
Weekly Average	45	8.00 – 56.0*	17.4
Daily Maximum	50	8.00 – 86.0*	21.4

*One exceedance occurred for weekly average in May 2023. Three exceedances occurred of the daily maximum in July 2021, April 2023, and May 2023.

The July 6, 2017 permitting action established and this permitting action is carrying forward the 2/Week monitoring requirement for BOD₅ and TSS. This permitting action also carries forward a requirement of 85% removal for BOD₅ and TSS pursuant to 06-096 C.M.R. ch. 525 (3)(III)(a&b)(3) for all flows receiving secondary treatment. The Department has also removed the waiver on the present removal requirement when the monthly average influent strength of less than 200 mg/L and the calculated present removal is < 85% given the collection system is still a combined sewer system with an active CSO outfall. This decision was made across the board for all permittees.

- d. Settleable Solids: This permitting action is carrying forward a daily maximum settleable solids concentration limit of 0.3 mL/L and is considered by the Department as best professional judgment of BPT for secondary treated wastewaters. The previous permit contained a minimum monitoring frequency of 5/Week based on the permittee’s compliance history and this permitting action is carrying forward the monitoring frequency to 5/Week.

A review of the DMR data for the period July 6, 2017 through April 25, 2025 indicates the daily maximum settleable solids concentration values have been reported as follows:

Settleable solids concentration (n = 91)

Value	Limit (ml/L)	Range (ml/L)	Average (ml/L)
Daily Maximum	0.3	0.01 – 50.0*	0.722

*Three exceedances occurred during July 2020, October 2022 and May 2023.

The permittee provided all settleable solids data collected from July 2017 through April 2025 (approximately 2041 samples). A review of the provided data can be reported as follows, (note the average is an average of averages):

Settleable solids concentration

Value	Limit (ml/L)	Range (ml/L)	Average (ml/L)
Daily Maximum	0.3	0.01 – 50.0	0.15

- d. E. coli bacteria: The previous permit contained a year-round daily maximum *E. coli* bacteria concentration limit of 949 colonies/100 mL. This permitting action is reducing the year-round daily maximum *E. coli* bacteria year-round limit to 236 colonies/100 mL based on *Standards for classification of fresh surface waters*, 38 M.R.S. § 465(4). The year-round monthly average *E. coli* bacteria concentration limits of 126 colonies/100 mL is being carried forward in this permitting action to protect shellfish harvesting areas downstream of the discharge.

The decision to change the year round daily maximum *E. coli* bacteria concentration limit from 949 colonies/ 100 mL to 236 colonies/ 100mL is based on changes to 38 M.R.S. § 465(4). The statute *Standards for Classification of fresh surface waters*, 38 M.R.S. § 465(4), states “*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 Department is interpreting this to mean that no more than 236 colonies/ 100 mL is to be discharged into any class C water

A review of the DMR data for the period July 2017 through April 2025 indicates the monthly average and daily maximum values have been reported as follows:

***E. coli* bacteria (n = 91)**

Value	Limit (#col/100 mL)	Range (#col/100 mL)	Arith. Mean (#col/100 mL)
Monthly Average	126	1.00 – 49.0	8.86
Daily Maximum	949	3.00 – 2,420*	146

*Three exceedances occurred for daily maximum in April 2020, July 2022 and May 2023.

The July 6, 2017 permitting action reducing the monitoring frequency for *E. coli* bacteria from 3/Week to 2/Week. This permitting action is carrying forward this reduced monitoring frequency of 2/week.

- f. Total Residual Chlorine (TRC): The December 21, 2001 permitting action established a monthly average and daily maximum BPT limits of 0.1 mg/L and 0.3 mg/L respectively. Limits on total residual chlorine are specified to ensure attainment of the in-stream water quality criteria for levels of chlorine and that the BPT technology is utilized to abate the discharge of chlorine. Limits for TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge.

Water quality-based thresholds for TRC can be calculated as follows:

Criterion	Dilution Factor	Water Quality Calculated Limits
Acute = 0.019 mg/L	44:1	0.8 mg/L
Chronic = 0.011 mg/L	44:1	0.5 mg/L

$$Acute: \left(\frac{19 \frac{ug}{L}}{1000}\right) \times 44 = 0.8 \frac{mg}{L}$$

$$Chronic: \left(\frac{11 \frac{ug}{L}}{1000}\right) \times 44 = 0.5 \frac{mg}{L}$$

To meet the chronic and acute water quality-based thresholds, the PWD must dechlorinate the effluent prior to discharge. In April of 1999, the Department established new daily maximum and monthly average BPT limitations of 0.3 mg/L and 0.1 mg/L, respectively, for facilities that dechlorinate their effluent unless calculated water quality-based thresholds are lower than the BPT limits. In the case of the PWD Westbrook facility, the calculated acute and chronic water quality-based thresholds are higher than the BPT limits of 0.3 mg/L and 0.1 mg/L. Thus, the daily maximum and monthly average BPT limits of 0.3 mg/L and 0.1 mg/L, respectively, are being carried forward in this permit. This permitting action is carrying forward the monitoring frequency of 1/Day for total residual chlorine.

A review of the DMR data for the period July 2017 through April 2025 indicates the monthly average and daily maximum TRC concentration values have been reported as follows:

Total Residual Chlorine (n = 91)

Value	Limit (mg/L)	Range(mg/L)	Mean (mg/L)
Monthly Average	0.1	<0.00 – 0.10	<0.03
Daily Maximum	0.3	0.03 – 0.28	0.071

- g. **pH:** The December 21, 2001 permitting action established the BPT-based pH range limits of 6.0 to 9.0 standard units (su) pursuant to 06-096 C.M.R. ch. 525(3)(III)(c) along with a monitoring frequency of 5/Week. This permitting action is carrying forward the monitoring frequency of 5/Week for pH.

A review of the monthly DMRs data for the period July 2017 through April 2025 indicates values have been reported as follows:

pH (n = 91)

Value	Limit (su)	Minimum (su)	Maximum (su)
Range	6.0 – 9.0	6.2	7.7

- h. **Mercury:** On May 23, 2000, pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S. § 420, *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 (last amended October 6, 2001), the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the PWD thereby administratively modifying WDL #W001510-46-B-R by establishing interim average and maximum effluent concentration limits of 15.5 ng/L and 23.2 ng/L, respectively, and a minimum monitoring frequency requirement of four (4) tests per year for mercury. The interim mercury limits were scheduled to expire on October 1, 2001; however, effective June 15, 2001, the Maine Legislature enacted *Waste discharge licenses*, 38 M.R.S. §413(11), specifying that interim mercury limits and monitoring requirements remain in effect. On September 28, 2011, the Maine Legislature enacted, *Certain deposits and discharges prohibited*, 38 M.R.S. §420(1-B)(F), allowing the Department to reduce mercury monitoring frequencies to once per year for facilities that maintain at least five (5) years of mercury testing data. The PWD met the data requirement, therefore, the March 6, 2012 permit established a minimum monitoring of 1/Year for total mercury.

Certain deposits and discharges prohibited, 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 September 1998 through May 2025 indicates mercury test results have been reported as follows:

Mercury (DMRs = 91)

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)
Monthly Average	15.5	4.7 – 15.57	11.9
Daily Maximum	23.2	4.7 – 23.27	17.0

Pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S. §420(1-B)(F), this permitting action is carrying forward the 1/Year monitoring frequency established in the March 6, 2012, permit. Mercury test results are included as **Attachment C** of this Fact Sheet.

- i. Total phosphorus: *Waste Discharge License Conditions*, 06-096 C.M.R. ch. 523 specifies that water quality-based limits are necessary when a discharge has the potential to cause or contribute to an excursion above any state water quality standard, including narrative standards. In addition, 06-096 C.M.R. ch. 523 specifies that water-quality-based limits may be based upon criterion derived from a proposed state criterion or from an explicit state policy or regulation interpreting a narrative water quality criterion. On June 11, 2025, U.S. EPA Region 1 approved the State of Maine’s *Nutrient Criteria for Class AA, A, B, and C Fresh Surface Waters* (06-096 C.M.R. ch. 583). This rule includes criteria for the protection of fresh surface waters from eutrophication impacts due to the discharge of total phosphorus (TP). Under this rule, the Presumpscot River at Westbrook, a Class C water, has an in-stream TP limit of 44 µg/L (0.044 mg/L) during August median flow conditions. The potential for the Portland Water District’s Westbrook discharge, in combination with the SAPPI Westbrook discharge (ME0002321), to cause or contribute a total phosphorus excursion in the Presumpscot River will be assessed using this limit.

The Portland Water District monitors the summertime total phosphorus concentration of its Westbrook plant’s effluent as a condition of the permit. The department has reviewed the most recent data (2023-2025) and determined the highest seasonal geometric mean of the past three seasons to be 1.7 mg/L (2024). The effluent concentration of the SAPPI Westbrook discharge is 0.2 mg/L, as measured in the summer of 2014. The department will utilize these two effluent concentrations in the phosphorus RP analysis of this fact sheet.

An ambient total phosphorus concentration of 0.017 mg/L was measured upstream of the SAPPI Westbrook discharge in the summer of 2014. In the absence of more recent seasonal data, the department is utilizing this background concentration in reasonable potential analysis of this fact sheet.

As part of its update of the dilution factors, the department’s Division of Environmental Assessment also determined the August median flow at the permittee’s outfall. The river’s August median flow at the outfall is estimated to be 388 MGD (600 cfs), based on daily flows at the former USGS Westbrook gauge (NWIS01064118) and the current USGS Falmouth gauge (NWIS01064140) for the 2017-2024 record period. Using this river flow, an effluent TP concentration of 1.7 mg/L for the PWD Westbrook discharge, an effluent TP concentration of 0.2 mg/L for the SAPPI Westbrook discharge, and an ambient background TP concentration of 0.017 mg/L, the reasonable potential analysis for the total phosphorus concentration in the river due to the discharge is as follows:

Reasonable Potential Analysis

$$C_r = \frac{Q_e C_e + Q_s C_s}{Q_r}$$

Qe = PWD effluent flow = 4.54 MGD

Ce = PWD effluent pollutant concentration = 1.7 mg/L

Qe = SDW effluent flow = 10.0 MGD

Ce = SDW effluent pollutant concentration = 0.2 mg/L

Qs = August median flow of receiving water = 388 MGD

Cs = upstream concentration = 0.017 mg/L

Qr = receiving water flow = 388 MGD + 10 MGD + 4.54 MGD = 402.54 MGD

Cr = receiving water concentration

$$Cr = \frac{(4.54 \text{ MGD} \times 1.7 \text{ mg/L}) + (10 \text{ MGD} \times 0.2 \text{ mg/L}) + (388 \text{ MGD} \times 0.017 \text{ mg/L})}{402.54 \text{ MGD}} = 0.027 \text{ mg/L}$$

Cr = 0.027 mg/L < 0.040 mg/L ⇒ **No reasonable potential**

Although the calculation indicates the PWD Westbrook's discharge does not have a reasonable potential to exceed the Class C water quality criterion of 0.044 mg/L for total phosphorus, the analysis is based on dated ambient data. To ensure a defensible analysis for river conditions, this permitting action is establishing once per month (1/month) monitoring of ambient total phosphorus upstream of the PWD and SAPPI Westbrook outfalls by the permittee from June 1st to September 30th and carrying forward the once per month (1/month) monitoring of effluent total phosphorus by the permittee from June 1st to September 30th.

j. ***Whole Effluent Toxicity (WET), Priority Pollutants, & Analytical Chemical 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, is included in this permit in order to characterize the effluent. WET monitoring is required to assess and protect against impacts upon water quality and designated uses caused by the aggregate effect of the discharge on specific aquatic organisms. Acute and chronic WET tests are performed on the water flea (*Ceriodaphnia dubia*) and the 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 "WET and Chemical Specific Data Report Form." 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.”

