STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

March 16, 2026

Ms. Jennifer Nicholson
Brunswick Sewer District
10 Pine Tree Road
Brunswick, ME. 04011

Sent via electronic mail
Delivery confirmation requested

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100102
Maine Waste Discharge License (WDL) Application #W002600-6D-J-R
Proposed Draft MEPDES Permit Renewal

Dear Ms. Nicholson:

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

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

The comment period begins today, Monday, March 16, 2026, and ends on Thursday, April 16, 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, August 28, 2025. Failure to submit comments in a timely fashion may result in the proposed draft/license permit document being issued as drafted.

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

Maine Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
17 State House Station
Augusta, ME 04333-0017

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

Sincerely,

Asenath Frizzell
Division of Water Quality Management
Bureau of Water Quality

Enclosure

ec: Lori Mitchell, DEP
Galen Nickerson, DEP
Fred Gallant, DEP
Wendy Garland, DEP
Brenda Faford-Pizer, DEP
Gregg Wood, DEP
Holly Ireland, DEP
Laura Crossley, DEP
Michael Cobb, USEPA
Kathryn Rosenberg, USEPA
Richard Carvalho, USEPA
Sean Mahoney, CLF

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

DEPARTMENT ORDER

IN THE MATTER OF

BRUNSWICK SEWER DISTRICT	)	MAINE POLLUTANT DISCHARGE
BRUNSWICK, CUMBERLAND CTY., MAINE	)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS	)	AND
#ME0100102	)	WASTE DISCHARGE LICENSE
#W002600-6D-J-R **APPROVAL**	)	**RENEWAL**

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

APPLICATION SUMMARY

On July 14, 2020, the Department accepted as complete for processing an application from the Brunswick Sewer District for renewal of combination Waste Discharge License (WDL) #W002600-6D-I-R/Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100102, which was issued on August 3, 2015 for a five-year term. The August 3, 2015 permit authorized the monthly average discharge of 3.85 MGD of secondary treated municipal wastewater from a publicly owned treatment works (POTW) to the Androscoggin River, Class B, in Brunswick, Maine.

On August 5, 2015, the Department issued an administrative modification to correct the seasonal monitoring frequency (June 1st – September 30th, 2015) for Total Phosphorus from twice per month (2/month) to once per month (1/month).

PERMIT SUMMARY

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

1. Expanding the *Escherichia coli* bacteria monitoring season from May 15th – September 30th to April 15th –October 31st pursuant to 38 M.R.S § 465(3)(B).

2. Revising the monthly average *Escherichia coli* bacteria limit from 126 CFU/100 mL to 100 CFU/100 mL pursuant to 38 M.R.S § 465(3)(B).

3. Added new limits for Arsenic, Cadmium, Lead, and Zinc for daily maximums and 2/Year monitoring requirements for each of the new parameters. Cadmium and Lead were assigned monthly average limits as well.

4. Updated the toxic limits for Aluminum, Copper and Silver calculations for the established limits to account for the updated 1Q10 and 7Q10 flows for the lower Androscoggin River done in 2024.

5. Established ambient Total Phosphorus sampling for the designated ambient sampling Outfall #002A for the last two terms of this permit.

6. Established Total Phosphorus effluent sampling for the last two terms of this permit.

CONCLUSIONS

BASED on the findings in the attached PROPOSED Fact Sheet dated March 16, 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 standards of classification of the receiving waterbody are not met, the discharge will not cause or contribute to the failure of the waterbody to meet the standards of classification;

   (d) Where the actual quality of any classified receiving waterbody exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and

   (e) Where a discharge will result in lowering the existing water quality of any waterbody, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.

4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in *Conditions of licenses*, 38 M.R.S. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of the BRUNSWICK SEWER DISTRICT to discharge a monthly average of 3.85 MGD of secondary treated wastewater from the Brunswick sewer district facility to the Androscoggin River, Class B, in Brunswick, 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 expire at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the 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 CMR 2(21)(A) (effective September 15, 2024)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:_____
For Melanie Loyzim, Commissioner

Date of initial receipt of application: 7/9/2020
Date of application acceptance: 7/14/2020

This Order prepared by Asenath Frizzell, BUREAU OF WATER QUALITY

SPECIAL CONDITIONS

A. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on July 14, 2020; 2) the terms and conditions of this permit; and 3) only from Outfall #001A. 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 is authorized to discharge **secondary treated municipal sanitary wastewater from Outfall #001A** to the Androscoggin River in Brunswick, Maine. Such discharges are limited and must be 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 ***[50050]***	3.85 MGD *[03]*	---	Report MGD *[03]*	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
Biochemical Oxygen Demand (BOD_5) ***[00310]***	963 lbs./day *[26]*	1,445 lbs./day *[26]*	1,605 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/Week *[01/07]*	Composite[(8)] *[24]*
BOD_5 % Removal[(2)] ***[81010]***	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Total Suspended Solids (TSS) ***[00530]***	963 lbs./day *[26]*	1,445 lbs./day *[26]*	1,605 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/Week *[01/07]*	Composite[(8)] *[24]*
TSS % Removal[(2)] ***[81011]***	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Settleable Solids ***[00545]***	---	---	---	---	---	0.3 ml/L *[25]*	1/Week *[01/07]*	Grab *[GR]*
E. coli* Bacteria[(3)] (*April 15th – October 31st*)** ***[31633]	---	---	---	64 CFU/100 mL[(4)] *[13]*	---	236 CFU/100 mL *[13]*	3/Week *[03/07]*	Grab *[GR]*
Total Residual Chlorine[(5)] ***[50060]***	---	---	---	---	---	0.05 mg/L *[19]*	2/Day *[02/01]*	Grab *[GR]*

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

FOOTNOTES: **See Pages 9 through 11 of this permit for applicable footnotes.**

SPECIAL CONDITIONS

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

1. The permittee is authorized to discharge **secondary treated municipal sanitary wastewater from Outfall #001A** to the Androscoggin River in Brunswick, Maine. Such discharges are limited and must be monitored by the permittee as specified below[(1)]:

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
pH (Std. Units) ***[00400]***	---	---	---	6.0 – 9.0 SU *[12]*	5/Week *[05/07]*	Grab *[GR]*
Mercury (Total)[(6)] ***[71900]***	---	---	58.9 ng/L *[3M]*	88.4 ng/L *[3M]*	1/Year *[01/YR]*	Grab *[GR]*
Phosphorus (Total)[(7a)] ***(June 1st – September 30th, 2029 and June 1st – September 30th, 2030)*** ***[00665]***	---	---	Report µg/L *[28]*	Report µg/L *[28]*	1/Month *[01/30]*	Grab *[GR]*
Total Aluminum ***[01105]***	50 lbs./day *[26]*	---	Report µg/L *[28]*	---	2/Year *[02/YR]*	Composite[(8)] *[24]*
Total Copper ***[01042]***	---	0.30 lbs./day *[26]*	---	Report µg/L *[28]*	2/Year *[02/YR]*	Composite[(8)] *[24]*
Total Silver ***[01077]***	---	0.023 lbs./day *[26]*	---	Report µg/L *[28]*	2/Year *[02/YR]*	Composite[(8)] *[24]*
Total Arsenic *[01002]*		0.12 lbs/day *[26]*		Report µg/L *[28]*	2/Year *[02/YR]*	Composite[(8)] *[24]*
Total Cadmium *[01027]*	0.046 lbs/day *[26]*	0.04 lbs/day *[26]*	Report µg/L *[28]*	Report µg/L *[28]*	2/Year *[02/YR]*	Composite[(8)] *[24]*
Total Lead *[01051]*	0.24 lbs/day *[26]*	1.0 lbs/day *[26]*	Report µg/L *[28]*	Report µg/L *[28]*	2/Year *[02/YR]*	Composite[(8)] *[24]*
Total Zinc *[01092]*		2.9 lbs/day *[26]*		Report µg/L *[28]*	2/Year *[02/YR]*	Composite[(8)] *[24]*

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

FOOTNOTES: See Pages 9 through 11 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

2. The permittee must, seasonally (June 1st – September 30th) starting year 3 of this permit, conduct ambient receiving water monitoring of the Androscoggin River upstream of the discharge. Reported under the newly established for ambient sampling **Outfall #002A**. Such sampling must be conducted by the permittee as specified below(1):

Ambient Receiving Water Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Concentration			
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Phosphorus (Total)(7b) *(June 1st – September 30th) [00665]*	Report µg/L *[28]*	Report µg/L *[28]*	1/Month *[01/30]*	Grab *[GR]*

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

3. **SURVEILLANCE LEVEL** – Beginning upon issuance and lasting through 24 months prior to permit expiration[(1)] (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.)

Effluent Characteristic	Daily Maximum	Minimum Frequency	Sample Type
Whole Effluent Toxicity[(9)] **Acute – NOEL** *Ceriodaphnia dubia* (Water flea) *[TBP3B]* *Salvelinus fontinalis* (Brook trout) *[TBQ6F]*	 Report % *[23]* Report % *[23]*	 1/ 2 Years *[01/2YR]* 1/ 2 Years *[01/2YR]*	 Composite *[24]* Composite *[24]*
Chronic – NOEL *Ceriodaphnia dubia* (Water flea) *[TBP3B]* *Salvelinus fontinalis* (Brook trout) *[TBQ6F]*	 Report % *[23]* Report % *[23]*	 1/ 2 Years *[01/2YR]* 1/ 2 Years *[01/2YR]*	 Composite *[24]* Composite *[24]*
Analytical Chemistry[(10,12)] *[51477]*	Report µg/L *[28]*	2/ Year *[02/YR]*	Composite/Grab *[24]*

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

FOOTNOTES: **See Pages 9 through 11 of this permit for applicable footnotes.**

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

4. ***SCREENING LEVEL TESTING –*** 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.

