



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

March 18, 2026

Mr. Stanley Coppa
Town of Howland
8 Main Street
Howland, ME. 04448

*Sent via electronic mail
Delivery confirmation requested*

*RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101788
Maine Waste Discharge License (WDL) Application #W002632-6C-I-R
Proposed Draft MEPDES Permit Renewal*

Dear Mr. Coppa:

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

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

The comment period begins today, Wednesday, March 18, 2026, and ends on **Monday, April 20, 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 **Monday April 20, 2026**. Failure to submit comments in a timely fashion may result in the proposed draft/license permit document being issued as drafted.

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

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

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

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

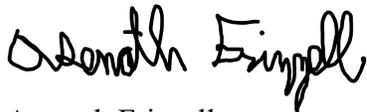
PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

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

Town of Howland
March 18, 2026
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If you have any questions regarding the matter, please feel free to call me at 207-215-6856.

Sincerely,

A handwritten signature in black ink that reads "Asenath Frizzell". The signature is written in a cursive, flowing style.

Asenath Frizzell
Division of Water Quality Management
Bureau of Water Quality

Enclosure

cc: Lori Mitchell, DEP
David Bowie, DEP
Gary Brooks, DEP
Gregg Wood, DEP
Holly Ireland, DEP
Laura Crossley, DEP
Brenda Faford-Pizer, DEP
Wendy Garland, 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

| | | |
|----------------------------------|---|---------------------------|
| TOWN OF HOWLAND |) | MAINE POLLUTANT DISCHARGE |
| HOWLAND, PENOBSCOT COUNTY, MAINE |) | ELIMINATION SYSTEM PERMIT |
| PUBLICLY OWNED TREATMENT WORKS |) | AND |
| ME0101788 |) | WASTE DISCHARGE LICENSE |
| W002632-6C-I-R |) | RENEWAL |
| APPROVAL |) | |

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

APPLICATION SUMMARY

On March 12, 2021 the Department accepted as complete for processing an application from the Town of Howland for renewal of combination Waste Discharge License (WDL) #W002632-6C-H-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101788, which was issued by the Department on April 1, 2016 for a five-year term. The April 1, 2016 permit authorized the monthly average discharge of 0.30 million gallons per day (MGD) of secondary treated sanitary wastewater from a publicly owned treatment works (POTW) to the Penobscot River, Class B, in Howland, Maine.

PERMIT SUMMARY

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

1. Establishing two seasons of discharge effluent limitations of November 1st through April 14th and April 15th through October 31st.
2. Establishing a new seasonal monthly average flow limit of 500,000 gpd (0.5 MGD) from November 1st – April 14th to allow the facility to discharge more when the river flow is greater.
3. Extending the *Escherichia coli* (*E. coli*) bacteria monitoring season from May 15th – September 30th to April 15th – October 31st pursuant to 38 M.R.S § 465(3)(B);
4. Establishing a daily maximum *E. coli* bacteria limit of 236 colonies/100 mL pursuant to 38 M.R.S. § 465 (3)(B).

5. Establishing a new monthly average concentration limit for both BOD₅ and TSS from 35 mg/ to 30 mg/L.
6. Establishing less stringent monthly average, weekly average and daily maximum mass limitations for BOD₅ and TSS from November 1st – April 14th as a result of revised mass limitation calculations.
7. Establishing both effluent and ambient total phosphorus sampling from June 1st – September 30th for the term of this permitting action.

CONCLUSIONS

BASED on the findings in the attached PROPOSED Fact Sheet dated March 18, 2026, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with State law.
3. The provisions of the State's antidegradation policy, *Classification of Maine waters*, 38 M.R.S. § 464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - (c) Where the standards of classification of the receiving waterbody are not met, the discharge will not cause or contribute to the failure of the waterbody to meet 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 TOWN OF HOWLAND to discharge a monthly average of 500,000 gallons per day (November 1 to April 14) and 300,000 gallons per day (April 15 to October 31) of secondary treated sanitary wastewater from the permittee's facility to the Penobscot River, Class B, in Howland, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. "Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable to All Permits," revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit becomes effective upon the date of signature below and expires at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the terms and conditions of this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [Maine Administrative Procedure Act, 5 M.R.S. § 10002 and Department Rule Concerning the Processing of Applications and Other Administrative Matters, 06-096 C.M.R. ch. 2(20)(A) (effective September 15, 2024)]

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEALS 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 March 11, 2021

Date of application acceptance March 12, 2021

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 March 12, 2021; 2) the terms and conditions of this permit; and 3) only from Outfall #001A and #001B. Discharges of wastewater from any other point source are not authorized under this permit, and must be reported in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*, of this permit.