PWD discharges domestic (sanitary) and industrial process 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 $\geq 20:1$ but <100:1.
Level III	Chronic dilution factor $\geq 100:1$ but <500:1 or >500:1 and $Q \geq 1.0$ MGD
Level IV	Chronic dilution factor >500:1 and $Q \leq 1.0$ MGD

Based on the criteria, the PWD Westbrook facility falls into the Level II frequency category as the chronic dilution factor $\geq 20:1$ but <100:1. Department Rule 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. See **Attachment D** of this Fact Sheet for a summary of the WET test results and **Attachment E** of this Fact Sheet for a summary of the chemical-specific test dates.

- a. Whole Effluent Toxicity (WET): The July 6, 2017 permit did not establish any wet limitations as a statistical evaluation, at the time all results indicated no reasonable potential or exceedances. 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 shall 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 April 25, 2025, the Department conducted a statistical evaluation on the most recent 60 months of WET test results on file with the Department for the PWD in accordance with the statistical approach outlined above. The April 25, 2025 statistical evaluation indicates the discharge from the PWD 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*).

Surveillance level testing

Level	WET Testing
II	1 per 2 years

Screening level testing

Level	WET Testing
II	2/Year

06-096 C.M.R. ch. 530(2)(D)(3)(c) states, “Dischargers in Level II 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 exceedence 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 reducing the surveillance level WET testing requirements for this facility to once per two years (1/2 years). Special Condition M. 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 waive WET testing.

- b. Analytical Chemistry & Priority Pollutant Testing Evaluation: The July 6, 2017 permit did not establish any water quality-based limits due to results from the past 60 months did not indicate any reasonable potential.

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. 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.”

On November 12, 2025, the Department conducted a statistical evaluation of the most recent 60 months of chemical-specific test results on file with the Department. The evaluation was based on 0% of the ambient water quality criteria being withheld (Report ID 1655). The November 12, 2025 evaluation indicates that test results from the Portland Water District Westbrook facility discharge has no reasonable potential to exceed the chronic AWQC as established in 06-096 C.M.R. Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*. See **Attachment E** of this Fact Sheet for test dates and results for the pollutants of concern.

The Department has prepared guidance that establishes protocols for establishing waste load allocations (see **Attachment F** of this Fact Sheet). The guidance states that the most protective of water quality becomes the facility’s allocation.

06-096 C.M.R. ch. 530 §(3)(D)(1) states:

“For specific chemicals, effluent limits must be expressed in total quantity that may be discharged and in effluent concentration. In establishing concentration, the Department may increase allowable values to reflect actual flows that are lower than permitted flows and/or provide opportunities for flow reductions and pollution prevention provided water quality criteria are not exceeded. With regard to concentration limits, the Department may review past and projected flows and set limits to reflect proper operation of the treatment facilities that will keep the discharge of pollutants to the minimum level practicable.”

In May 2012, 38 M.R.S. §464(4)(K) was enacted which reads as follows,

“Unless otherwise required by an applicable effluent limitation guideline adopted by the department, any limitations for metals in a waste discharge license may be expressed only as mass-based limits.”

There are no applicable effluent limitation guidelines adopted by the Department or the USEPA for metals from a publicly owned treatment works.

Pursuant to 06-096 C.M.R. ch. 530 (3)(E), on November 12, 2025, the Department conducted a statistical evaluation on the most recent 60 months of PWD’s chemistry data. According to the November 12, 2025 statistical evaluation (Report ID #1655), none of the test results in the 60-month evaluation period exceed or have a reasonable potential to exceed applicable acute, chronic or human health AWQC.

Therefore, this permitting action is carrying forward the reduced surveillance level reporting and monitoring frequencies for analytical chemistry (1/2 Years). Surveillance level priority pollutant testing is not required pursuant to 06-096 C.M.R. ch. 530. As with reduced WET testing, the PWD must file an annual certification with the Department pursuant to 06-096 C.M.R. ch. 530 2(D)(4) and Special Condition K, *Statement For Reduced/Waived Toxics Testing* of this permit.

Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) 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 PWD must conduct routine screening level analytical chemistry testing at 1/Quarter and priority pollutant testing at a minimum frequency of 1/Year.

- k. Combined Sewer Overflows: The following are the locations for the permittee’s Combined Sewer Overflows (CSOs):

Outfall #	Regulator Location	Receiving Water, Class
002	Warren Parking Lot Regulator	Presumpscot River, C
003	Siphon Inlet Structure	Presumpscot River, C
004	Dunn Street Regulator	Presumpscot River, C
007	Brown Street Regulator	Presumpscot River, C
008	King Street Regulator	Presumpscot River, C

This permit does not contain effluent limitations on the individual CSO outfalls listed in the table below. *Combined Sewer Overflow Abatement*, 06-096 C.M.R. ch. 570 states that for discharges from overflows from combined municipal storm and sanitary sewer systems, the requirement of, “best practicable treatment” specified in 38 M.R.S. §414 A-1(D) may be met by agreement with the discharger as a condition of its permit through development of a plan within a time period specified by the Department. The permittee submitted to the Department a CSO Master Plan entitled, *Sewer System Master Plan for Westbrook, Maine, Volume II*, dated December 1996 and abatement project schedules were approved by the EPA on February 24, 1997 and the Department on March 26, 1997. A revised abatement schedule dated October 8, 1999 was approved by the Department on October 27, 1999. The revised abatement schedule was further modified in the document entitled *Combined Sewer Overflow Master Plan Update Study for Westbrook, ME prepared by Woodard & Curran and dated December 2008* (referred as volume I in correspondence) and further modified in a document entitled *Combined Sewer Overflow Master Plan Update Study for Westbrook, ME prepared by Woodard & Curran and dated September 2010* (referred as volume II in correspondence). The permittee has been actively implementing the recommendations of the Master Plan and to-date has significantly

reduced the volume of untreated combined sewer overflows to the receiving water.

The revised abatement schedule was further modified in the document entitled *2014 Combined Sewer Overflow Master Plan Update Study for Westbrook, Maine* prepared by Jordan Environmental Engineering, dated December 2014 and revised May 2015. Special Condition J, *Conditions for Combined Sewer Overflows*, of this permit, contains a schedule of compliance for items in the most current up-to-date abatement plan as well as an August 2, 2016, Administrative Consent Agreement that must be completed.

1. Transported Wastes: This permitting action is carrying forward the authorization for the permittee to accept and treat up to 22,700 gallons per day (gpd) of transported wastes. *Standards for the Addition of Transported Wastes to Wastewater Treatment Facilities*, 06-096 C.M.R. ch. 555, limits the quantity of transported wastes received at a facility to 1% of the design capacity of the treatment facility if the facility utilizes a side stream or storage method of introduction into the influent flow, or 0.5% of the design capacity of the facility if the facility does not utilize the side stream or storage method of introduction into the influent flow. A facility may receive more than 1% of the design capacity on a case-by-case basis. The PWD Westbrook facility adds transported waste directly into the influent of the treatment facility. Therefore, 22,700 gpd represents 0.5% of the design capacity of the treatment facility.

The Department has reviewed the facility's plan and determined that under normal operating conditions, the addition of 22,700 gallons per day of transported wastes to the facility will not cause or contribute to upset conditions of the treatment process.

The Department acknowledges that the elimination of the five CSOs in the collection system is a costly long-term project. As the permittee sewer collection systems are upgraded and maintained in accordance to the CSO Master Plan and Nine Minimum Controls, there should be reductions in the frequency and volume of CSO activities and improvement in the quality of the wastewater discharge to the receiving waters. As permitted, the Department of Environmental Protection has determined the existing water uses will be maintained and protected. If ambient water quality monitoring or future modeling determines that at full permitted discharge limits, the PWD's discharge is causing or contributing to the non-attainment of standards, this permit will be reopened per Special Condition N, *Reopening of Permit For Modifications*, to impose more stringent limitations to meet water quality standards.

8. PRETREATMENT

The PWD is required to administer a pretreatment program based on the authority granted under Federal regulations 40 C.F.R. §122.44(j), 40 C.F.R. Part 403 and section 307 of the Federal Water Pollution Control Act (Clean Water Act) and *Pretreatment Program*, 06-096 C.M.R. ch. 528. The PWD's pretreatment program received EPA approval on September 30, 1983 and as a result, appropriate pretreatment program requirements were incorporated into the previous MEPDES permit which were consistent with that approval and federal pretreatment regulations in effect when the permit was issued.

Upon issuance of this permit, the PWD is obligated to modify (if applicable) its pretreatment program to be consistent with current federal regulations and Department rules. Those activities that the PWD

must address include, but are not limited to, the following: (1) develop and enforce Department approved specific effluent limits (technically-based local limits - last approved by the EPA on May 13, 1999); (2) revise the local sewer-use ordinance or regulation, as appropriate, to be consistent with federal regulations and Department rules; (3) develop an enforcement response plan; (4) implement a slug control evaluation program; (5) track significant noncompliance for industrial users; and (6) establish a definition of and track significant industrial users. These requirements are necessary to ensure continued compliance with this MEPDES permit and its biosolids use or disposal practices.

In addition to the requirements described above, this permit requires that within 180 days of the permit's effective date, the PWD must submit to the Department in writing, a description of proposed changes to permittee's pretreatment program deemed necessary to assure conformity with current federal and State pretreatment regulations and rules respectively. These requirements are included in the permit (Special Condition M) to ensure that the pretreatment program is consistent and up-to-date with all pretreatment requirements in effect. Lastly, by December 1 of each calendar year, the PWD must submit a pretreatment report detailing the activities of the program for the twelve month period ending 60 days prior to the due date.