Effluent Characteristic	Daily Maximum	Minimum Frequency	Sample Type
Whole Effluent Toxicity[9]			
Acute – NOEL			
Ceriodaphnia dubia (Water flea) *[TBP3B]*	Report % *[23]*	2/ Year *[02/YR]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TBQ6F]*	Report % *[23]*	2/ Year *[02/YR]*	Composite *[24]*
Chronic – NOEL			
Ceriodaphnia dubia (Water flea) *[TBP3B]*	Report % *[23]*	2/ Year *[02/YR]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TBQ6F]*	Report % *[23]*	2/ Year *[02/YR]*	Composite *[24]*
Analytical Chemistry[10,12] *[51477]*	Report µg/L *[28]*	1/ Quarter *[01/90]*	Composite/Grab *[24]*
Priority Pollutant[11,12] *[50008]*	Report µg/L *[28]*	1/ Year *[01/YR]*	Composite/Grab *[24]*

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

FOOTNOTES: See Pages 9 through 11 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES

1. **Sampling** – **Influent sampling** for flow, BOD_5 and TSS must be sampled at the downstream end of the aerated grit chamber. **Effluent receiving secondary treatment** (Outfall #001A) must be sampled for all parameters after the chlorine contact chamber 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 Certification Rules*, 10-144 C.M.R. ch. 263 (amended March 15, 2023). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10-144 C.M.R. ch. 263. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 C.F.R. Part 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the discharge monitoring report (DMR).

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

2. **Percent Removal** - The permittee must maintain a minimum of 85 percent removal of BOD_5 and a minimum of 85 percent removal for TSS for all flows receiving secondary treatment. The percent removal is calculated based on influent and effluent concentration values. Compliance with the limitation is based on a twelve-month rolling average. Calendar monthly average percent removal values must be calculated based on influent and effluent concentrations. The twelve-month rolling average calculation is based on the most recent twelve-month period.

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

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. **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 sampling 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 1631 revision E, *Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry.* For the most up-to-date reporting form, go to 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 Methods 1669 and analysis Method 1631 revision E on file with the Department for this facility.

7. **Phosphorus (Total)** – See **Attachment F** of this Fact Sheet for Protocol for Total Phosphorus Sample Collection and Analysis for Wastewater and Receiving Water Monitoring Required by Permits.

   a. **Effluent sampling –** To be done at effluent sampling location on the same day as the ambient sampling. One sampling per month from June 1st through September 30th for the last two years of this permit.

   b. **Ambient Sampling –** To be done upstream of discharge and one sampling per month from June 1st through September 30th for the last two years of this permit.

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

9. **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 31.2% and 5.0%, respectively), which provides an 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 3.2:1 and 20.0:1, respectively.

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 permittee must initiate Surveillance level acute and chronic WET testing at a minimum frequency of once every two years (1/2 years) on the water flea (*Ceriodaphnia dubia*) and the brook trout (*Salvelinus fontinalis*). Testing must be conducted in a different calendar quarter each sampling event.

b. **Screening level testing** - 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 very five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee must conduct screening level acute and chronic WET testing on the water flea (*Ceriodaphnia dubia*) and the brook trout (*Salvelinus fontinalis*) at a minimum frequency of twice per year (2/Year).

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 31.2% and 5.0% respectively.

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

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

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

10. 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_industial/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 permittee must conduct analytical chemistry testing at a minimum frequency of twice per year (2/Years). Testing must be conducted in a different calendar quarter of each year.

b. **Screening level testing** - 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 permittee must conduct screening level analytical chemistry testing at a minimum frequency of once per calendar quarter.

11. 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 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 permittee must conduct screening level priority pollutant testing at a minimum frequency of once per year (1/Year).

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

Analytical chemistry and priority pollutant test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the laboratory reports for up to 10 business days after receiving the test results from the laboratory conducting the testing before submitting them. The permittee must evaluate test results being submitted and identify to the Department, possible exceedances of the acute, chronic, or human health AWQC as established in 06-096 C.M.R. ch. 584. For the purposes of DMR reporting, enter a "1" for yes, testing done this monitoring period or "N-9" monitoring not required this period.

C. NARRATIVE EFFLUENT LIMITATIONS

1. The permittee must not discharge effluent that contains a visible oil sheen, foam or floating solids at any time which would impair the usages designated for the classification of the receiving waters.

2. The permittee must not discharge effluent that contains materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated for the classification of the receiving waters.

3. The permittee must not discharge effluent that imparts color, taste, turbidity, toxicity, radioactivity or other properties which cause those waters to be unsuitable for the designated uses and characteristics ascribed to their classification.
4. The permittee must not discharge effluent that lowers the quality of any classified body of water below such classification or lowers the existing quality of any body of water if the existing quality is higher than the classification.

D TREATMENT PLANT OPERATOR

The person who has management responsibility over the treatment facility must hold a **Maine Grade IV,** Biological Treatment certification (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.

E. LIMITATIONS FOR INDUSTRIAL USERS

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

F. NOTIFICATION REQUIREMENT

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

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

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

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

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

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

G. MONITORING AND REPORTING

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

Electronic DMRs submitted using the USEPA NetDMR system, must be:

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

Documentation submitted in support of the electronic DMR may be attached to the electronic DMR. Toxics reporting must be done using the Department toxsheet reporting form. An electronic copy of the Toxsheet reporting document must be submitted to your Department compliance inspector as an attachment to an email. Documentation submitted electronically to the Department in support of the electronic DMR must be submitted no later than midnight on the 15th day of the month following the completed reporting period.

H. OPERATION & MAINTENANCE (O&M) PLAN

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

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

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

I. WET WEATHER MANAGEMENT PLAN

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

The plan must conform to Department guidelines for such plans and must include operating procedures for a range of intensities, address solids handling procedures (including septic waste and

other high strength wastes if applicable) and provide written operating and maintenance procedures during the events.

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

J. STATEMENT FOR REDUCED/WAIVED TOXICS TESTING

In accordance with 06-096 C.M.R. ch. 530(2)(D)(4), and by **December 31** of each calendar year, the permittee must provide the Department with a certification describing any of the following that have occurred since the effective date of this permit [ICIS Code 75305]. See **Attachment D** of the Fact Sheet for an acceptable certification form to satisfy this Special Condition.

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

b. Changes in the operation of the treatment works that may increase the toxicity of the discharge;

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

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

d. Changes in stormwater collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge; and

e. Increases in the type or volume of transported (hauled) wastes accepted by the facility.

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

K. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

Pursuant to this permit and *Standards for the Addition of Transported Wastes to Waste Water Treatment Facilities,* 06-096 C.M.R. ch. 555 (effective March 9, 2009), during the effective period of this permit, the permittee is authorized to receive and introduce into the treatment process or solids handling stream up to **a daily maximum of 35,000 gpd** 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 permittee 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 high 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 the Special Condition is subject to annual review and, with notice to the permittee and other interested parties of record, may be suspended or reduced by the Department as necessary to ensure full compliance with 06-096 C.M.R. ch. 555 and the terms and conditions of this permit.

L. REOPENING OF PERMIT FOR MODIFICATION

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

M. SEVERABILITY

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **March 16, 2026**

PERMIT NUMBER: **ME0100102**

WASTE DISCHARGE LICENSE: **W002600-6D-J-R**

NAME AND ADDRESS OF APPLICANT:

BRUNSWICK SEWER DISTRICT
10 PINE TREE ROAD
BRUNSWICK, MAINE 04011

COUNTY: **CUMBERLAND**

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

BRUNSWICK SEWER DISTRICT
8 PINE TREE ROAD
BRUNSWICK, MAINE 04011

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

COGNIZANT OFFICIAL CONTACT INFORMATION:

JENNIFER NICHOLSON
(207) 729-0148 x119
jnicholson@brunswicksewer.org

1. APPLICATION SUMMARY

a. Application: On July 14, 2020, the Department accepted as complete for processing an application from the Brunswick Sewer District for renewal of combination Waste Discharge License (WDL) #W002600-6D-I-R/Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100102, which was issued on August 3, 2015 for a five-year term. The August 3, 2015 permit authorized the monthly average discharge of 3.85 MGD of secondary treated municipal wastewater from a publicly owned treatment works (POTW) to the Androscoggin River, Class B, in Brunswick, Maine.

On August 5, 2015, the Department issued an administrative modification to correct the seasonal monitoring frequency (June 1st – September 30th, 2015) for Total Phosphorus from twice per month (2/month) to once per month (1/month).

b. Source Description: The permittee treats domestic and commercial wastewater from the towns of Brunswick and Topsham, Maine, including flows up to 8,000 gallons per day (gpd) of wastewater from a local car wash and laundromats, 300 gpd of cooling water and 1,000 gpd of rinse waters from Bath Iron Works. The permittee maintains a separated sewer collection system with the stormwater runoff collection system maintained by the Town of Brunswick. The permittee has a DEP Storm Water Multi-Sector permit. There are no combined sewer overflows in the system. The permittee is also allowed to accept up to 35,000 gpd of transported waste daily. A map showing the location of the treatment facility is included as Fact Sheet **Attachment A**.

c. Wastewater Treatment: Influent wastewater enters the treatment plant at the headworks where wastewater passes through an influent screen to an aerated grit chamber. The wastewater receives primary treatment in three rectangular clarifiers before the primary effluent is pumped to two trickling filters where secondary treatment is achieved. The wastewater is then directed to two secondary clarifiers where it receives secondary clarification followed by seasonal disinfection using sodium hypochlorite in dual chlorine contact chambers. The wastewater is discharged to the Androscoggin River via a thirty-six-inch diameter outfall pipe (without diffusers) located on the bank of the river (at low tide the outfall is exposed). If needed, the facility adjusts the effluent pH with sodium hydroxide.

The permittee has a 15,000-gallon capacity concrete tank for the storage of septic tank wastes. In 2020, the facility received a monthly average of 1.05 million gallons of septage.

The facility uses a bleach mist in its odor control towers in order to control odors from the rotary presses. The condensed mist is piped to the headworks. Scum from the primary clarifiers is pumped to a 1,000-gallon holding tank which is dewatered using rotary presses (replacing the two, 2-meter belt filter presses). A process flow diagram submitted by the permittee is included as Fact Sheet **Attachment B**.

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. Expanding the *Escherichia coli* bacteria monitoring season from May 15th – September 30th to April 15th –October 31st pursuant to 38 M.R.S § 465(3)(B).

2. Revising the monthly average *Escherichia coli* bacteria limit from 126 CFU/100 mL to 64 CFU/100 mL pursuant to 38 M.R.S § 465(3)(B).