B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

November 1 – April 14 of each year

| 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] | 500,000 GPD [07] | --- | Report GPD [07] | --- | --- | --- | Continuous [99/99] | Recorder [RC] |
| BOD ₅ [00310] | 125 lbs./day [26] | 188 lbs./day [26] | 208 lbs./day [26] | 30 mg/L [19] | 45 mg/L [19] | 50 mg/L [19] | 2/Month ⁽³⁾ [02/30] | Composite [24] |
| BOD ₅ Percent Removal ⁽²⁾ [81010] | --- | --- | --- | 85% [23] | --- | --- | 1/Month [01/30] | Calculate [CA] |
| TSS [00530] | 125 lbs./day [26] | 188 lbs./day [26] | 208 lbs./day [26] | 30 mg/L [19] | 45 mg/L [19] | 50 mg/L [19] | 2/Month ⁽³⁾ [02/30] | Composite [24] |
| TSS Percent Removal ⁽²⁾ [81011] | --- | --- | --- | 85% [23] | --- | --- | 1/Month [01/30] | Calculate [CA] |
| pH ⁽⁷⁾ [00400] | --- | --- | --- | --- | --- | 6.0 – 9.0 SU [12] | 4/Week [04/07] | Grab [GR] |
| Mercury (Total) ⁽⁸⁾ [71900] | --- | --- | --- | 12.1 ng/L [3M] | --- | 18.1 ng/L [3M] | 1/Year [01/YR] | Grab [GR] |

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports (DMRs). Footnotes: See Pages 5-6 of this permit for applicable footnotes.

B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge secondary treated sanitary wastewater from **Outfall #001B** to the Penobscot River in Howland. Such discharges are limited and must be monitored by the permittee as specified below⁽¹⁾:

April 15 – October 31 of each year

| Effluent Characteristic | Discharge Limitations | | | | | | Minimum Monitoring Requirements | |
|--|----------------------------|----------------------------|----------------------------|---|------------------------|-----------------------------|--|--------------------------|
| | Monthly Average | Weekly Average | Daily Maximum | Monthly Average | Weekly Average | Daily Maximum | Measurement Frequency | Sample Type |
| Flow <i>[50050]</i> | 300,000 GPD <i>[07]</i> | --- | Report GPD <i>[07]</i> | --- | --- | --- | Continuous <i>[99/99]</i> | Recorder <i>[RC]</i> |
| BOD ₅ <i>[00310]</i> | 51 lbs./day <i>[26]</i> | 77 lbs./day <i>[26]</i> | 85 lbs./day <i>[26]</i> | 30 mg/L <i>[19]</i> | 45 mg/L <i>[19]</i> | 50 mg/L <i>[19]</i> | 2/Month ⁽³⁾ <i>[02/30]</i> | Composite <i>[24]</i> |
| BOD ₅ Percent Removal ⁽²⁾ <i>[81010]</i> | --- | --- | --- | 85% <i>[23]</i> | --- | --- | 1/Month <i>[01/30]</i> | Calculate <i>[CA]</i> |
| TSS <i>[00530]</i> | 51 lbs./day <i>[26]</i> | 77 lbs./day <i>[26]</i> | 85 lbs./day <i>[26]</i> | 30 mg/L <i>[19]</i> | 45 mg/L <i>[19]</i> | 50 mg/L <i>[19]</i> | 2/Month ⁽³⁾ <i>[02/30]</i> | Composite <i>[24]</i> |
| TSS Percent Removal ⁽²⁾ <i>[81011]</i> | --- | --- | --- | 85% <i>[23]</i> | --- | --- | 1/Month <i>[01/30]</i> | Calculate <i>[CA]</i> |
| <i>E. coli</i> Bacteria ^(4,5) (April 15th – October 31st) <i>[31633]</i> | --- | --- | --- | 64/100 ml ⁽⁴⁾ <i>[13]</i> | --- | 236/100 ml <i>[13]</i> | 1/Week <i>[01/07]</i> | Grab <i>[GR]</i> |
| Total Residual Chlorine ⁽⁶⁾ <i>[50060]</i> | --- | --- | --- | --- | --- | 1.0 mg/L <i>[19]</i> | 1/Week <i>[01/07]</i> | Grab <i>[GR]</i> |
| pH ⁽⁷⁾ <i>[00400]</i> | --- | --- | --- | --- | --- | 6.0 – 9.0 SU <i>[12]</i> | 4/Week <i>[04/07]</i> | Grab <i>[GR]</i> |
| Mercury (Total) ⁽⁸⁾ <i>[71900]</i> | --- | --- | --- | 12.1 ng/L <i>[3M]</i> | --- | 18.1 ng/L <i>[3M]</i> | 1/Year <i>[01/YR]</i> | Grab <i>[GR]</i> |

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports (DMRs). Footnotes: See Pages 5-6 of this permit for applicable footnotes.