9. 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 equally or more stringent than those in the previous permit.

10. ANTI-DEGREDDATION

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

11. PUBLIC COMMENTS

Public notice of this application was made in the *Portland Press Herald* newspaper on or about September 21, 2022. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 C.M.R. ch. 522 (effective January 12, 2001).

12. DEPARTMENT CONTACTS

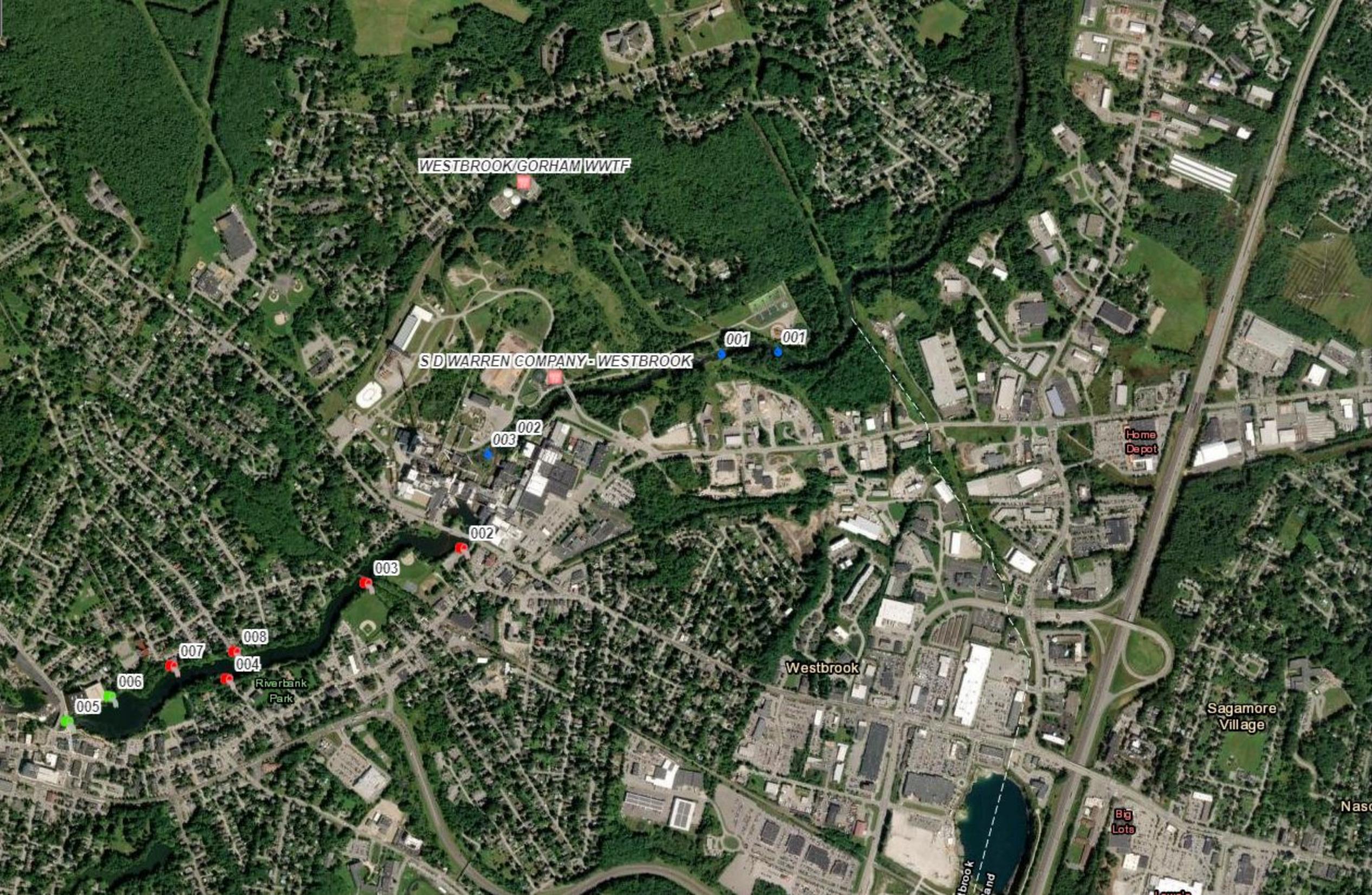
Additional information concerning this permitting action may be obtained from and written comments should be sent to:

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

13. RESPONSE TO COMMENTS

This section reserved for future comments

ATTACHMENT A



MEPDES Facility

- ACTIVE FACILITY
- INACTIVE FACILITY

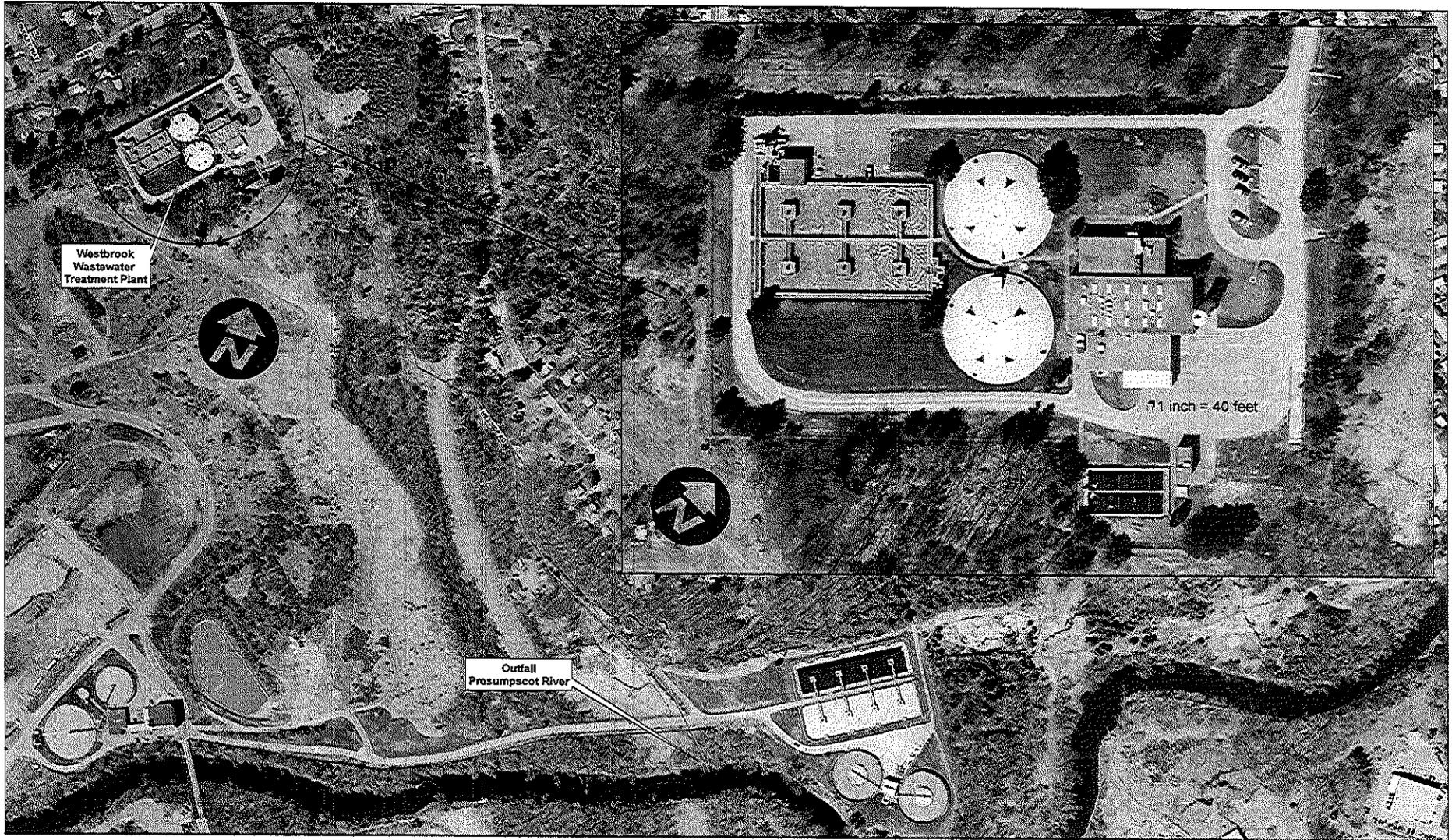
MEPDES Outfalls

- ACTIVE OUTFALL
- INACTIVE OUTFALL

CSO

- ACTIVE CSO
- CLOSED CSO

ATTACHMENT B



1 inch = 150 feet

0 75 150 300 450 600
Foot



PORTLAND WATER DISTRICT
225 Douglass Street
Portland, ME 04104

Asset Management and Planning Dept.