3. Added new limits for Arsenic, Cadmium, Lead, and Zinc for daily maximums and 2/Year monitoring requirements for each of the new parameters. Cadmium and Lead were assigned monthly average limits as well.

4. Updated the toxic limits for Aluminum, Copper and Silver calculations for the established limits to account for the updated 1Q10 and 7Q10 flows for the lower Androscoggin River done in 2024.

5. Established ambient Total Phosphorus sampling for the designated ambient sampling Outfall #002A for the last two terms of this permit.

6. Established Total Phosphorus effluent sampling for the last two terms of this permit.

b. History: This section provides a summary of significant licensing actions and milestones that have been completed for the Brunswick Sewer District.

June 7, 2000 – The Department established interim effluent limits for mercury of 58.9 parts per trillion (ng/L) (average concentration) and 88.4 ng/L (maximum concentration).

January 12, 2001 – The Department received authorization from the United States Environmental Protection Agency (USEPA) to administer the National Pollution Discharge Elimination System (NPDES) permitting program in Maine, excluding areas of special interest to Maine Indian Tribes. From this point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) program, and MEPDES permit #ME0100102 has been utilized for this facility. On March 26, 2011, the USEPA authorized the Department to administer the MEPDES program in Indian territories of the Penobscot Nation and Passamaquoddy Tribe.

May 26, 2004 – The Department issued combination WDL #W002600-5L-D-R/MEPDES Permit #ME0100102 for a five-year term.

April 10, 2006 – The Department amended the 5/26/04 WDL/MEPDES permit to incorporate testing requirements of 06-096 CMR 530.

July 9, 2009 – The Department issued combination WDL #W002600-5L-E-R/MEPDES Permit #ME0100102 for a five-year term.

March 23, 2011 – The Department issued a minor permit revision to establish water quality-based limitations for the following toxic pollutants that exceed or have a reasonable potential to exceed applicable ambient water quality criteria; ammonia, inorganic arsenic, total aluminum, total lead, total copper and total zinc. The Department also established interim Mercury monthly average and daily maximum limits. This modification was assigned WDL #W002600-6D-F-M.

February 6, 2012 – The Department issued WDL #W002600-6D-G-M, which contained a modification to the mercury requirements.

September 10, 2013 – The Department issued a permit modification to remove the monthly average limitations, monitoring requirements, reporting requirements and schedule of compliance for inorganic

arsenic and total arsenic from the permit subsequent to the revision of the arsenic criteria water quality standards and the results of a statistical evaluation on arsenic data conducted on July 19, 2013.

November 8, 2013 – The District submitted a timely and complete General Application to the Department for renewal of the July 9, 2009 MEPDES permit. The application was accepted for processing on November 13, 2013, and was assigned WDL #W0002600-6D-I-R / MEPDES #ME0100102.

August 3, 2015 – The Department issued combination WDL #W002600-6D-I-R/MEPDES Permit #ME0100102 for a five-year term.

August 5, 2015 - The Department issued an administrative modification to correct the seasonal monitoring frequency for total phosphorus from twice per month to once per month.

July 9, 2020 – The District submitted a timely and complete General Application to the Department for renewal of the August 3, 2015 WDL/MEPDES Permit. The application was accepted for processing on July 14, 2020, and was assigned WDL #W0002600-6D-J-R / MEPDES #ME0100102.

2021 – Maine Legislation updated sections of 38 M.R.S. § 467, *Classification of Major River Basins*. These updates included the main stem of the Androscoggin River that the District discharges into and upgraded from Class C to Class B.

3. CONDITIONS OF PERMIT

Conditions of licenses, 38 M.R.S. § 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require the application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, *Certain deposits and discharges prohibited,* 38 M.R.S. § 420 and Department rule *Surface Water Toxics Control Program,* 06-096 C.M.R. Ch. 530, require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 C.M.R. ch. 584 (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(1)(A)(3) classifies the Androscoggin River main stem including all impoundments "*From the Worumbo Dam in Lisbon Falls to a line formed by the extension of the Bath-Brunswick boundary across Merrymeeting Bay in a northwesterly direction*", which includes the river at the point of discharge, as Class B waters.

Standards for classification of fresh surface waters, 38 M.R.S. § 465(3) describes the standards for Class B as follows:

3. ***Class B waters.*** *Class B shall be the 3rd highest classification.*

A. Class B waters must be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited

under Title 12, section 403; navigation; and as habitat for fish and other aquatic life. The habitat must be characterized as unimpaired.

B. Class B waters must be of sufficient quality to support all aquatic species indigenous to those waters without detrimental changes in the resident biological community. The dissolved oxygen content of Class B waters may not be less than 7 parts per million or 75% of saturation, whichever is higher, except that for the period from October 1st to May 14th, in order to ensure spawning and egg incubation of indigenous fish species, the 7-day mean dissolved oxygen concentration may not be less than 9.5 parts per million and the one-day minimum dissolved oxygen concentration may not be less than 8.0 parts per million in identified fish spawning areas. Between April 15th and October 31st, the number of Escherichia coli bacteria in these waters may not exceed a geometric mean of 64 CFU or MPN per 100 milliliters over a 90-day interval or 236 CFU or MPN per 100 milliliters in more than 10% of the samples in any 90-day interval.

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

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

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

5. 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 (Report), prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the Androscoggin River main stem, from the Brunswick Dam to the Brunswick-Bath boundary (Assessment Unit ID ME0104000210_426R) as *Category 4-B: Rivers and Streams Impaired by Pollutants – Pollution Control Requirements Reasonably Expected to Result in Attainment.*" Impairment in this context refers to the presence of dioxin (including 2,3,7,8-TCDD). The report also lists this segment as Category 5-D: Rivers and Streams Impaired by Legacy Pollutants. Impairment in this context refers to the presence of legacy polychlorinated biphenyls (PCBs).

The Report also lists all of Maine's fresh waters as *Category 4-A: Rivers and Streams 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 (TMDL Completed) due to US EPA approval of a Regional Mercury TMDL in December 2007. Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters, and many fish from any given water, do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Health and Human Services decided to establish a statewide advisory recommending limits on consumption for all freshwater fish. Maine has instituted statewide programs for removal and reduction of mercury sources."

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

7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

a. Flow: This permitting action is carrying forward the previously established, a monthly average discharge flow limit of 3.85 MGD based on the design capacity for the treatment facility, and a daily maximum discharge flow reporting requirement.

The Department reviewed Discharge Monitoring Reports (DMRs) that were submitted for the period August 2015 through November 2024. A review of data indicates the following:

Flow (n = 108)

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	3.85	1.38 – 4.12	2.22
Daily Maximum	Report Only	1.50 – 6.14	2.85

b. Dilution Factors: The department evaluates discharges to tidal waters in accordance with 06-096 C.M.R. ch. 530 (4)(A)(2), *Surface Waters Toxics Control Program*. For the Brunswick Sewer District's license flow limit of 3.85 MGD and the location and configuration of its outfall diffuser structure, the department has established the following dilution factors:

Acute = 3.2:1 Chronic = 20.0:1 Harmonic mean = 60.0:1

The department determined the acute and chronic dilution using a CORMIX model and the following data: ambient water quality data collected by the Friends of Merrymeeting Bay in 2011, bathymetric data collected by the department in August 2012, and current speed data collected by the department in August 2014. 06-096 C.M.R. ch. 530 (4)(2)(c), *Surface Water Toxics Control Program*, the department has estimated the harmonic mean dilution factor to be three times the chronic dilution factor.

c. Biochemical Oxygen Demand (BOD_5) and Total Suspended Solids (TSS): This permitting action is carrying forward the previously established monthly average and weekly average technology-based concentration limits of 30 mg/L and 45 mg/L, respectively, for BOD_5 and TSS. These limits are based on the secondary treatment requirements specified in *Effluent Guidelines and Standards*, 06-096 C.M.R. ch. 525(3)(III) (effective January 12, 2001). According to the Department's best professional judgment of best practicable treatment (BPT) for secondary treated wastewater, this permitting action is also carrying forward the BOD_5 and TSS daily maximum concentration limits of 50 mg/L.

Additionally, this permitting action is carrying forward the previously established, technology-based monthly average, weekly average and daily maximum mass limits of 963 lbs./day, 1,445 lbs./day and 1,605 lbs./day, respectively, for BOD_5 and TSS. These limits are based on the daily maximum flow criterion of 3.85 MGD.

Monthly Average Mass Limit: (30 mg/L)(8.34 lbs./gallon)(3.85 MGD) = 963 lbs./day
Weekly Average Mass Limit: (45 mg/L)(8.34 lbs./gallon)(3.85 MGD) = 1445 lbs./day
Daily Maximum Mass Limit: (50 mg/L)(8.34 lbs./gallon)(3.85 MGD) = 1605 lbs./day

The Department has determined based on results of facility data and best professional judgment that the previously established monitoring frequency for BOD_5 and TSS of once per week (1/Week) is being carried forward in this permitting action.

The Department reviewed DMRs that were submitted for the period August 2015 through November 2024. A review of data indicates the following:

BOD_5 mass (n = 108)

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	963	136 - 922	365
Weekly Average	1,445	155 - 1072	452
Daily Maximum	1,605	159 - 1176	511

BOD_5 concentration (n = 108)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	9 – 37*	20
Weekly Average	45	11 – 48*	24
Daily Maximum	50	11 – 69*	27

*14 excursions occurred during the previous permitting period from December 2016 through September 2017 and in October 2019.

TSS mass (n = 108)

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	963	146 - 830	382
Weekly Average	1,445	171 - 980	459
Daily Maximum	1,605	177 - 1067	502

TSS concentration (n = 108)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	10 – 33*	20
Weekly Average	45	11 – 46*	24
Daily Maximum	50	12 – 59*	26

*8 excursions occurred during the period of August 2015 to November 2024.

This permitting action is carrying forward a requirement for a minimum of 85% removal of BOD_5 & TSS pursuant to 06-096 C.M.R. ch. 525(3)(III)(a&b)(3).

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

The Department has determined, based on results of facility data and best professional judgment, that the previously established monitoring frequency for settleable solids of once per week (1/Week) is being carried forward in this permitting action.