SPECIAL CONDITIONS

B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. The permittee is authorized to discharge secondary treated sanitary wastewater from **Outfall #001A** to the Penobscot River in Howland. 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 |
| Total Phosphorus ^(9a) (June 1 st – September 30 th) [00665] | --- | --- | --- | Report Only [19] | --- | Report Only [19] | 1/Month [01/30] | Grab [GR] |

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

Footnotes: See Pages 5-6 of this permit for applicable footnotes.

2. The permittee must collect ambient data from the Penobscot River in Howland and record the data as Outfall #001B. 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 |
| Total Phosphorus ^(9b) (June 1 st – September 30 th) [00665] | --- | --- | --- | Report Only [19] | --- | Report Only [19] | 1/Month [01/30] | Grab [GR] |

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

Footnotes: See Pages 5-6 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES

- 1. Sampling** – All influent monitoring must be conducted from the influent flow splitter chamber located prior to Lagoon #1. All effluent monitoring must be conducted at a location following the last treatment unit in the treatment process as to be representative of end-of-pipe effluent characteristics (Outfall #001A). **BOD & TSS** – There must be at least ten (10) days between sampling events. Any change in sampling location must be approved by the Department in writing. The permittee must conduct sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (C.F.R.) Part 136; b) alternative methods approved by the Department in accordance with the procedures in 40 C.F.R. Part 136; or c) as otherwise specified by the Department.

Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for wastewater. Samples that are sent to a POTW pursuant to *Waste discharge licenses*, 38 M.R.S. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Accreditation Rules*, 10-144 C.M.R. ch. 263 (amended March 15, 2023). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10 – 144 C.M.R. ch. 263. If the permittee monitors any pollutant more frequently than required by the license using test procedures approved under 40 C.F.R. Part 136 or as specified in this license, the results of this monitoring must be included in the calculation and reporting of the data submitted in the discharge monitoring report (DMR).

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

- 2. BOD₅ and TSS Percent Removal** – The treatment facility must maintain a minimum of 85 percent removal of BOD₅ and a minimum of 85 percent removal for TSS for all flows receiving secondary treatment. 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. **Twice per Month Monitoring:** Monitoring required at a minimum frequency of 2/month must be collected no less than 14 days between sampling events, unless specifically authorized by the Department's compliance inspector.
4. ***E. coli* Bacteria** – *E. coli* bacteria limits and monitoring requirements are seasonal and apply between April 15th and October 31st of each year. In accordance with 38 M.R.S. § 414-A, the Department may, at any time and with notice to the permittee, modify this permit to establish bacteria limitations on a year-round basis to protect the health, safety, and welfare of the public.
5. **Bacteria Reporting** – The monthly average *E. coli* bacteria limitation is a geometric mean limitation and sample results must be reported as such. Results must be expressed in MPN/100mL or CFU/100mL.
6. **Total Residual Chlorine (TRC) Monitoring** – Limitations and monitoring requirements are in effect any time elemental chlorine or chlorine-based compounds are utilized to disinfect the discharge(s). The permittee must utilize a USEPA-approved test method capable of bracketing the TRC limitations specified in this permitting action. For instances when a facility has not disinfected with chlorine-based compounds for an entire reporting period, the facility must report "N9" for this parameter on the monthly DMR.
7. **pH Range Limitation** – Effluent pH results outside the range of 6.0 – 9.0 standard units are not to be reported as exceptions provided the cause(s) for the exceedance(s) are naturally occurring. The permittee must provide the Department with written documentation as to the cause(s) of the pH results if found outside the 6.0 – 9.0 range.
8. **Mercury** – The permittee must conduct all mercury monitoring required by this permit or required to determine compliance with interim limitations established pursuant to 06-096 C.M.R. ch. 519 in accordance with the U.S. Environmental Protection Agency (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, *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](https://www.maine.gov/dep/index.html), and search "wastewater reporting forms" and select "Whole Effluent Toxicity, Chemistry, and Mercury Reporting Forms" for a reporting form for mercury test results. Compliance with the monthly average limitation established in Special Condition A of this permit will be based on the cumulative arithmetic mean of all mercury tests results that were conducted utilizing sampling Methods 1669 and analysis Method 1631E on file with the Department for this facility.