Drawn By: JGH
Date: 8/31/2011

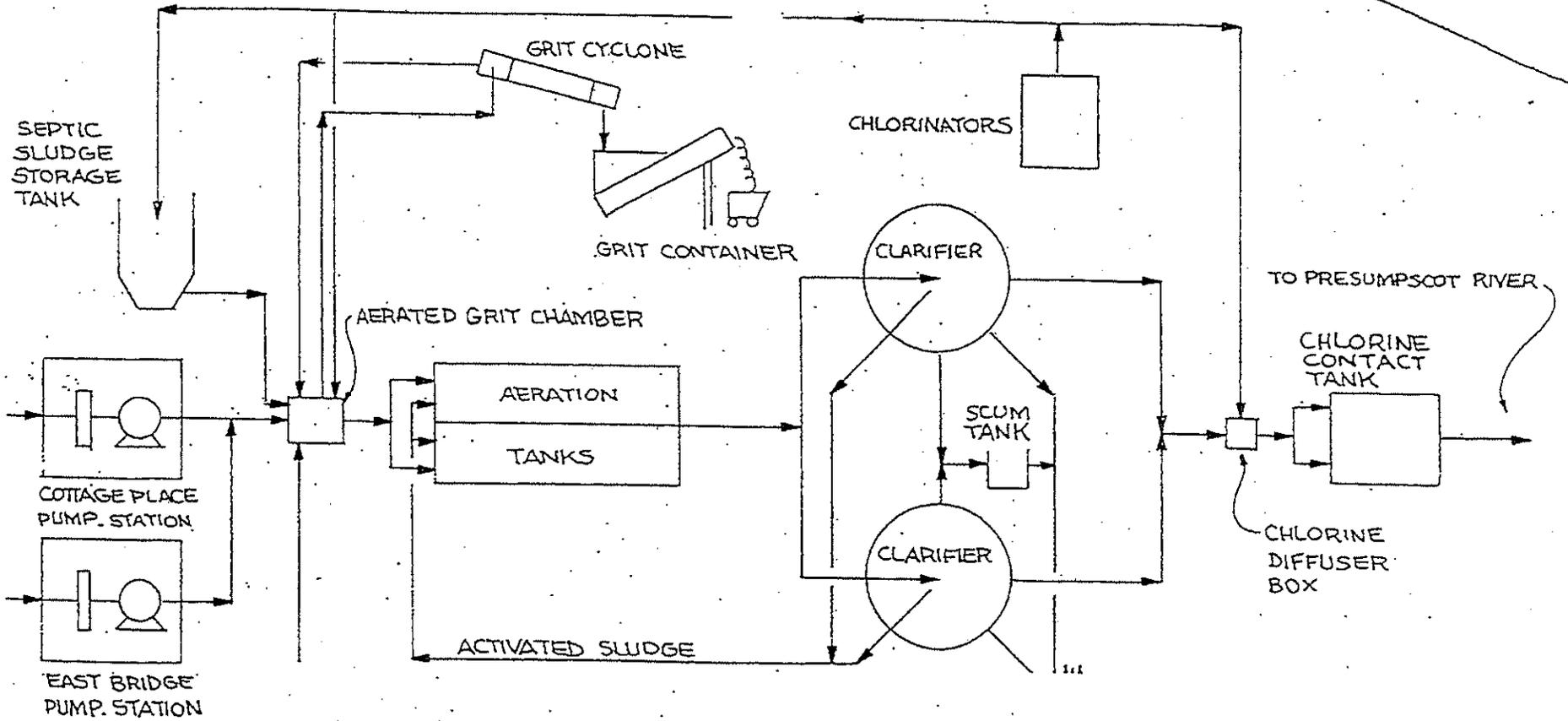
Project Completion
Date:

**Wastewater Treatment
Plant**

Westbrook

Aerial View

Sheet No. 1 of 1



Question 19

SCHEMATIC FLOW DIAGRAM - FIGURE NO I-1.



ATTACHMENT C

5/6/2025

MERCURY REPORT - Clean Test Only



Data Date Range: 05/06/2016-05/06/2025

Inspector Name: EMILY CYR

Facility: PORTLAND WTR DIST (WESTBRK/GORH.)

Permit Number: ME0100846

Max (ng/l): 5.2000

Average (ng/l): 2.6233

Sample Date	Result (ng/l)	Lsthan	Clean
06/13/2016	1.75	N	T
07/11/2017	1.38	N	T
07/22/2019	1.33	N	T
09/24/2019	1.46	N	T
11/03/2020	4.68	N	T
07/27/2021	2.50	N	T
07/14/2022	5.20	N	T
07/24/2023	3.30	N	T
04/23/2024	2.01	N	T

ATTACHMENT D



FACILITY WET EVALUATION REPORT

Facility: PORTLAND WTR DIST (WESTBRK/GORH.)

Permit Number: ME0100846

Report Date: 4/25/2025

Receiving Water: PRESUMPCOT RIVER

Rapidmix: Y

Dilution Factors: 1/4 Acute: N/A

Acute: 43.715

Chronic: 43.7145

Effluent Limits: Acute (%): 2.288

Chronic (%): 2.288

Date range for Evaluation: From 25/Apr/2020

To: 25/Apr/2025

Test Type: A_NOEL

Test Species: TROUT

Test Date	Result (%)	Status
07/13/2020	100.000	OK
04/05/2021	100.000	OK
10/19/2022	100.000	OK

Species Summary:

Test Number: 3 RP: 3.000 Min Result (%): 100.000 RP factor (%): 33.333 Status: OK

Test Type: C_NOEL

Test Species: TROUT

Test Date	Result (%)	Status
07/13/2020	50.000	OK
04/05/2021	100.000	OK
10/19/2022	100.000	OK

Species Summary:

Test Number: 3 RP: 3.000 Min Result (%): 50.000 RP factor (%): 16.667 Status: OK

Test Type: A_NOEL

Test Species: WATER FLEA

Test Date	Result (%)	Status
07/13/2020	100.000	OK
04/05/2021	100.000	OK
10/19/2022	100.000	OK

Species Summary:

Test Number: 3 RP: 3.000 Min Result (%): 100.000 RP factor (%): 33.333 Status: OK

Test Type: C_NOEL

Test Species: WATER FLEA

Test Date	Result (%)	Status
-----------	------------	--------

07/13/2020	50.000	OK
04/05/2021	100.000	OK
10/19/2022	100.000	OK

Species Summary:

Test Number: 3 **RP:** 3.000 **Min Result (%):** 50.000 **RP factor (%):** 16.667 **Status:** OK

ATTACHMENT E

Data Date Range: 06/Jul/2017 - 25/Apr/2025

Showing all data

Facility name: **PORTLAND WTR DIST (WESTBRK/GORH.** Permit Number: **ME0100846**

Parameter:	Test date	Result (ug/l)	Lsthan
1,1,1-TRICHLOROETHANE	07/13/2020	5.000	Y
1,1,2,2-TETRACHLOROETH	07/13/2020	7.000	Y
1,1,2-TRICHLOROETHANE	07/13/2020	5.000	Y
1,1-DICHLOROETHANE	07/13/2020	5.000	Y
1,1-DICHLOROETHYLENE	07/13/2020	3.000	Y
1,2-(O)DICHLOROBENZEN	07/13/2020	5.000	Y
1,2,4-TRICHLOROBENZEN	07/13/2020	5.000	Y
1,2-DICHLOROETHANE	07/13/2020	3.000	Y
1,2-DICHLOROPROPANE	07/13/2020	6.000	Y
1,2-DIPHENYLHYDRAZINE	07/13/2020	20.000	Y
1,2-TRANS-DICHLOROETH	07/13/2020	5.000	Y
1,3-(M)DICHLOROBENZEN	07/13/2020	5.000	Y
1,3-DICHLOROPROPYLENE	07/13/2020	5.000	Y
1,4-(P)DICHLOROBENZEN	07/13/2020	5.000	Y
2,4,6-TRICHLOROPHENOL	07/13/2020	5.000	Y
2,4-DICHLOROPHENOL	07/13/2020	5.000	Y
2,4-DIMETHYLPHENOL	07/13/2020	5.000	Y
2,4-DINITROPHENOL	07/13/2020	45.000	Y
2,4-DINITROTOLUENE	07/13/2020		

Data Date Range: 06/Jul/2017 - 25/Apr/2025

Showing all data

Facility name: **PORTLAND WTR DIST (WESTBRK/GORH.** Permit Number: **ME0100846**

Parameter: 2,6-DINITROTOLUENE	07/13/2020 Test date	6.000 Result (ug/l)	Y Lsthan
Parameter: 2-CHLOROETHYLVINYL ET	07/13/2020 Test date	5.000 Result (ug/l)	Y Lsthan
Parameter: 2-CHLORONAPHTHALENE	07/13/2020 Test date	20.000 Result (ug/l)	Y Lsthan
Parameter: 2-CHLOROPHENOL	07/13/2020 Test date	5.000 Result (ug/l)	Y Lsthan
Parameter: 2-NITROPHENOL	07/13/2020 Test date	5.000 Result (ug/l)	Y Lsthan
Parameter: 3,3'-DICHLOROBENZIDINE	07/13/2020 Test date	5.000 Result (ug/l)	Y Lsthan
Parameter: 3,4-BENZO(B)FLUORANTH	07/13/2020 Test date	16.500 Result (ug/l)	Y Lsthan
Parameter: 4,4'-DDD	07/13/2020 Test date	5.000 Result (ug/l)	Y Lsthan
Parameter: 4,4'-DDE	07/13/2020 Test date	0.050 Result (ug/l)	Y Lsthan
Parameter: 4,4'-DDT	07/13/2020 Test date	0.050 Result (ug/l)	Y Lsthan
Parameter: 4,6-DINITRO-O-CRESOL	07/13/2020 Test date	0.050 Result (ug/l)	Y Lsthan
Parameter: 4-BROMOPHENYLPHENYL	07/13/2020 Test date	25.000 Result (ug/l)	Y Lsthan
Parameter: 4-CHLOROPHENYL PHENYL	07/13/2020 Test date	5.000 Result (ug/l)	Y Lsthan
Parameter: 4-NITROPHENOL	07/13/2020 Test date	5.000 Result (ug/l)	Y Lsthan
Parameter: A-BHC	07/13/2020 Test date	20.000 Result (ug/l)	Y Lsthan
Parameter: ACENAPHTHENE	07/13/2020 Test date	0.200 Result (ug/l)	Y Lsthan
Parameter: ACENAPHTHYLENE	07/13/2020 Test date	5.000 Result (ug/l)	Y Lsthan
Parameter: ACROLEIN	07/13/2020 Test date	5.000 Result (ug/l)	Y Lsthan
	07/13/2020	50.000	Y

Data Date Range: 06/Jul/2017 - 25/Apr/2025

Showing all data

Facility name: **PORTLAND WTR DIST (WESTBRK/GORH.)** Permit Number: **ME0100846**

Parameter:	Test date	Result (ug/l)	Lsthan
ACRYLONITRILE	07/13/2020	50.000	Y
A-ENDOSULFAN	07/13/2020	0.050	Y
ALDRIN	07/13/2020	0.150	Y
ALUMINUM	10/15/2017	85.000	N
	02/24/2019	110.000	N
	07/13/2020	72.000	N
	10/20/2020	85.000	N
	01/05/2021	95.000	N
	04/05/2021	71.000	N
	10/19/2022	180.000	N
AMMONIA	10/15/2017	8000.000	N
	02/24/2019	17000.000	N
	07/13/2020	14000.000	N
	10/20/2020	20000.000	N
	01/05/2021	15000.000	N
	04/05/2021	14000.000	N
	10/19/2022	3900.000	N
ANTHRACENE	07/13/2020	5.000	Y
ANTIMONY	07/13/2020	5.000	Y
ARSENIC	10/15/2017	5.000	Y
	02/24/2019	5.000	Y
	07/13/2020	5.000	Y
	10/20/2020	5.000	Y
	01/05/2021	5.000	Y
	04/05/2021	5.000	Y
	10/19/2022	5.000	Y
B-BHC	07/13/2020	0.050	Y
B-ENDOSULFAN	07/13/2020	0.050	Y
BENZENE	07/13/2020	5.000	Y
BENZIDINE	07/13/2020	45.000	Y