The Department reviewed DMRs that were submitted for the period August 2015 through November 2024. A review of data indicates the following:

Settleable Solids concentration (n = 108)

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

e. *Escherichia coli* Bacteria(*E. Coli*): Previous permitting action established seasonal, May 15th - September 30th, monthly average and daily maximum *E. coli* bacteria concentration limits. The previous permitting action established a daily maximum water quality standard of 949 MPN or CFU/ 100 mL and a monthly average of 100 MPN or CFU/100 mL based on dilution and water quality standards for Class C waters in 38 M.R.S. § 465(4). This permitting action is establishing seasonal, April 15th through October 31st, monthly average 64 MPN or CFU/100 mL and a daily maximum of 236 MPN or CFU/100mL, based on the newly ascribed Class B waters for this discharge in 38 M.R.S. § 465(3)(B). The Department reserves the right to impose year-round bacteria limits, if necessary, to protect the health, safety and welfare of the public.

The Department has determined based on results of facility data and best professional judgment that the previously established monitoring frequency for *E. coli* bacteria of three times per week (3/Week) will be carried forward in this permitting action.

The Department reviewed DMRs that were submitted for the period August 2015 through November 2024. A review of data indicates the following:

***E. coli* Bacteria (n = 59)**

Value	Limit (CFU or MPN/100 ml)	Range (CFU or MPN/100 ml)	Mean (CFU or MPN/100 ml)
Monthly Average	100	1 – 74	16
Daily Maximum	949	1 – 241,960*	8216

*2 excursions occurred during this permitting action in December 2016 and April 2017, when dichlorination was not being used.

The Department of Marine Resources (MEDMR) in collaboration with the Department of Environment Protection is establishing *E. coli* bacteria testing at a frequency of 1/Month during the non-summer months for one year beginning in the fall of 2015 at wastewater treatment plant (WWTP) outfalls in the upper Kennebec and Androscoggin Rivers. This monitoring is being established to eliminate these point sources of pollution as the cause of a public health risk to shellfish harvest in the lower river.

In 2001, the USFDA investigation of the Kennebec River Estuary concluded that high river flow due to rain events negatively impacts water quality (increased fecal coliform) in the lower river. Because of this, MEDMR was required to manage shellfish harvest based on a river flow management plan. There is significant soft-shell clam resource in the lower Kennebec River; in the most recent years this area supports eighty seven commercial shellfish licenses and contributes over $867,000 dollars to the Maine economy. MEDMR implemented the plan in 2009 and required shellfish harvest closures for a minimum of fourteen days when flow exceeded 30K cubic feet per second (cfs). After implementation, closures based on the new plan resulted in an almost 50% reduction in shellfish harvest. In 2010 efforts began by the MEDMR in partnership with local, regional and state collaborators to collect additional data in the lower river after high flow events to make adjustments to the river flow management plan. Data collected from this effort significantly increased shellfish harvest; actual closures and the duration of closures times were both reduced. However, no change was made to the plan since 2009 during the fall and early winter months because of the persistent high levels of fecal pollution during high flow events greater than 30,000 cfs.

The data collected in the lower river suggest that the major impacts associated with the water quality degradation are attributed to upriver pollution sources. There is a significant presence of both point and non-point pollution sources in the Kennebec and Androscoggin Rivers' watersheds, with the majority of the largest sources located north of Merrymeeting Bay. These pollution sources include eight municipal WWTPs and six with combined sewer overflows. It is unclear whether or not WWTP's that do not chlorinate year-round and specifically in the fall season, contribute to the elevated and persistent high fecal scores in the lower river.

The results of the E. Coli sampling conducted October 2015 – November 2016 by the Brunswick Sewer District are as follows:

***E. coli* Bacteria (n = 14)**

Value	Range (CFU/100 ml)	Mean (CFU/100 ml)
Daily Maximum	4 - 60,900	13,552

f. Total Residual Chlorine (TRC): This permitting action is carrying forward the previously established daily maximum TRC limit of 0.04 mg/L, due to 0.04 mg/L being below the USEPA's current minimum level. Therefore, the USEPA's minimum level of 0.05 mg/L will be the limit the permittee

is held to from a compliance expective. Limits on TRC are specified to ensure that ambient water quality standards are maintained and that BPT is being applied to the discharge. The Department establishes the more stringent of the water quality or technology-based limits in permitting actions. End-of-pipe water quality-based concentration limits are calculated as follows:

1. *Water Quality-Based Limit*: With dilution factors as determined above, end-of-pipe (EOP) water quality-based concentration limitations for TRC may be calculated as follows:

   Acute Limit = Acute Criterion x Acute Dilution Factor

   Acute Limit = 0.013 mg/L x 3.2 = 0.04 mg/L

2. *BPT-Based Limit*

   a. The Department has established a daily maximum BPT-based limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds.

   b. For facilities that need to dechlorinate the discharge in order to meet water quality-based limits the Department has established daily maximum and monthly average BPT-based limits of 0.3 mg/L and 0.1 mg/L, respectively.

The Department reviewed DMRs that were submitted for the period August 2015 through November 2024. A review of data indicates the following:

Total Residual Chlorine (n = 44)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	0.05	0.01 – 0.68*	0.14

*2 excursions occurred during the period of August 2015 through November 2024.

The Department has determined based on results of facility and best professional judgment that the previously established monitoring frequency for TRC of twice per day (2/Day) is being carried forward in this permitting action.

g. pH: This permitting action is carrying forward the previously established a technology-based pH limit of 6.0 – 9.0 standard units (SU), which is based on 06-096 C.M.R. ch. 525(3)(III). This permitting action is carrying forward the monitoring frequency requirement for pH of five times per week (5/Week).

The Department reviewed DMRs that were submitted for the period August 2015 through November 2024. A review of data indicates the following:

pH (n = 108)

Value	Limit (SU)	Minimum (SU)	Maximum (SU)
Range	6.0 – 9.0	6.0	8.5

h. Mercury: Pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S. § 420 and *Waste discharge licenses*, 38 M.R.S. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 C.M.R. ch. 519 (last amended October 6, 2001). The 2011 modification established and this permitting action is carrying forward interim monthly average and daily maximum

effluent concentration limits of 58.9 parts per trillion (ppt) and 88.4 ppt, respectively. It is noted the limitations have been incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of this permit. 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.

Pursuant to 38 M.R.S. § 420(1-B)(F), this permitting action is carrying forward the once per year (1/Year) monitoring frequency established in the February 6, 2012 permit modification.

The Department reviewed DMRs that were submitted for the period August 2015 through November 2024. A review of data indicates the follows:

Mercury (n = 7)

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)
Monthly Average	58.9	0.01 – 19.9	11.1
Daily Maximum	88.4		
Cumulative Arithmetic Mean of all* Mercury Test Results on File			25.4

*Includes all mercury test results utilizing sampling Method 1669 and analysis Method 1631E

i. Total Phosphorus: *Waste Discharge License Conditions,* 06-096 C.M.R. ch. 523 specifies that water-quality-based limits are necessary when it has been determined that a discharge has a reasonable potential to cause or contribute to an excursion above any state water quality standard including State narrative criteria. In addition, 06-096 CMR 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 its 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* (CMR 06-096 Chapter 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 Androscoggin River at Topsham-Brunswick, a Class B water, has an in-stream TP limit of 30 µg/L (0.030 mg/L) during August median flow conditions. The department will use this limit to assess the Brunswick Sewer District's potential to cause or contribute to a total phosphorus excursion in the lower Androscoggin River between the Brookfield White Pine Hydro Dam and Merrymeeting Bay.

The Brunswick Sewer District sampled and tested its discharge for total phosphorus concentration in the summer (June-September) of 2015. The seasonal mean of this 2015 data (n=5) is 3.83 mg/liter total phosphorus. In the absence of more recent data, this value is being used as the effluent total phosphorus concentration in the reasonable potential analysis in this fact sheet.

In July and August 2010, the department collected and analyzed total phosphorus at the department's Biomonitoring Station S-955 in Brunswick, which is just above the river's head of tide and 1.5 miles upstream of the Brunswick Sewer District's outfall. The mean background total phosphorus concentration of those data (n=6) is 0.020 mg/liter. In the absence of more recent data covering a full summer season, this value is being used as the seasonal background concentration in the reasonable potential analysis in this fact sheet.

As part of its 2024 update of the Androscoggin River flows for computing dilution factors, the department's Division of Environmental Assessment also computed the August median flow at Brunswick. The river's August median flow at the Brunswick Sewer District's outfall is 2,848 cfs (1,841 MGD). Using this river flow, an effluent TP concentration of 3.83 mg/liter, and an ambient

background TP concentration of 0.020 mg/liter, the reasonable potential analysis for total phosphorus is as follows:

Reasonable Potential Analysis

$$Cr = \frac{QeCe + QsCs}{Qr}$$

Qe = effluent flow = 3.85 MGD
Ce = effluent pollutant concentration = 3.83 mg/L
Qs = August median flow of receiving water = 1,841 MGD
Cs = upstream concentration = 0.020 mg/L
Qr = receiving water flow (1,841 MGD + 3.85 MGD) = 1,844.85 MGD
Cr = receiving water concentration

$$Cr = \frac{(3.85 \text{ MGD} \times 3.83 \text{ mg/L}) + (1{,}841 \text{ MGD} \times 0.020 \text{ mg/L})}{1{,}844.85 \text{ MGD}} = 0.028 \text{ mg/L}$$

Cr = 0.028 mg/L < 0.030 mg/L for Class B waters **No Reasonable Potential**

As the above calculation indicates the Brunswick Sewer District's discharge will not cause or contribute to an increase in the river's total phosphorus concentration above the Class B criterion, no effluent limitation for phosphorus will be established in this permitting action. To better assess the exceedance potential due to the river's current phosphorus levels and the Brunswick Sewer District's current treatment operations, however, this permitting action is establishing once per month (1/month) monitoring of the ambient, upstream total phosphorus and once per month (1/month) monitoring of the effluent total phosphorus by the permittee during the summer (June – September) for the last two years of this 5-year permit renewal.