9. **Total phosphorus** – See **Attachment A** of this permit for *Protocol for Total Phosphorus Sample Collection and Analysis for Wastewater and Receiving Water Monitoring Required by Permits*.
 - a. Effluent Sampling – Sample should be taken at the effluent sampling location. Monitoring and reporting total phosphorus mass and concentrations are only required seasonally June 1 – September 30th.
 - b. Ambient Sampling – Sample should be taken above the facility’s outfalls. Monitoring and reporting total phosphorus mass and concentrations are only required seasonally June 1 – September 30th.

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 **Grade II**, Biological Treatment certificate (or higher) or must be a Maine Registered Professional Engineer pursuant to *Wastewater Treatment Plant Operators*, 32 M.R.S. § 4171-4182 and *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.

Toxics reporting must be done using the Department toxsheet reporting form. An electronic copy of the Toxsheet reporting document must be submitted to your Department compliance inspector as an attachment to an email. Documentation submitted electronically to the Department in support of the electronic DMR may be attached to the electronic DMR and

must be submitted no later than midnight on the 15th day of the month following the completed reporting period.

H. OPERATION & MAINTENANCE (O&M) PLAN

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

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

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

I. WET WEATHER FLOW MANAGEMENT PLAN

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

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

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

J. STATEMENT FOR REDUCED/WAIVED TOXICS TESTING

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

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

- (a) Changes in stormwater collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge; and
- (b) 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. TOTAL PHOSPHORUS SAMPLING PLAN

The Department generally conducts sampling for the purpose of making decisions on the attainment of designated uses or maintenance of existing uses. In accordance with *Nutrient Criteria for Class AA, A, B, and C Fresh Surface Waters*, 06-096 C.M.R. Ch. 583(4)(E)(1), the Department may request or require a holder of a Waste Discharge License to conduct sampling of effluent and ambient conditions. This permitting action is establishing a requirement to monitor effluent and ambient total phosphorous. The permittee must develop and adhere to a phosphorous sampling plan to ensure data integrity.

The phosphorous sampling plan must be submitted to the Department for review and acceptance before collecting data. The plan must include but is not limited to:

1. Designation of responsibilities for the data preparation, collection, analysis (including lab and analytical method to be used), and reporting;
2. Sampling procedures including the location;
3. Any training needed for sample collection; and
4. Quality control procedures.

Sampling must be performed by qualified persons based on considerations such as relevant education, training, and experience.

L. REOPENING OF PERMIT FOR MODIFICATIONS

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

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
AND
WASTE DISCHARGE LICENSE**

FACT SHEET

DATE: **March 18, 2026**

MEPDES PERMIT: **ME0101788**
WASTE DISCHARGE LICENSE: **W002632-6C-I-R**

NAME AND ADDRESS
OF APPLICANT: **TOWN OF HOWLAND
8 MAIN STREET
HOWLAND, ME 04448**

COUNTY: **PENOBSCOT**

NAME AND ADDRESS WHERE
DISCHARGE OCCURS: **HOWLAND WASTEWATER TREATMENT FACILITY
EDINBURG ROAD
HOWLAND, MAINE 04448-0386**

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

COGNIZANT OFFICIAL AND
TELEPHONE NUMBER: **STANLEY COPPA
(207) 385-5659
sbernard@howlandmaine.com**

1. APPLICATION SUMMARY

- b. Application: On March 12, 2021 the Department accepted as complete for processing an application from the Town of Howland for renewal of combination Waste Discharge License (WDL) #W002632-6C-H-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101788, which was issued by the Department on April 1, 2016 for a five-year term. The April 1, 2016 permit authorized the monthly average discharge of 0.30 million gallons per day (MGD) of secondary treated sanitary wastewater from a publicly owned treatment works (POTW) to the Penobscot River, Class B, in Howland, Maine.

- b. Source Description: The Town of Howland owns and operates a municipal wastewater treatment facility on Edinburg Road in Howland, for the treatment of sanitary wastewater generated by a total of approximately 650 residential and commercial customers (approximate population of 1,500 people) located within the Towns of Howland and Enfield. There are no significant industrial users contributing flows to the treatment works and the Town is not required to implement a formal pretreatment program. The sewer collection system is 100% separated (sanitary and storm water) and there are no combined sewer overflow (CSO) points associated with the system. The sanitary sewer collection system is approximately eight (8) miles in length and contains five (5) pump stations located in Howland and two (2) additional pump stations located in West Enfield. Currently, the Town provides emergency back-up power to all seven pump stations by way of a portable generators. The Town is not authorized to accept transported wastes at the facility. A map showing the location of the facility and the receiving water is included as Fact Sheet **Attachment A**.