Data Date Range: 06/Jul/2017 - 25/Apr/2025

Showing all data

Facility name: **PORTLAND WTR DIST (WESTBRK/GORH.)** Permit Number: **ME0100846**

Parameter:	Test date	Result (ug/l)	Lsthan
BENZO(A)ANTHRACENE	07/13/2020	8.000	Y
BENZO(A)PYRENE	07/13/2020	5.000	Y
BENZO(G,H,I)PERYLENE	07/13/2020	5.000	Y
BENZO(K)FLUORANTHENE	07/13/2020	5.000	Y
BERYLLIUM	07/13/2020	2.000	Y
BIS(2-CHLOROETHOXY)MET	07/13/2020	5.000	Y
BIS(2-CHLOROETHYL)ETHER	07/13/2020	6.000	Y
BIS(2-CHLOROISOPROPYL	07/13/2020	6.000	Y
BIS(2-ETHYLHEXYL)PHTHA	07/13/2020	10.000	Y
BROMOFORM	07/13/2020	5.000	Y
BUTYLBENZYL PHTHALATE	07/13/2020	5.000	Y
CADMIUM	10/15/2017	1.000	Y
	02/24/2019	1.000	Y
	07/13/2020	1.000	Y
	10/20/2020	1.000	Y
	01/05/2021	1.000	Y
	04/05/2021	1.000	Y
	10/19/2022	1.000	Y
CARBON TETRACHLORIDE	07/13/2020	5.000	Y
CHLORDANE	07/13/2020	0.100	Y
CHLOROBENZENE	07/13/2020	6.000	Y
CHLORODIBROMOMETHAN	07/13/2020	3.000	Y

Data Date Range: 06/Jul/2017 - 25/Apr/2025

Showing all data

Facility name: **PORTLAND WTR DIST (WESTBRK/GORH.)** Permit Number: **ME0100846**

Parameter:	Test date	Result (ug/l)	Lsthan
CHLOROETHANE	07/13/2020	5.000	Y
CHLOROFORM	07/13/2020	5.000	Y
CHROMIUM	10/15/2017	10.000	Y
	02/24/2019	10.000	Y
	07/13/2020	10.000	Y
	10/20/2020	10.000	Y
	01/05/2021	10.000	Y
	04/05/2021	10.000	Y
	10/19/2022	10.000	Y
CHRYSENE	07/13/2020	5.000	Y
COPPER	10/15/2017	24.000	N
	02/24/2019	16.000	N
	07/13/2020	11.000	N
	10/20/2020	29.000	N
	01/05/2021	17.000	N
	04/05/2021	22.000	N
	10/19/2022	10.000	N
CYANIDE TOTAL	10/15/2017	5.200	N
	02/24/2019	5.000	Y
	07/13/2020	5.000	Y
	10/20/2020	5.000	Y
	01/05/2021	5.000	Y
	04/05/2021	5.000	Y
	10/19/2022	7.600	N
D-BHC	07/13/2020	0.050	Y
DIBENZO(A,H)ANTHRACEN	07/13/2020	5.000	Y
DICHLOROBROMOMETHAN	07/13/2020	3.000	Y
DIELDRIN	07/13/2020	0.050	Y
DIETHYL PHTHALATE	07/13/2020	5.000	Y
DIMETHYL PHTHALATE	07/13/2020	5.000	Y

Data Date Range: 06/Jul/2017 - 25/Apr/2025

Showing all data

Facility name: **PORTLAND WTR DIST (WESTBRK/GORH.)** Permit Number: **ME0100846**

Parameter:	Test date	Result (ug/l)	Lsthan
DI-N-BUTYL PHTHALATE	07/13/2020	5.000	Y
DI-N-OCTYL PHTHALATE	07/13/2020	5.000	Y
ENDOSULFAN SULFATE	07/13/2020	0.100	Y
ENDRIN	07/13/2020	0.050	Y
ENDRIN ALDEHYDE	07/13/2020	0.050	Y
ETHYLBENZENE	07/13/2020	10.000	Y
FLUORANTHENE	07/13/2020	5.000	Y
FLUORENE	07/13/2020	5.000	Y
G-BHC	07/13/2020	0.150	Y
HEPTACHLOR	07/13/2020	0.150	Y
HEPTACHLOR EPOXIDE	07/13/2020	0.100	Y
HEXACHLOROBENZENE	07/13/2020	5.000	Y
HEXACHLOROBUTADIENE	07/13/2020	5.000	Y
HEXACHLOROCYCLOPENTA	07/13/2020	10.000	Y
HEXACHLOROETHANE	07/13/2020	5.000	Y
INDENO(1,2,3-CD)PYRENE	07/13/2020	5.000	Y
ISOPHORONE	07/13/2020	5.000	Y
LEAD	10/15/2017	3.000	Y
	02/24/2019	3.000	Y
	07/13/2020	3.000	Y

Data Date Range: 06/Jul/2017 - 25/Apr/2025

Showing all data

Facility name: **PORTLAND WTR DIST (WESTBRK/GORH.)** Permit Number: **ME0100846**

Parameter:	Test date	Result (ug/l)	Lsthan
MERCURY	10/20/2020	3.000	Y
	01/05/2021	3.000	Y
	04/05/2021	3.000	Y
	10/19/2022	3.000	Y
METHYL BROMIDE	07/11/2017	0.001	N
	07/22/2019	0.001	N
	09/24/2019	0.001	N
	11/03/2020	0.005	N
	07/27/2021	0.003	N
	07/14/2022	0.005	N
	07/24/2023	0.003	N
	04/23/2024	0.002	N
	METHYL CHLORIDE	07/13/2020	5.000
METHYLENE CHLORIDE	07/13/2020	5.000	Y
	07/13/2020	5.000	Y
NAPHTHALENE	07/13/2020	5.000	Y
	07/13/2020	5.000	Y
NICKEL	07/13/2020	5.000	Y
	10/15/2017	14.000	N
	02/24/2019	13.000	N
	07/13/2020	5.000	Y
	10/20/2020	8.500	N
	01/05/2021	7.000	N
	04/05/2021	8.900	N
	10/19/2022	7.600	N
NITROBENZENE	07/13/2020	5.000	Y
	07/13/2020	5.000	Y
N-NITROSODIMETHYLAMI	07/13/2020	5.000	Y
	07/13/2020	5.000	Y
N-NITROSODI-N-PROPYLA	07/13/2020	10.000	Y
	07/13/2020	5.000	Y
PCB-1016	07/13/2020	0.300	Y
	07/13/2020	0.300	Y
PCB-1221	07/13/2020	0.300	Y
	07/13/2020	0.300	Y

Data Date Range: 06/Jul/2017 - 25/Apr/2025

Showing all data

Facility name: **PORTLAND WTR DIST (WESTBRK/GORH.)** Permit Number: **ME0100846**

Parameter:	Test date	Result (ug/l)	Lsthan
PCB-1232	07/13/2020	0.300	Y
PCB-1242	07/13/2020	0.300	Y
PCB-1248	07/13/2020	0.300	Y
PCB-1254	07/13/2020	0.300	Y
PCB-1260	07/13/2020	0.300	Y
P-CHLORO-M-CRESOL	07/13/2020	0.200	Y
PENTACHLOROPHENOL	07/13/2020	5.000	Y
PHENANTHRENE	07/13/2020	20.000	Y
PHENOL	07/13/2020	5.000	Y
PYRENE	07/13/2020	5.000	Y
SELENIUM	07/13/2020	5.000	Y
SILVER	07/13/2020	5.000	Y
	10/15/2017	1.000	Y
	02/24/2019	1.000	Y
	07/13/2020	1.000	Y
	10/20/2020	1.000	Y
	01/05/2021	1.000	Y
	04/05/2021	1.000	Y
	10/19/2022	1.000	Y
SPECIFIC CONDUCTANCE	10/15/2017	597.000	N
	02/24/2019	790.000	N
	07/13/2020	876.000	N
	04/05/2021	830.000	N
	10/19/2022	830.000	N
TETRACHLOROETHYLENE	07/13/2020	5.000	Y
THALLIUM	07/13/2020	4.000	Y

Data Date Range: 06/Jul/2017 - 25/Apr/2025

Showing all data

Facility name: **PORTLAND WTR DIST (WESTBRK/GORH.)** Permit Number: **ME0100846**

Parameter: TOLUENE	Test date	Result (ug/l)	Lsthan
	07/13/2020	5.800	N
Parameter: TOXAPHENE	Test date	Result (ug/l)	Lsthan
	07/13/2020	1.000	Y
Parameter: TRICHLOROETHYLENE	Test date	Result (ug/l)	Lsthan
	07/13/2020	3.000	Y
Parameter: VINYL CHLORIDE	Test date	Result (ug/l)	Lsthan
	07/13/2020	5.000	Y
Parameter: ZINC	Test date	Result (ug/l)	Lsthan
	10/15/2017	150.000	N
	02/24/2019	98.000	N
	07/13/2020	69.000	N
	10/20/2020	140.000	N
	01/05/2021	120.000	N
	04/05/2021	130.000	N
	10/19/2022	47.000	N

ATTACHMENT F

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

MEMORANDUM

DATE: October 2008

TO: Interested Parties

FROM: Dennis Merrill, DEP

SUBJECT: DEP's system for evaluating toxicity from multiple discharges

Following the requirements of DEP's rules, Chapter 530, section 4(F), the Department is evaluating discharges of toxic pollutants into a freshwater river system in order to prevent cumulative impacts from multiple discharges. This is being through the use of a computer program known internally as "DeTox". The enclosed package of information is intended to introduce you to this system.

Briefly, the DeTox program evaluates each wastewater facility within a watershed in three different ways in order to characterize its effluent: 1) the facility's past history of discharges, 2) its potential toxicity at the point of discharge on an individual basis, and 3) the facility's contribution to cumulative toxicity within a river segment in conjunction with other facilities. The value that is most protective of water quality becomes the value that is held in the DeTox system as an allocation for the specific facility and pollutant.

The system is not static and uses a five-year "rolling" data window. This means that, over time, old test results drop off and newer ones are added. The intent of this process is to maintain current, uniform facility data to estimate contributions to a river's total allowable pollutant loading prior to each permit renewal.

Many facilities are required to do only a relatively small amount of pollutant testing on their effluent. This means, statistically, the fewer tests done, the greater the possibility of effluent limits being necessary based on the facility's small amount of data. To avoid this situation, most facilities, especially those with low dilution factors, should consider conducting more than the minimum number of tests required by the rules.