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

38 M.R.S. § 414-A and 38 M.R.S. § 420 prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. 06-096 C.M.R. ch. 530 sets forth effluent monitoring requirements and procedures to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric water quality criteria are met. 06-096 C.M.R. ch. 584 set forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

WET, priority pollutant and analytical chemistry testing, as required by 06-096 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 Chmemical Specific Data Report Form" 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 exceedences of narrative or numerical water quality criteria."*

Brunswick Sewer District 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 ≥20:1 but <100:1
Level III	Chronic dilution factor of ≥100:1 but <500:1 or >500:1 and Q ≥1.0 MGD
Level IV	Chronic dilution factor of >500:1 and Q ≤1.0 MGD

Based on the criteria, the permittee's facility is considered a Level II discharger as the chronic dilution of the receiving water is 20:1. 06-096 C.M.R. ch. 530 (2)(D) specifies default WET, priority pollutant, and analytical chemistry test schedules for Level II dischargers as follows:

Surveillance Level Testing

Level	WET	Priority Pollutant Testing	Analytical Chemistry
II	1 per year	None Required	2 per year

Screening Level Testing

Level	WET	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.

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

> *"For effluent monitoring data and the variability of the pollutant in the effluent, the Department must apply the statistical approach in Section 3.3.2 and Table 3-2 of USEPA's "Technical Support Document for Water Quality-Based Toxics Control" (USEPA Publication 505/2-90-001, March, 1991, USEPA, 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 December 2, 2024, the Department conducted a statistical evaluation on the most recent 60 months of WET test results on file with the Department for the permittee in accordance with the statistical approach outlined above. The December 2, 2024, statistical evaluation indicates the discharge from the permittee 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 fortinalis*). See Fact Sheet **Attachment C** for WET results.

Given the absence of exceedances or reasonable potential to exceed critical WET thresholds, the permittee meets the surveillance level monitoring frequency waiver criteria found at Department rule 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 per year provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedance as calculated pursuant to section 3(E).*

In accordance with Department rule 06-096 C.M.R. ch. 530 (2)(D)(4) and Special Condition J, *Statement For Reduced/Waived Toxics Testing* of this permit, the permittee must annually submit to the Department a written statement evaluating its current status for each of the conditions listed. This permitting action maintains the established screening level testing for WET of twice per year per screening year (2/Year), establishes surveillance level testing for WET of once per two years (1/2 Year).

k. Analytical Chemistry & Priority Pollutant Testing Evaluation:

The previous permit established, and this permit is carrying forward water quality-based mass limitations and monitoring requirements for total aluminum, total copper, and total silver at a monitoring frequency of 2/year.

A review of the DMR data for the period August 2015 through November 2024 indicates values have been reported as follows:

Aluminum, Total (n = 32)

Value	Limit	Range	Mean
Monthly Average (lbs/day)	3.34 lbs/day	0.80 – 8.00 lbs/day	2.49 lbs/day
Monthly Average (µg/L)	Report Only µg/L	51.0 – 340 µg/L	130.3 µg/L

Copper, Total (n = 26)

Value	Limit	Range	Mean
Daily Maximum lbs/day	1.3 lbs/day	0.37 – 2.0 lbs/day	0.90 lbs/day
Daily Maximum µg/L	Report Only µg/L	23.0 – 67.0 µg/L	38.6 µg/L

Silver, Total (n = 24)

Value	Limit	Range	Mean
Daily Maximum lbs/day	0.07 lbs/day	0.01 – 0.03 lbs/day	0.02 lbs/day
Daily Maximum µg/L	Report Only µg/L	0.39 – 1.20 µg/L	0.81 µg/L

Chapter 530 4(E) states, "*In allocating assimilative capacity for toxic pollutants, the Department shall hold a portion of the total capacity in an unallocated reserve to allow for new or changed discharges and non-point source contributions. The unallocated reserve must be reviewed and restored as necessary at intervals of not more than five years. The water quality reserve must be not less than 15% of the total assimilative quantity. The Department may increase this amount where it has information that significant non-point sources of a pollutant are present in a watershed. The Department may allocate quantities held in water quality reserve to new or changed dischargers according to the principles of the State's anti-degradation policy described in 38 M.R.S. § 464 (4)(F). Notwithstanding the above, for the purpose of calculating waste discharge license limits for toxic substances, the department may use any unallocated assimilative capacity that the Department has set aside for future growth if the use of that unallocated assimilative capacity would avoid an exceedance of applicable ambient water quality criteria or a determination by the Department of a reasonable potential to exceed applicable water quality criteria.*"

The Department has limited information on the background levels of metals in the water column in the Androscoggin River in the vicinity of the permittee's outfall. Therefore, a default background concentration of 10% of the applicable water quality criteria is being used in the calculation for this permitting action.

On December 02, 2025 the Department conducted a statistical evaluation, Report 1503, of the most recent 60 months of chemical-specific test results on file with the Department. The evaluation indicated that the discharge demonstrates a reasonable potential to exceed the chronic AWQC for Cadmium, Copper and Lead. The evaluation indicated that the discharge demonstrates a reasonable potential to exceed the acute AWQC for Cadmium, Copper, Lead, and Zinc. The evaluation indicated that the discharge demonstrates a reasonable potential to exceed the human health AWQC for Arsenic. Past practice has been to eliminate the limits for Aluminum and Silver based on the new test results obtained during the most current 60 months does not qualify for the anti-backsliding provision of "new information that was not available at the time of the previous permit." See **Attachment E** of this Fact Sheet for a facility chemical data report.

Aluminum

According to the September 30, 2014 statistical evaluation (Report ID #714), the historical average mass of aluminum discharged by the permitte (2.353 lbs/day). The chronic assimilative capacity (AC) at Brunswick was calculated based on 90% of the applicable AWQC (taking into consideration the 10% reduction to account for background, 0% reduction for reserve, totaling 10%), critical low flows (7Q10 = 2,010 cfs) at Brunswick. The calculation for Aluminum is as follows:

Chronic:

End of Pipe (EOP) calculation is as follows:

$$EOP = \left[(dilution\ factor)X\left(100\% - (Reserve\% + background\%)\right)X\ (AWQC)\right] + [(background + reserve)X(AWQC)]$$

Dilution factor = 20
Background + Reserve = 10%
AWQC = 87 ug/L

$$EOP = [(20)X(1.00 - .10)X(87)] + [(.10)X(87)] = 1575\ ug/L$$

EOP = 1.575 mg/L

Monthly Average Mass for Aluminum:
Monthly Average limit = (Discharge permitted flow)(8.34 lbs/gal)(EOP)

(3.85 MGD)(8.34 lbs/gal)(1.575 mg/L) = **50 lbs/day**

The previous permit established and this permit is carrying forward the monthly average mass limit of 3.34 lbs/day. Based on the timing, severity and frequency of occurrences of the reasonable potential to exceed applicable critical water quality thresholds, this permitting action is carrying forward the previously established minimum monitoring frequency requirement of twice per year.

Copper

According to the December 02, 2025 statistical evaluation (Report ID #1503), the historical average mass of copper discharged by the permittee (0.931 lbs/day). The acute assimilative capacity (AC) at Brunswick was calculated based on 90% of the applicable AWQC (taking into consideration the 10% reduction to account for background, 0% reduction for reserve, totaling 10%), critical low flows (1Q10 = 1,292 cfs) at Brunswick. The calculation for Copper is as follows:

Acute:

End of Pipe (EOP) calculation is as follows:

$$EOP = \left[(dilution\ factor)X\left(100\% - (Reserve\% + background\%)\right)X\ (AWQC)\right] + [(background + reserve)X(AWQC)]$$

Dilution factor = 3.2
Background + Reserve = 10%
AWQC = 3.1 ug/L

$$EOP = [(3.2)X(1.00 - .10)X(3.1)] + [(.10)X(3.1)] = 9.24\ ug/L$$

EOP = 0.00924 mg/L

Daily Maximum Mass Limit
Daily Maximum = (Permitted flow)(8.34lbs/day)(EOP)

(3.85 MGD)(8.34 lbs/gal)(0.00924 mg/L) = **0.30 lbs/day**

Based on the timing, severity and frequency of occurrences of the reasonable potential to exceed applicable critical water quality thresholds, this permitting action is carrying forward the previously established minimum monitoring frequency requirement of twice per year.

Silver

According to the September 30, 2014 statistical evaluation (Report ID #714) indicates the historical average mass of silver discharged by the permittee (0.024 lbs/day). The acute assimilative capacity (AC) at Brunswick was calculated based on 90% of the applicable AWQC (taking into consideration the 10% reduction to account for background, 0% reduction for reserve, totaling 10%), critical low flows (1Q10 = 1,292 cfs) at Brunswick. The calculation for silver is as follows:

Acute:

End of Pipe (EOP) calculation is as follows:

$$EOP = \left[(dilution\ factor)X\left(100\% - (Reserve\% + background\%)\right)X\ (AWQC)\right] + [(background + reserve)X(AWQC)]$$

Dilution factor = 3.2
Background + Reserve = 10%
AWQC = 0.24 ug/L

$$EOP = [(3.2)X(1.00 - .10)X(0.24)] + [(.10)X(0.24)] = 0.72\ ug/L$$

EOP = 0.00072 mg/L

Daily Maximum Mass Limit
Daily Maximum = (Permitted flow)(8.34lbs/day)(EOP)

(3.85 MGD)(8.34 lbs/gal)(0.00072 mg/L) = **0.023 lbs/day**

The previous permit established and this permit is carrying forward the monthly average mass limit of 0.07 lbs/day. Based on the timing, severity and frequency of occurrences of the reasonable potential to exceed applicable critical water quality thresholds, this permitting action is carrying forward the previously established minimum monitoring frequency requirement of twice per year.