Attached you will find three documents with additional information on the DeTox system:

- Methods for evaluating the effects of multiple discharges of toxic pollutants
- Working definitions of terms used in the DeTox system
- Reviewing DeTox Reports
- Prototype facility and pollutant reports

If you have questions as you review these, please do not hesitate to contact me at Dennis.L.Merrill@maine.gov or 287-7788.

Maine Department of Environmental Protection

Methods for evaluating the effects of multiple discharges of toxic pollutants.

Reference: DEP Rules, Chapter 530, section 4(F)

To evaluate discharges of toxic pollutants into a freshwater river system and prevent cumulative impacts from multiple discharges, DEP uses a computer program called "DeTox" that functions as a mathematical evaluation tool.

It uses physical information about discharge sources and river conditions on file with the Department, established water quality criteria and reported effluent test information to perform these evaluations. Each toxic pollutant and associated water quality criterion for acute, chronic and/or human health effects is evaluated separately.

Each facility in a river drainage area has an assigned position code. This "address" is used to locate the facility on the river segment and in relation to other facilities and tributary streams. All calculations are performed in pounds per day to allow analysis on a mass balance. Pollutants are considered to be conservative in that once in the receiving water they will not easily degrade and have the potential to accumulate.

The process begins with establishing an assimilative capacity for each pollutant and water quality criterion at the most downstream point in the river segment. This calculation includes set-aside amounts for background and reserve quantities and assumed values for receiving water pH, temperature and hardness. The resulting amount of assimilative capacity is available for allocation among facilities on the river.

Each facility is evaluated to characterize its past discharge quantities. The historical discharge, in pounds per day, is figured using the average reported concentration and the facility's permitted flow. As has been past practice, a reasonable potential (RP) factor is used as a tool to estimate the largest discharge that may occur with a certain degree of statistical certainty. The RP factor is multiplied by the historical average to determine an allocation based on past discharges. The RP factor is also multiplied by the single highest test to obtain a maximum day estimate. Finally, the direct average without RP adjustment is used to determine the facility's percent contribution to the river segment in comparison to the sum of all discharges of the pollutant. This percent multiplied by the total assimilative capacity becomes the facility's discharge allocation used in evaluations of the segment loadings.

Additionally, individual facility discharges are evaluated as single sources, as they have been in the past to determine if local conditions are more limiting than a segment evaluation.

With all of this information, facilities are evaluated in three ways. The methods are:

1. The facility's past history. This is the average quantity discharged during the past five years multiplied by the applicable RP factor. This method is often the basis for an allocation when the discharge quantity is relatively small in comparison to the water quality based allocation.
2. An individual evaluation. This assumes no other discharge sources are present and the allowable quantity is the total available assimilative capacity. This method may be used when a local condition such as river flow at the point of discharge is the limiting factor.
3. A segment wide evaluation. This involves allocating the available assimilative capacity within a river segment based on a facility's percent of total past discharges. This method would be used when multiple discharges of the same pollutant to the same segment and the available assimilative capacity is relatively limited.

The value that is most protective of water quality becomes the facility's allocation that is held in the system for the specific facility and pollutant. It is important to note that the method used for allocation is facility and pollutant specific and different facilities on the same segment for the same pollutant can have different methods used depending on their individual situations.

Discharge amounts are always allocated to all facilities having a history of discharging a particular pollutant. This does not mean that effluent limits will be established in a permit. Limits are only needed when past discharge amounts suggest a reasonable potential to exceed a water quality based allocation, either on an individual or segment basis. Similar to past practices for single discharge evaluations, the single highest test value is multiplied by a RP factor and if product is greater than the water quality allowance, an effluent limit is established. It is important to remember an allocation is "banking" some assimilative capacity for a facility even if effluent limits are not needed.

Evaluations are also done for each tributary segment with the sum of discharge quantities in tributaries becoming a "point source" to the next most significant segment. In cases where a facility does not use all of its assimilative capacity, usually due to a more limiting individual water quality criterion, the unused quantity is rolled downstream and made available to other facilities.

The system is not static and uses a five-year rolling data window. Over time, old tests drop off and newer ones are added on. These changes cause the allocations and the need for effluent limits to shift over time to remain current with present conditions. The intent is to update a facility's data and relative contribution to a river's total assimilative capacity prior to each permit renewal. Many facilities are required to do only minimal testing to characterize their effluents. This creates a greater degree of statistical uncertainty about the true long-term quantities. Accordingly, with fewer tests the RP factor will be larger and result in a greater possibility of effluent limits being necessary. To avoid this situation, most facilities, especially those with relatively low dilution factors, are encouraged to conduct more than a minimum number of tests. It is generally to a facility's long-term benefit to have more tests on file since their RP factor will be reduced.

Maine Department of Environmental Protection

Working Definitions of Terms Used in the DeTox System.

Allocation. The amount of pollutant loading set aside for a facility. Separate amounts are set for each *water quality criterion*. Each pollutant having a history of being discharged will receive an allocation, but not all allocations become *effluent limits*. Allocation may be made in three ways: *historical allocation*, *individual allocation* or *segment allocation*.

Assimilative capacity. The amount of a pollutant that river segment can safely accept from point source discharges. It is determined for the most downstream point in a river segment using the *water quality criterion* and river flow. Separate capacities are set for acute, chronic and human health criteria as applicable for each pollutant. Calculation of this capacity includes factors for *reserve* and *background* amounts.

Background. A concentration of a pollutant that is assumed to be present in a receiving water but not attributable to discharges. By rule, this is set as a rebuttable presumption at 10% of the applicable *water quality criterion*.

Effluent limit. A numeric limit in a discharge permit specifically restricting the amount of a pollutant that may be discharged. An effluent limit is set only when the highest discharge, including an adjustment for *reasonable potential*, is greater than a facility's water quality based *allocation* for a pollutant.

Historical allocation (or *RP history*). One of three ways of developing an *allocation*. The facility's average history of discharges, in pounds at design flow, is multiplied by the appropriate *reasonable potential* factor. An allocation using this method does not become an *effluent limit*.

Historical discharge percentage. For each pollutant, the average discharge concentration for each facility in a segment is multiplied by the permitted flow (without including a *reasonable potential* factor). The amounts for all facilities are added together and a percent of the total is figured for each facility. When a facility has no detectable concentrations, that pollutant is assumed to be not present and it receives no percentage.

Individual allocation. One of three ways of developing an *allocation*. The facility's single highest discharge on record multiplied by the appropriate *reasonable potential* factor is compared to a water quality based quantity with an assumption that the facility is the only point source to that receiving water. If the RP-adjusted amount is larger, the water quality amount may become an *effluent limit*.

Less than. A qualification on a laboratory report indicating the concentration of a pollutant was below a certain concentration. Such a result is evaluated as being one half of the Department's reporting limit in most calculations.

Reasonable potential (RP). A statistical method to determine the highest amount of a pollutant likely to be present at any time based on the available test results. The method produces a value or RP factor that is multiplied by test results. The method relies on an EPA guidance document, and considers the coefficient of variation and the number of tests. Generally, the fewer number of tests, the higher the RP factor.

Reserve. An assumed concentration of a pollutant that set aside to account for non-point source of a pollutant and to allow new discharges of a pollutant. By rule this is set at 15% of the applicable *water quality criterion*.

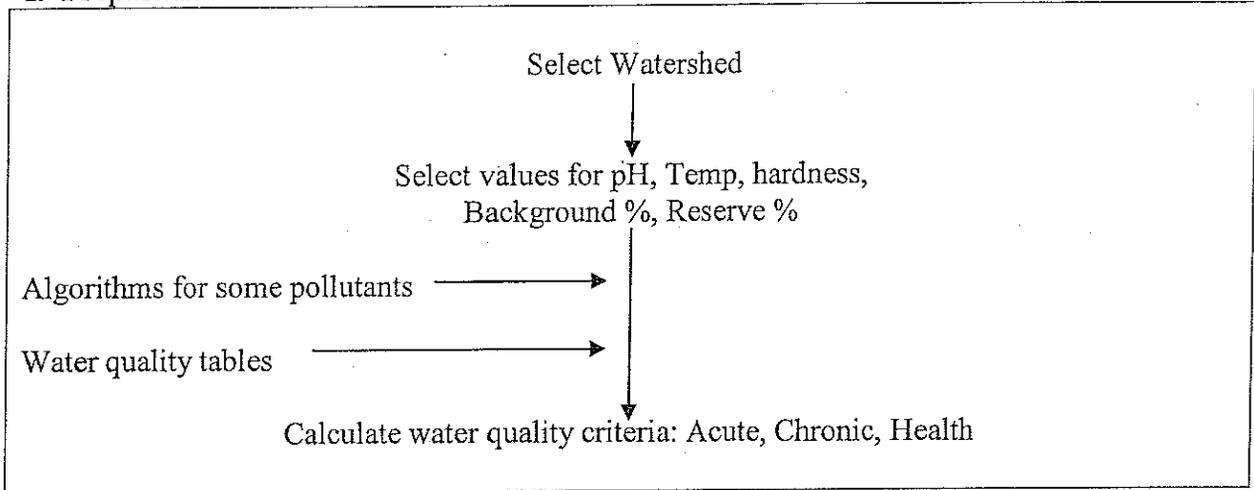
Segment allocation. One of three ways of developing an *allocation*. The amount is set by multiplying a facility's *historical discharge percentage* for a specific pollutant by the *assimilative capacity* for that pollutant and criterion. A facility will have different allocation percentages for each pollutant. This amount may become an *effluent limit*.

Tributary. A stream flowing into a larger one. A total pollutant load is set by adding the all facilities *allocations* on the tributary and treating this totaled amount as a "point source" to the next larger segment.

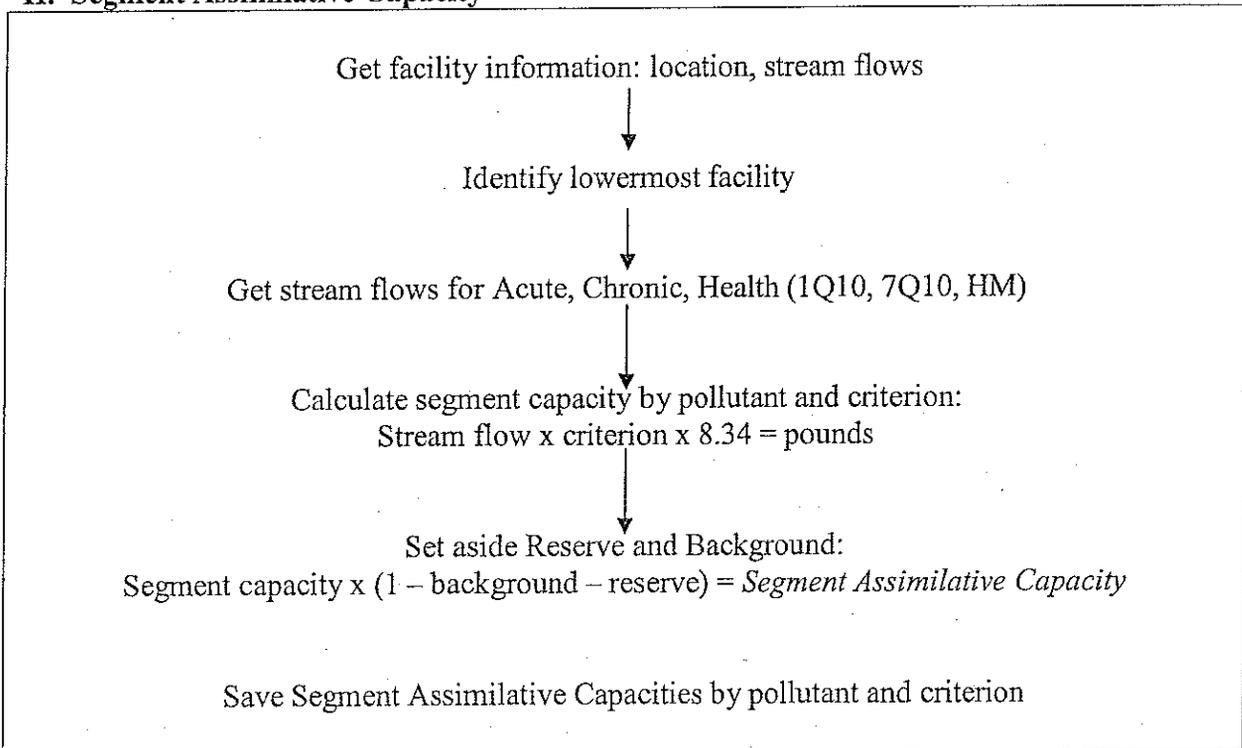
Water quality criteria. Standards for acceptable in-stream or ambient levels of pollutants. These are established in the Department's Chapter 584 and are expressed as concentrations in ug/L. There may be separate standards for acute and chronic protection aquatic life and/or human health. Each criterion becomes a separate standard. Different stream flows are used in the calculation of each.

Maine Department of Environmental Protection
General Processing Steps in "DeTox"

I. Preparation

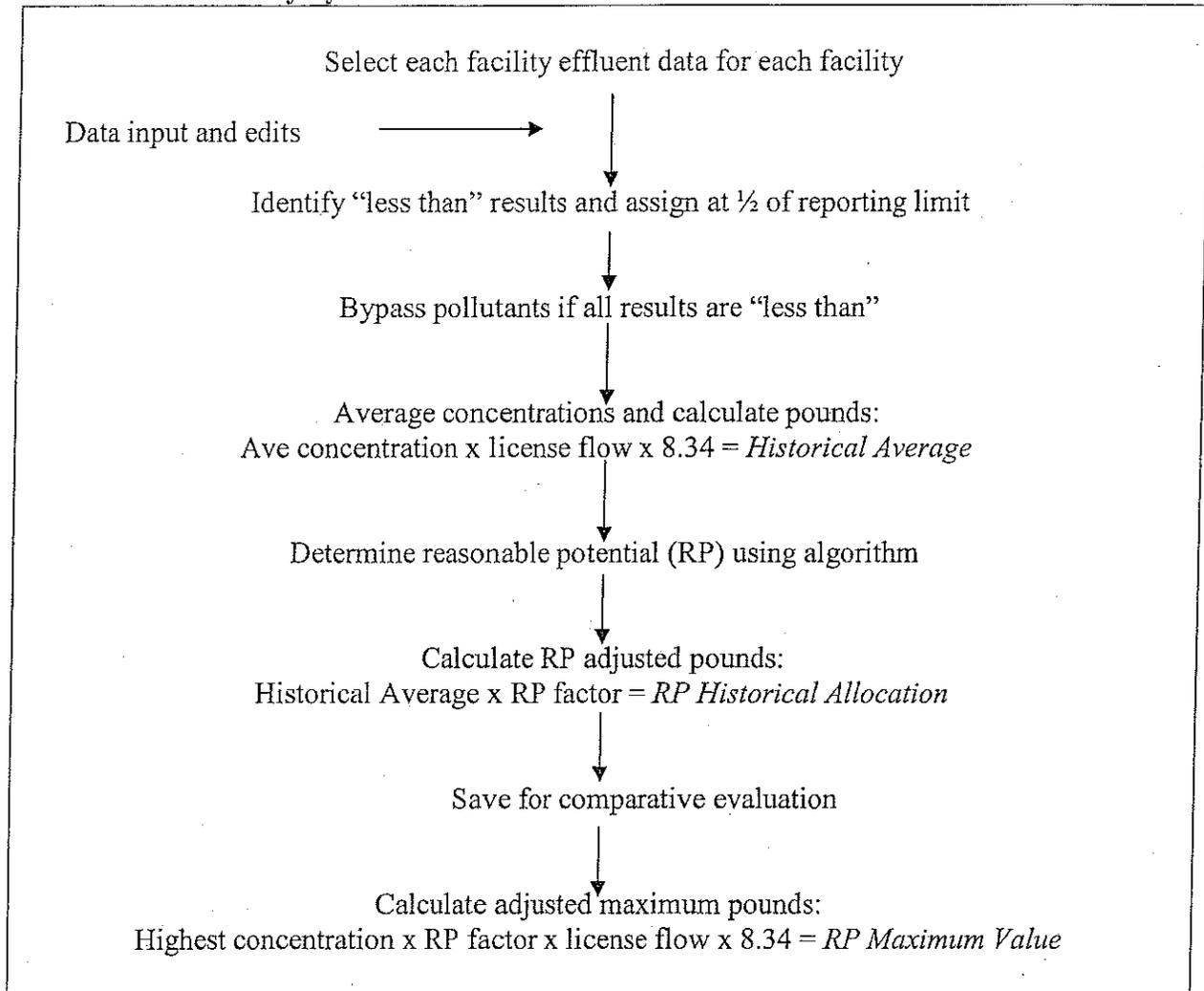


II. Segment Assimilative Capacity

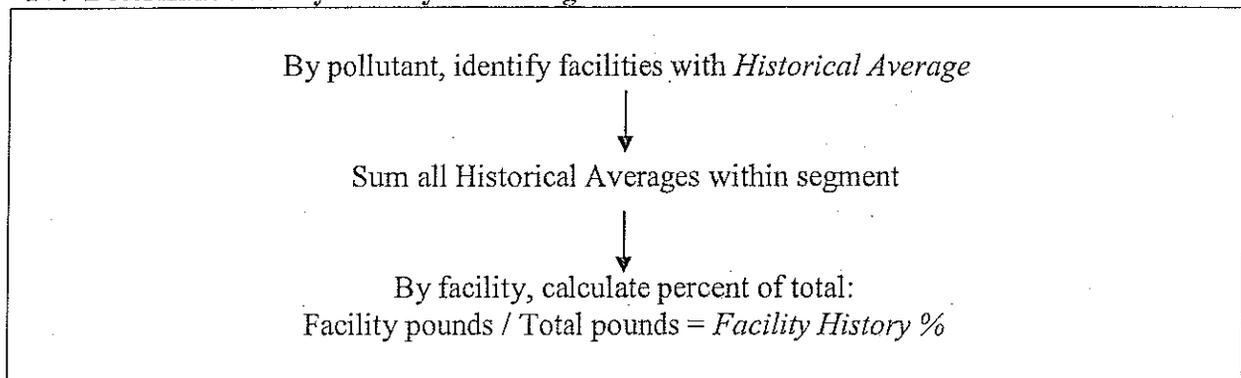


Maine Department of Environmental Protection
General Processing Steps in "DeTox"