Arsenic

According to the December 02, 2024 statistical evaluation (Report ID #1503), the historical average mass of arsenic discharged by the permittee (97.6 lbs/day). The acute assimilative capacity (AC) at Brunswick was calculated based on 90% of the applicable AWQC (taking into consideration the 10% reduction to account for background, 0% reduction for reserve, totaling 10%), critical low flows (1Q10 = 1,292 cfs) at Brunswick. The calculation for Arsenic is as follows:

Acute:

End of Pipe (EOP) calculation is as follows:

$$EOP = \left[(dilution\ factor)X\left(100\% - (Reserve\% + background\%)\right)X\ (AWQC)\right] + [(background + reserve)X(AWQC)]$$

Dilution factor = 3.2
Background + Reserve = 10%
AWQC = 1.30 ug/L

$$EOP = [(3.2)X(1.00 - .10)X(1.30)] + [(.10)X(1.30)] = 3.87\ ug/L$$

EOP = 0.00387 mg/L

Daily Maximum Mass Limit
Daily Maximum = (Permitted flow)(8.34lbs/day)(EOP)

(3.85 MGD)(8.34 lbs/gal)(0.00387 mg/L) = **0.12 lbs/day**

Based on the timing, severity and frequency of occurrences of the reasonable potential to exceed applicable critical water quality thresholds, this permitting action is carrying forward the previously established minimum monitoring frequency requirement of twice per year.

Cadmium

According to the December 02, 2024 statistical evaluation (Report ID #1503), the historical average mass of cadmium discharged by the permittee (0.015 lbs/day). The chronic assimilative capacity (AC) at Brunswick was calculated based on 90% of the applicable AWQC (taking into consideration the 10% reduction to account for background, 0% reduction for reserve, totaling 10%), critical low flows (1Q10 = 1,292 cfs and 7Q10 = 2,010 cfs) at Brunswick. The calculation for aluminum is as follows:

Acute:

End of Pipe (EOP) calculation is as follows:

$$EOP = \left[(dilution\ factor)X\left(100\% - (Reserve\% + background\%)\right)X\ (AWQC)\right] + [(background + reserve)X(AWQC)]$$

Dilution factor = 3.2
Background + Reserve = 10%
AWQC = 0.42 ug/L

$$EOP = [(3.2)X(1.00 - .10)X(0.42)] + [(.10)X(0.42)] = 1.25\ ug/L$$

EOP = 0.00125 mg/L

Daily Maximum Mass Limit
Daily Maximum = (Permitted flow)(8.34lbs/day)(EOP)

(3.85 MGD)(8.34 lbs/gal)(0.00125 mg/L) = **0.04 lbs/day**

Chronic:

End of Pipe (EOP) calculation is as follows:

$$EOP = \left[(dilution\ factor)X\left(100\% - (Reserve\% + background\%)\right)X\ (AWQC)\right] + [(background + reserve)X(AWQC)]$$

Dilution factor = 20
Background + Reserve = 10%
AWQC = 0.08 ug/L

$$EOP = [(20)X(.100 - .10)X(0.08)] + [(.10)X(0.08)] = 1.45\ ug/L$$

EOP = 0.00145 mg/L

Monthly Average Mass Limit
Monthly Average = (Permitted flow)(8.34lbs/day)(EOP)

(3.85 MGD)(8.34 lbs/gal)(0.00145 mg/L) = **0.046 lbs/day**

Based on the timing, severity and frequency of occurrences of the reasonable potential to exceed applicable critical water quality thresholds, this permitting action is carrying forward the previously established minimum monitoring frequency requirement of twice per year.

Lead

According to the December 02, 2024 statistical evaluation (Report ID #1503), the historical average mass of lead discharged by the District (0.091 lbs/day). The acute capacity (AC) at Brunswick was calculated based on 90% of the applicable AWQC (taking into consideration the 10% reduction to account for background, 0% reduction for reserve, totaling 10%), critical low flows (1Q10 = 1,292 cfs and 7Q10 = 2,010 cfs) at Brunswick. The calculation for silver is as follows:

Acute:

End of Pipe (EOP) calculation is as follows:

$$EOP = \left[(dilution\ factor)X\left(100\% - (Reserve\% + background\%)\right)X\ (AWQC)\right] + [(background + reserve)X(AWQC)]$$

Dilution factor = 3.2
Background + Reserve = 10%
AWQC = 10.5 ug/L

$$EOP = [(3.2)X(.100 - .10)X(10.5)] + [(.10)X(10.5)] = 31.29\ ug/L$$

EOP = 0.0313 mg/L

Daily Maximum Mass Limit
Daily Maximum = (Permitted flow)(8.34lbs/day)(EOP)

(3.85 MGD)(8.34 lbs/gal)(0.0313 mg/L) = **1.0 lbs/day**

Chronic:

End of Pipe (EOP) calculation is as follows:

$$EOP = \left[(dilution\ factor)X\left(100\% - (Reserve\% + background\%)\right)X\ (AWQC)\right] + [(background + reserve)X(AWQC)]$$

Dilution factor = 20
Background + Reserve = 10%
AWQC = 0.41 ug/L

$$EOP = [(20)X(.100 - .10)X(0.41)] + [(.10)X(0.41)] = 7.42\ ug/L$$

EOP = 0.00742 mg/L

Monthly Average Mass Limit
Monthly Average = (Permitted flow)(8.34lbs/day)(EOP)

(3.85 MGD)(8.34 lbs/gal)(0.00742 mg/L) = **0.24 lbs/day**

Based on the timing, severity and frequency of occurrences of the reasonable potential to exceed applicable critical water quality thresholds, this permitting action is carrying forward the previously established minimum monitoring frequency requirement of twice per year.

Zinc

According to the December 02, 2024 statistical evaluation (Report ID #1503), the historical average mass of zinc discharged by the permittee (2.75 lbs/day). The acute capacity (AC) at Brunswick was calculated based on 90% of the applicable AWQC (taking into consideration the 10% reduction to account for background, 0% reduction for reserve, totaling 10%), critical low flows (1Q10 = 1,292 cfs) at Brunswick. The calculation for silver is as follows:

Acute:

End of Pipe (EOP) calculation is as follows:

$$EOP = \left[(dilution\ factor)X\left(100\% - (Reserve\% + background\%)\right)X\ (AWQC)\right] + [(background + reserve)X(AWQC)]$$

Dilution factor = 3.2
Background + Reserve = 10%
AWQC = 30.6 ug/L

$$EOP = [(3.2)X(.100 - .10)X(30.6)] + [(.10)X(30.6)] = 91.19\ ug/L$$

EOP = 0.09119 mg/L

Daily Maximum Mass Limit
Daily Maximum = (Permitted flow)(8.34lbs/day)(EOP)

(3.85 MGD)(8.34 lbs/gal)(0.09119 mg/L) = **2.9 lbs/day**

Based on the timing, severity and frequency of occurrences of the reasonable potential to exceed applicable critical water quality thresholds, this permitting action is carrying forward the previously established minimum monitoring frequency requirement of twice per year.

Priority Pollutants

Based on the results of the December 02, 2024 statistical evaluation in which no reasonable potential to cause or contribute to an excursion of water quality standards was found, this permitting action does not establish water quality-based effluent limitations for priority pollutants. Instead, this permitting action maintains the established screening level testing for priority pollutants of once per year (1/Screening Year). Surveillance level priority pollutant monitoring is not required for Level II facilities per 06-096 C.M.R. ch. 530(2)(D)(3)(c).

Analytical Chemistry

Based on the results of the December 02, 2024 statistical evaluation, this permitting action maintains the established screening level testing for analytical chemistry of once per quarter per screening year (4/Screening Year), establishes surveillance level testing for analytical chemistry of twice per surveillance year (2/Surveillance Year) and does not establish water quality-based effluent limitations for analytical chemistry.

8. DISPOSAL OF SEPTAGE WASTE IN WASTEWATER TREATMENT FACILITY

The permittee has applied for, and pursuant to *Standards for the Addition of Transported Wastes to Waste Water Treatment Facilities,* 06-096 C.M.R. ch. 555 (last amended February 5, 2009), and the permittee's written septage management plan a copy of which was provided in the 2014 permit renewal application submitted to the Department on September 2, 2014 this permitting action authorizes the permittee to receive and introduce into the treatment process or solids handling stream up to a daily maximum of 35,000 GPD of transported wastes (septage wastes) (up to a monthly total of 1,050,000 gallons). See Special Condition K of the permit.

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. ANTIDEGREADATION

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 Class B classification.

11. PUBLIC COMMENTS

Public notice of this application was made in the *Times Record* newspaper on or about July 2, 2020. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses,* 06-096 C.M.R. ch. 522 (effective January 12, 2001).