III. Evaluate History by Pollutant

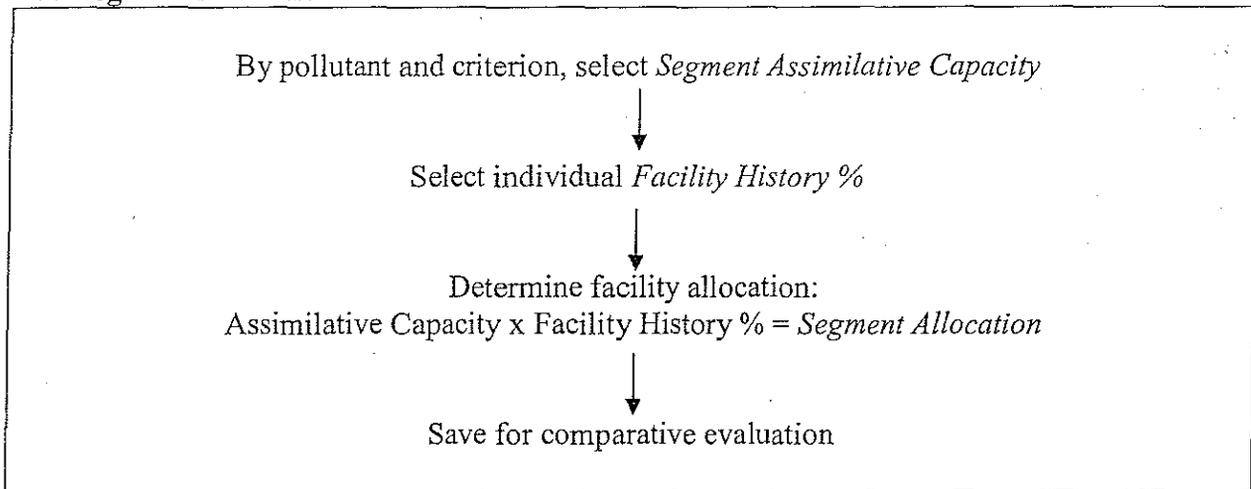


IV. Determine Facility History Percentage

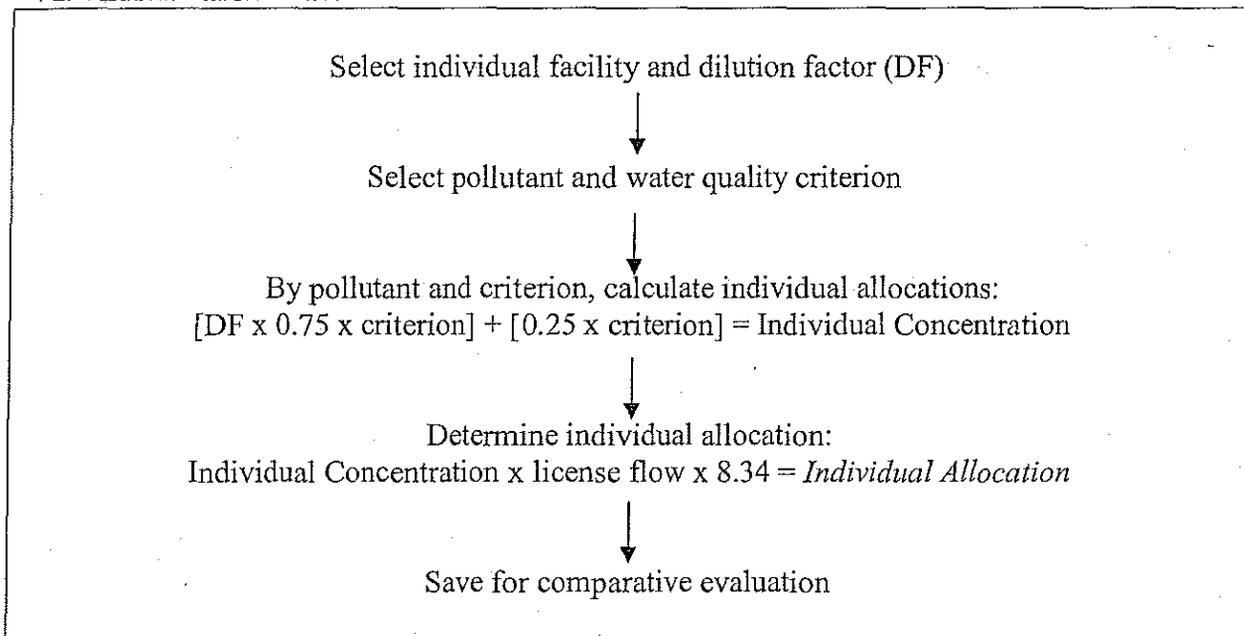


Maine Department of Environmental Protection
General Processing Steps in "DeTox"

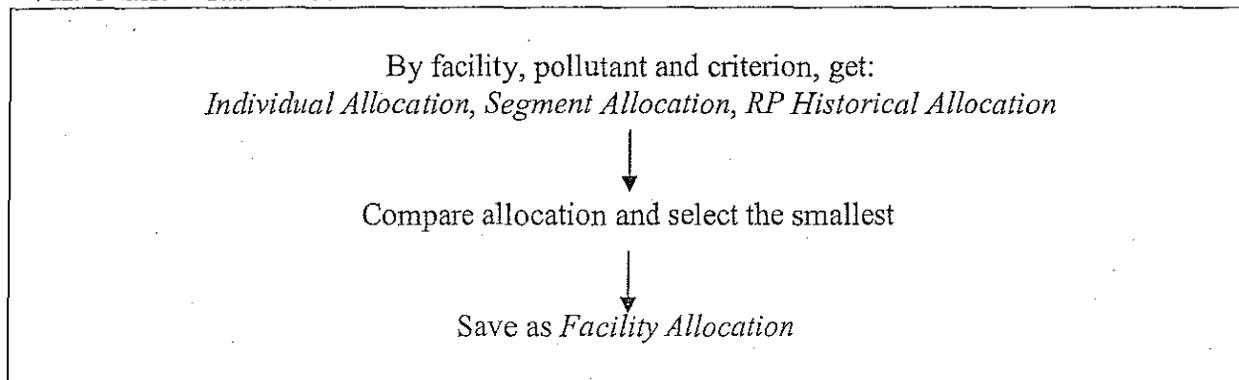
V. Segment Allocation



VI. Individual Allocation

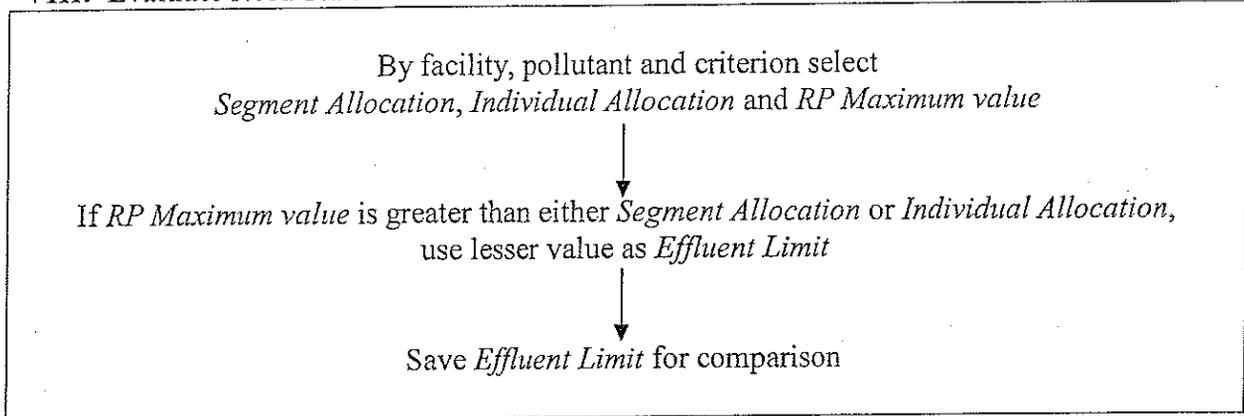


VII. Make Initial Allocation

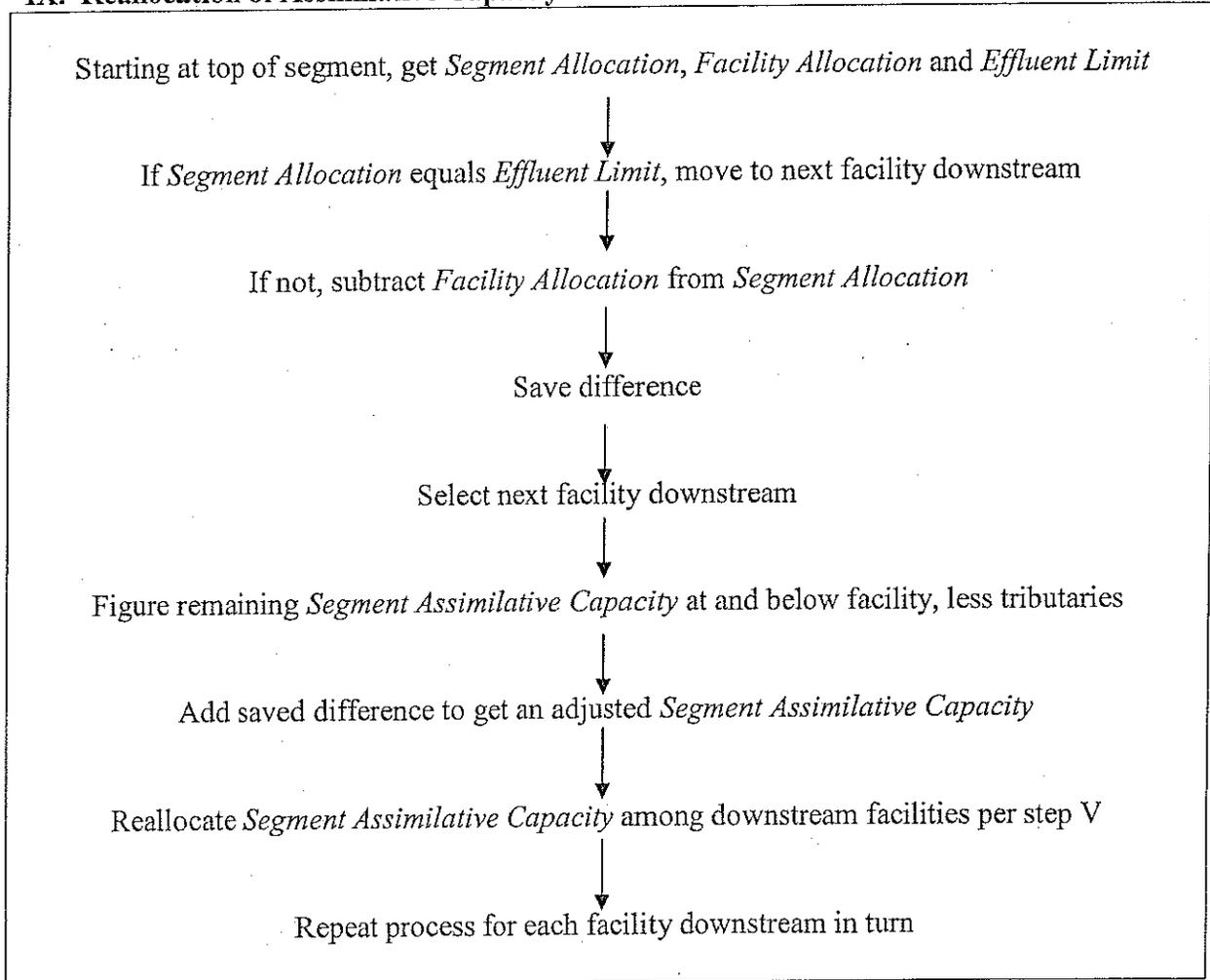


Maine Department of Environmental Protection
General Processing Steps in "DeTox"

VIII. Evaluate Need for Effluent Limits



IX. Reallocation of Assimilative Capacity



ATTACHMENT G

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?	<input type="checkbox"/>	<input type="checkbox"/>
2	Changes in the condition or operations of the facility that may increase the toxicity of the discharge?	<input type="checkbox"/>	<input type="checkbox"/>
3	Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge?	<input type="checkbox"/>	<input type="checkbox"/>
4	Increases in the type or volume of hauled wastes accepted by the facility?	<input type="checkbox"/>	<input type="checkbox"/>

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	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
WET Testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Priority Pollutant Testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Analytical Chemistry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other toxic parameters ¹	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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	5 Permit actions	2
	6 Reopener clause	2
	7 Oil and hazardous substances	2
	8 Property rights	3
	9 Confidentiality	3
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MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

A. GENERAL PROVISIONS

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

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

(a) They are not

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

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

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

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

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

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

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

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

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

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

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

11. **Other laws.** The issuance of this permit does not authorize any injury to persons or property or invasion of other property rights, nor does it relieve the permittee 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 MAINTENANCE OF FACILITIES

1. General facility requirements.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

5. Bypasses.

(a) Definitions.

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

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

(c) Notice.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

6. Upsets.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

C. MONITORING AND RECORDS

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

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

3. Monitoring and records.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

D. REPORTING REQUIREMENTS

1. Reporting requirements.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Publicly owned treatment works.

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

E. OTHER REQUIREMENTS

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

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

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

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

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

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

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

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

Maximum daily discharge limitation means the highest allowable daily discharge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



DEP INFORMATION SHEET

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.