12. DEPARTMENT CONTACTS

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

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

13. RESPONSE TO COMMENTS

This section reserved for future comments

ATTACHMENT A

MEPDES - Facility

- ACTIVE FACILITY
- INACTIVE FACILITY
- RETIRED

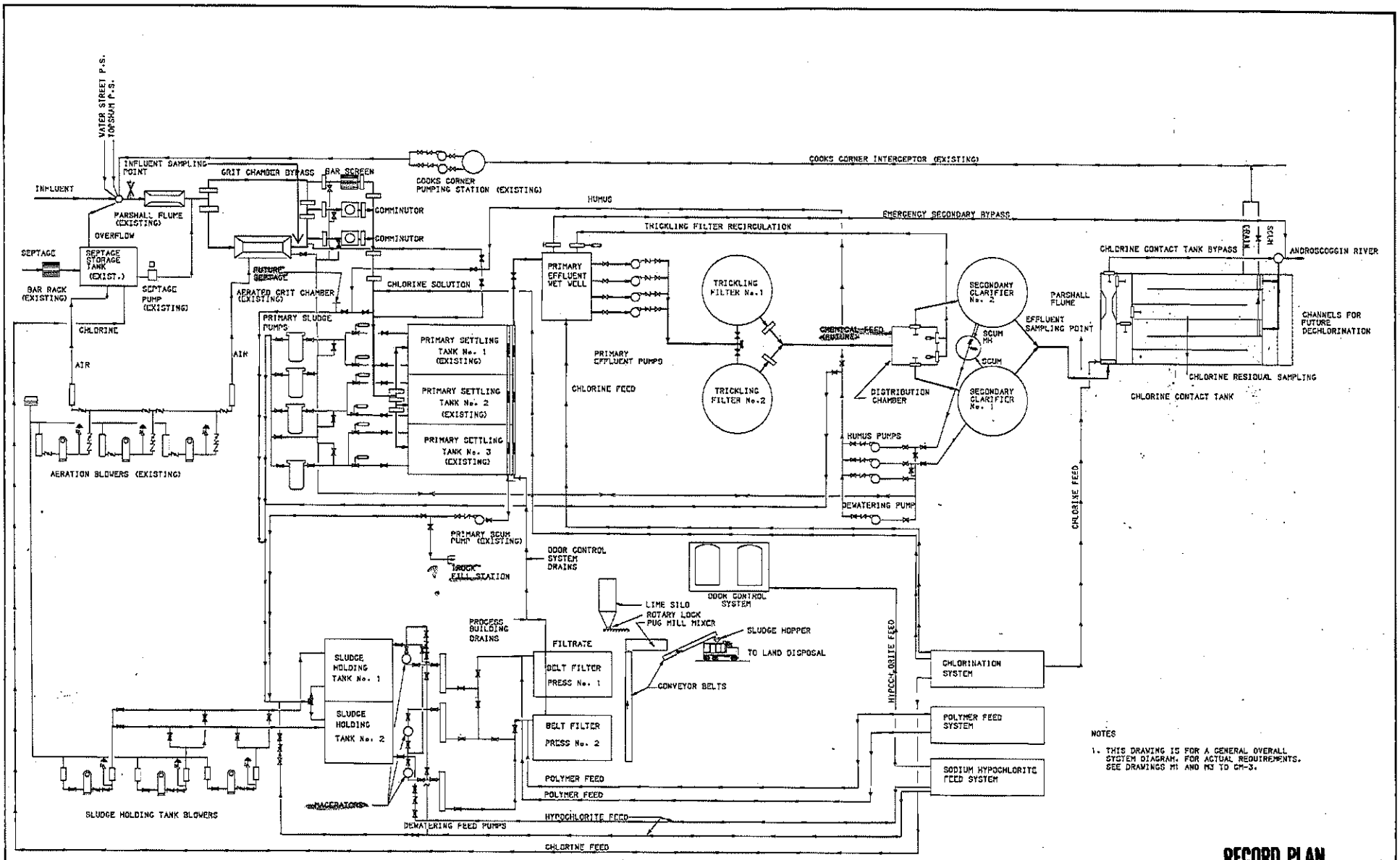
MEPDES - Outfalls

- ACTIVE OUTFALL
- INACTIVE OUTFALL
- RETIRED

CSO

- ACTIVE CSO
- CLOSED CSO

ATTACHMENT B



NOTES

1. THIS DRAWING IS FOR A GENERAL OVERALL SYSTEM DIAGRAM. FOR ACTUAL REQUIREMENTS, SEE DRAWINGS M1 AND M3 TO CM-3.

RECORD PLAN

NO.	DESCRIPTION	DATE
	REVISIONS	
1	REVISED TO RECORD PLAN	2/92

WHITMAN & HOWARD, INC.
P.O. BOX 1168 153 U.S. ROUTE 1
SCARBOROUGH, MAINE

ORIGINAL FULL SIZE DRAWING = 4"
REPRODUCTIONS MAY BE REDUCED SIZE

APPROVED

DESIGNED	DRAWN	CHECKED	SCALE	DATE
RET	TPM	RET	NONE	February, 1989

DRAWING NO. M-2
JOB NO. 88-239
CONTRACT NO. 3-89
SHEET 42 OF 96 SHEETS

SECONDARY WASTEWATER TREATMENT FACILITY
BRUNSWICK SEWER DISTRICT
PROCESS DIAGRAM

ATTACHMENT C

FACILITY WET EVALUATION REPORT

Facility: BRUNSWICK SEWER DISTRICT **Permit Number:** ME0100102 **Report Date:** 12/2/2024

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

Diluition Factors: 1/4 Acute: N/A Acute: 3.200 Chronic: 20

Effluent Limits: Acute (%): 31.250 Chronic (%): 5.000 **Date range for Evaluation: From** 02/Dec/2019 **To:** 02/Dec/2024

Test Type: **A_NOEL**

Test Species: **TROUT**

Test Date	Result (%)	Status
12/08/2019	100.000	OK
04/04/2022	100.000	OK
03/04/2024	100.000	OK
10/21/2024	100.000	OK

Species Summary:

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

Test Type: **C_NOEL**

Test Species: **TROUT**

Test Date	Result (%)	Status
12/08/2019	100.000	OK
04/04/2022	100.000	OK
03/04/2024	100.000	OK
10/21/2024	100.000	OK

Species Summary:

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

Test Type: **A_NOEL**

Test Species: **WATER FLEA**

Test Date	Result (%)	Status
12/08/2019	100.000	OK
04/04/2022	100.000	OK
03/04/2024	100.000	OK
10/21/2024	100.000	OK

Species Summary:

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

Test Type: **C_NOEL**

Test Species: **WATER FLEA**	**Test Date**	**Result (%)**	**Status**
	12/08/2019	50.000	OK
	04/04/2022	100.000	OK
	03/04/2024	100.000	OK
	10/21/2024	100.000	OK

Species Summary:

Test Number: 4 **RP:** 2.600 **Min Result (%):** 50.000 **RP factor (%):** 19.231 **Status:** OK

ATTACHMENT D

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

MEPDES#_____Facility Name_____

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

COMMENTS:

Name (printed): _____

Signature:_____Date: _____

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

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

Scheduled Toxicity Testing for the next calendar year

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

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

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

ATTACHMENT E

FACILITY PRIORITY POLLUTANT DATA REPORT

Data Date Range: 14/Nov/2020 - 14/Nov/2025

Showing all data

Facility name: **BRUNSWICK SEWER DISTRICT** Permit Number: **ME0100102**

Parameter: 1,1,1-TRICHLOROETHANE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: 1,1,2,2-TETRACHLOROETH	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.000	Y
Parameter: 1,1,2-TRICHLOROETHANE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.500	Y
Parameter: 1,1-DICHLOROETHANE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.500	Y
Parameter: 1,1-DICHLOROETHYLENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.000	Y
Parameter: 1,2-(O)DICHLOROBENZEN	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: 1,2,4-TRICHLOROBENZEN	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: 1,2-DICHLOROETHANE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.500	Y
Parameter: 1,2-DICHLOROPROPANE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	3.500	Y
Parameter: 1,2-DIPHENYLHYDRAZINE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	20.000	Y
Parameter: 1,2-TRANS-DICHLOROETH	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.500	Y
Parameter: 1,3-(M)DICHLOROBENZEN	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: 1,3-DICHLOROPROPYLENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.500	Y
Parameter: 1,4-(P)DICHLOROBENZEN	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: 2,4,6-TRICHLOROPHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: 2,4-DICHLOROPHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: 2,4-DIMETHYLPHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: 2,4-DINITROPHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	20.000	Y
Parameter: 2,4-DINITROTOLUENE	**Test date**	**Result (ug/l)**	**Lsthan**

Facility name: **BRUNSWICK SEWER DISTRICT** Permit Number: **ME0100102**

	10/21/2024	5.000	Y
Parameter: 2,6-DINITROTOLUENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: 2-CHLOROETHYLVINYL ET	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	10.000	Y
Parameter: 2-CHLORONAPHTHALENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: 2-CHLOROPHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: 2-NITROPHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: 3,3'-DICHLOROBENZIDINE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: 3,4-BENZO(B)FLUORANTH	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: 4,4'-DDD	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.040	Y
Parameter: 4,4'-DDE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.040	Y
Parameter: 4,4'-DDT	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.040	Y
Parameter: 4,6-DINITRO-O-CRESOL	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	10.000	Y
Parameter: 4-BROMOPHENYLPHENYL	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: 4-CHLOROPHENYL PHENYL	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: 4-NITROPHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	10.000	Y
Parameter: A-BHC	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.020	Y
Parameter: ACENAPHTHENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: ACENAPHTHYLENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: ACROLEIN	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	8.000	Y

Facility name: **BRUNSWICK SEWER DISTRICT** Permit Number: **ME0100102**

Parameter: ACRYLONITRILE

Test date	Result (ug/l)	Lsthan
10/21/2024	10.000	Y

Parameter: A-ENDOSULFAN

Test date	Result (ug/l)	Lsthan
10/21/2024	0.020	Y

Parameter: ALDRIN

Test date	Result (ug/l)	Lsthan
10/21/2024	0.020	Y

Parameter: ALUMINUM

Test date	Result (ug/l)	Lsthan
10/13/2021	64.000	N
01/04/2022	64.000	N
04/04/2022	90.000	N
07/19/2022	84.000	N
10/19/2022	110.000	N
04/12/2023	190.000	N
05/17/2023	180.000	N
05/29/2023	130.000	N
06/05/2023	190.000	N
06/12/2023	140.000	N
06/19/2023	150.000	N
06/28/2023	130.000	N
07/04/2023	100.000	N
07/12/2023	120.000	N
07/18/2023	120.000	N
07/25/2023	140.000	N
08/02/2023	44.000	N
08/08/2023	65.000	N
08/15/2023	86.000	N
08/30/2023	140.000	N
09/05/2023	100.000	N
09/13/2023	120.000	N
09/19/2023	102.500	N
10/03/2023	77.100	N
10/31/2023	61.360	N
11/14/2023	82.710	N
03/04/2024	98.410	N
05/13/2024	97.840	N
07/17/2024	79.240	N
10/21/2024	43.010	N
06/11/2025	121.600	N

Parameter: AMMONIA

Test date	Result (ug/l)	Lsthan
10/13/2021	100.000	Y
01/04/2022	700.000	N
04/04/2022	600.000	N
07/19/2022	500.000	Y
10/19/2022	500.000	Y
04/12/2023	500.000	Y
03/04/2024	4970.000	N

Facility name: **BRUNSWICK SEWER DISTRICT** Permit Number: **ME0100102**

	05/13/2024	75.000	Y
	10/21/2024	1190.000	N
Parameter: ANTHRACENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: ANTIMONY	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	4.000	Y
Parameter: ARSENIC	**Test date**	**Result (ug/l)**	**Lsthan**
	10/13/2021	8.000	N
	01/04/2022	5.000	N
	04/04/2022	5.000	Y
	07/19/2022	5.000	Y
	10/19/2022	5.000	Y
	04/12/2023	5.000	Y
	03/04/2024	1.330	N
	05/13/2024	1.400	N
	07/17/2024	1.690	N
	10/21/2024	1.710	N
	06/11/2025	1.680	N
Parameter: B-BHC	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.020	Y
Parameter: B-ENDOSULFAN	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.040	Y
Parameter: BENZENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.000	Y
Parameter: BENZIDINE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	20.000	Y
Parameter: BENZO(A)ANTHRACENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: BENZO(A)PYRENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: BENZO(G,H,I)PERYLENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: BENZO(K)FLUORANTHENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: BERYLLIUM	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.000	Y
Parameter: BIS(2-CHLOROETHOXY)MET	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: BIS(2-CHLOROETHYL)ETHER	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y

Facility name: **BRUNSWICK SEWER DISTRICT** Permit Number: **ME0100102**

Parameter: BIS(2-CHLOROISOPROPYL	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: BIS(2-ETHYLHEXYL)PHTHA	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: BROMOFORM	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.000	Y
Parameter: BUTYLBENZYL PHTHALATE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: CADMIUM	**Test date**	**Result (ug/l)**	**Lsthan**
	10/13/2021	1.300	N
	01/04/2022	1.000	N
	04/04/2022	0.600	Y
	07/19/2022	0.600	Y
	10/19/2022	0.600	Y
	04/12/2023	0.600	Y
	01/17/2024	1.000	Y
	03/04/2024	0.200	Y
	05/13/2024	0.200	Y
	07/17/2024	0.200	Y
	10/21/2024	0.200	Y
	06/11/2025	0.200	Y
Parameter: CARBON TETRACHLORIDE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.000	Y
Parameter: CHLORDANE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.100	Y
Parameter: CHLOROBENZENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	3.500	Y
Parameter: CHLORODIBROMOMETHAN	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.000	Y
Parameter: CHLOROETHANE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: CHLOROFORM	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.000	Y
Parameter: CHROMIUM	**Test date**	**Result (ug/l)**	**Lsthan**
	10/13/2021	2.700	Y
	01/04/2022	5.000	Y
	04/04/2022	5.000	Y
	07/19/2022	5.000	Y
	10/19/2022	5.000	Y
	04/12/2023	5.000	Y
	03/04/2024	1.000	Y
	05/13/2024	1.140	N

Facility name: **BRUNSWICK SEWER DISTRICT** Permit Number: **ME0100102**

	07/17/2024	1.000	Y
	10/21/2024	1.000	Y
	06/11/2025	1.000	Y
Parameter: CHRYSENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: COPPER	**Test date**	**Result (ug/l)**	**Lsthan**
	10/13/2021	23.000	N
	01/04/2022	28.000	N
	04/04/2022	30.000	N
	07/19/2022	36.000	N
	10/19/2022	50.000	N
	04/12/2023	42.000	N
	05/17/2023	35.000	N
	05/29/2023	28.000	N
	06/05/2023	28.000	N
	06/12/2023	29.000	N
	06/19/2023	27.000	N
	06/28/2023	26.000	N
	07/04/2023	24.000	N
	07/12/2023	28.000	N
	07/18/2023	30.000	N
	07/25/2023	32.000	N
	08/02/2023	30.000	N
	08/08/2023	37.000	N
	08/15/2023	32.000	N
	08/30/2023	34.000	N
	09/05/2023	28.000	N
	01/17/2024	20.600	N
	03/04/2024	27.480	N
	05/13/2024	32.160	N
	07/17/2024	31.650	N
	10/21/2024	31.930	N
	06/11/2025	33.870	N
Parameter: CYANIDE TOTAL	**Test date**	**Result (ug/l)**	**Lsthan**
	10/13/2021	5.300	N
	01/04/2022	9.300	N
	04/04/2022	5.000	Y
	07/19/2022	10.000	N
	10/19/2022	5.000	Y
	04/12/2023	5.000	Y
	03/04/2024	5.000	Y
	05/13/2024	5.000	Y
	10/21/2024	5.000	Y
	06/11/2025	5.000	Y
Parameter: D-BHC	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.020	Y

Facility name: **BRUNSWICK SEWER DISTRICT** Permit Number: **ME0100102**

Parameter: DIBENZO(A,H)ANTHRACEN	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: DICHLOROBROMOMETHAN	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.000	Y
Parameter: DIELDRIN	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.040	Y
Parameter: DIETHYL PHTHALATE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: DIMETHYL PHTHALATE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: DI-N-BUTYL PHTHALATE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: DI-N-OCTYL PHTHALATE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: ENDOSULFAN SULFATE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.040	Y
Parameter: ENDRIN	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.040	Y
Parameter: ENDRIN ALDEHYDE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.040	Y
Parameter: ETHYLBENZENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.000	Y
Parameter: FLUORANTHENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: FLUORENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: G-BHC	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.020	Y
Parameter: HEPTACHLOR	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.020	Y
Parameter: HEPTACHLOR EPOXIDE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.020	Y
Parameter: HEXACHLOROBENZENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: HEXACHLOROBUTADIENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: HEXACHLOROCYCLOPENTA	**Test date**	**Result (ug/l)**	**Lsthan**

Facility name: **BRUNSWICK SEWER DISTRICT** Permit Number: **ME0100102**

	10/21/2024	10.000	Y
Parameter: HEXACHLOROETHANE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: INDENO(1,2,3-CD)PYRENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: ISOPHORONE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: LEAD	**Test date**	**Result (ug/l)**	**Lsthan**
	10/13/2021	19.000	N
	11/18/2021	1.000	Y
	01/04/2022	3.000	Y
	04/04/2022	3.000	Y
	10/19/2022	3.000	Y
	11/29/2022	3.000	Y
	04/12/2023	3.000	Y
	03/04/2024	1.000	Y
	05/13/2024	1.000	Y
	07/17/2024	1.000	Y
	10/21/2024	1.000	Y
	06/11/2025	1.000	Y
Parameter: MERCURY	**Test date**	**Result (ug/l)**	**Lsthan**
	05/03/2021	0.020	N
	07/09/2022	0.011	N
	06/29/2023	0.010	N
	09/25/2024	0.008	N
Parameter: METHYL BROMIDE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: METHYL CHLORIDE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: METHYLENE CHLORIDE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.000	Y
Parameter: NAPHTHALENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: NICKEL	**Test date**	**Result (ug/l)**	**Lsthan**
	10/13/2021	2.500	Y
	01/04/2022	5.000	Y
	04/04/2022	5.000	Y
	07/19/2022	5.000	Y
	10/19/2022	5.000	Y
	04/12/2023	5.000	Y
	03/04/2024	2.200	N
	05/13/2024	2.760	N
	07/17/2024	2.850	N

Facility name: **BRUNSWICK SEWER DISTRICT** Permit Number: **ME0100102**

	10/21/2024	2.750	N
	06/11/2025	3.150	N
Parameter: NITROBENZENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: N-NITROSODIMETHYLAMI	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: N-NITROSODI-N-PROPYLA	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: N-NITROSODIPHENYLAMINE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: PCB-1016	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.250	Y
Parameter: PCB-1221	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.250	Y
Parameter: PCB-1232	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.250	Y
Parameter: PCB-1242	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.250	Y
Parameter: PCB-1248	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.250	Y
Parameter: PCB-1254	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.250	Y
Parameter: PCB-1260	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.200	Y
Parameter: P-CHLORO-M-CRESOL	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: PENTACHLOROPHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: PHENANTHRENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: PHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: PYRENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	2.000	Y
Parameter: SELENIUM	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	5.000	Y
Parameter: SILVER	**Test date**	**Result (ug/l)**	**Lsthan**
	10/13/2021	0.440	Y

Facility name: **BRUNSWICK SEWER DISTRICT** Permit Number: **ME0100102**

	01/04/2022	1.000	Y
	04/04/2022	1.000	Y
	07/19/2022	1.000	Y
	10/19/2022	1.000	Y
	04/12/2023	1.000	Y
	03/04/2024	0.400	Y
	05/13/2024	0.400	N
	07/17/2024	0.400	Y
	10/21/2024	0.400	Y
	06/11/2025	0.400	Y
Parameter: SPECIFIC CONDUCTANCE	**Test date**	**Result (ug/l)**	**Lsthan**
	04/04/2022	850.000	N
	03/04/2024	532.000	N
	10/21/2024	642.000	N
Parameter: TETRACHLOROETHYLENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.000	Y
Parameter: THALLIUM	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.000	Y
Parameter: TOLUENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.000	Y
Parameter: TOXAPHENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	0.400	Y
Parameter: TRICHLOROETHYLENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.000	Y
Parameter: VINYL CHLORIDE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/21/2024	1.000	Y
Parameter: ZINC	**Test date**	**Result (ug/l)**	**Lsthan**
	10/13/2021	69.000	N
	01/04/2022	84.000	N
	04/04/2022	94.000	N
	07/19/2022	100.000	N
	10/19/2022	110.000	N
	04/12/2023	110.000	N
	03/04/2024	46.690	N
	05/13/2024	56.960	N
	07/17/2024	62.750	N
	10/21/2024	83.600	N
	06/11/2025	81.740	N

ATTACHMENT F

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 H_2SO_4 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.

CONTENTS

A. GENERAL PROVISIONS

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

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

(a) They are not

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. OPERATION AND MAINTENACE OF FACILITIES

1. General facility requirements.

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

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

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

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

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

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

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

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

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

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

5. Bypasses.

(a) Definitions.

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

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

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

(c) Notice.

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

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

(d) Prohibition of bypass.

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

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

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

6. Upsets.

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

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

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

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

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

C. MONITORING AND RECORDS

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

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

3. Monitoring and records.

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

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

(c) Records of monitoring information shall include:

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

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

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

D. REPORTING REQUIREMENTS

1. Reporting requirements.

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

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

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

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

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

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

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

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

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

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

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

(f) Twenty-four hour reporting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Publicly owned treatment works.

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

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

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

E. OTHER REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Maximum daily discharge limitation means the highest allowable daily discharge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEP INFORMATION SHEET

Appeals to the Board of Environmental Protection

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

SUMMARY

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

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

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

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

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

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

HOW TO SUBMIT AN APPEAL TO THE BOARD

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

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

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

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

REQUIRED APPEAL CONTENTS

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

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

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

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

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

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

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

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

II. JUDICIAL APPEALS

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

ADDITIONAL INFORMATION

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

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