- c. Wastewater Treatment: The Howland facility commenced operation in 1991 and the plant provides a secondary level of wastewater treatment via two primary and two secondary facultative lagoons operated in series. The total combined area of the four lagoons is approximately 21.7 acres (945,252 square feet) and individual cells are sized as follows:

| | Lagoon | | | |
|---------------------------------|----------------------|----------------------|------------------------|------------------------|
| | Primary No. 1 | Primary No. 2 | Secondary No. 1 | Secondary No. 2 |
| Volume (million gallons) | 13.5 | 13.6 | 8.3 | 8.6 |
| Dimensions | 790'x 360'x 11' | 820'x 360'x13' | 700'x 260'x 18' | 700'x 260'x18' |
| Lagoon Area (acres) | 6.5 | 6.8 | 4.2 | 4.2 |

Typically, the lagoons are operated in series (Primary No. 1 > Primary No. 2 > Secondary No. 1 > Secondary No. 2), however the operator can manually control flow pattern through existing valves installed in the system due to operational needs. The two primary lagoons were constructed with a synthetic geotextile liner system and the secondary lagoons were constructed with an earthen (clay) liner. Howland utilizes two (2) influent pumps to convey raw wastewater to the facility. Influent flows are conveyed through a comminutor at the facility headworks and are measured using a magnetic flow meter. The flow is then conveyed to Primary Lagoon 1 and proceeds through the lagoons in series (as stated above).

Secondary treated wastewater is treated seasonally with sodium hypochlorite for disinfection in a chlorine contact chamber measuring 33 feet long by 45 feet wide by 5 feet high and having a detention time of 15 minutes at peak flow. Final effluent is conveyed for discharge to the Penobscot River via a 10-inch diameter outfall pipe that extends into the receiving water to a depth of approximately seven (7) feet below mean low water. The outfall pipe is not fitted with diffusers.

In an electronic message (email) dated December 15, 2015, Brian Dawson of the Town of Howland confirmed that the Town has not removed sludge from the lagoons since the system went online in 1991, that sludge depth is monitored at a minimum frequency of once per year using a “sludge judge”, and the average current sludge depth throughout the lagoons is less than one foot.

The Town previously indicated that the lagoon system contains an under-drain collection system that is designed to convey any seepage from the primary and secondary lagoon cells into the last lagoon. Therefore, flows into the under-drain collection system are monitored by way of final effluent monitoring. The Town further indicated that the under-drain system was not constructed with sampling ports or other means of monitoring flows into the system. A general layout of process flow and lagoon setup is included as Fact Sheet **Attachment B**.

2. PERMIT SUMMARY

- a. Modification Requests: This permitting action has taken into consideration the following requests:

1. Requesting an increase in the Monthly average flow limit from 300,000 gpd (0.3 MGD) to 500,000 gpd (0.5 MGD).

This permit will allow the permittee to discharge at a higher rate when the river flow is highest and be able to avoid discharging when the river is at its lowest flows. The facility has an influent design capacity of 0.205 MGD or 205,000 gpd, the effluent would travel through all four lagoons for treatment before being discharged to the river. Then influent volume is expected to stay the same, and the increase flow limit will allow for the drawing down of the lagoons to a greater capacity in early spring when the river has some of its highest flows. The facility currently only discharges from November until July and then stops for the rest of bacteria reporting season. The Department decided that this new flow limit of 500,000 gpd will only in effect from November 1st through April 14th of each year.

2. Requesting that the mass limits for both BOD and TSS be updated to use the flow increase of 0.5 MGD (500,000 gpd) instead of the influent design capacity of 0.205 MGD. This would update the limits to match calculations used throughout the permit.

The Department has determined the increase will not use more than 20 percent of the remaining assimilative capacity of the Penobscot River. For the daily maximum BOD₅

concentration of 50 mg/L, a discharge limit of 0.500 MGD, and a river 7Q10 of 2,888 cfs, the increase in the BOD₅ of the river water would be 0.0134 mg/L.

$$\text{Increase in river's BOD}_5 \text{ concentration} = \frac{(0.500 \text{ MGD})(50 \frac{\text{mg}}{\text{L}})}{(2,888 \text{ cfs}) \left(0.6464 \frac{\text{MGD}}{\text{cfs}}\right) + 0.500 \text{ MGD}} = 0.0134 \frac{\text{mg}}{\text{L}} \text{ at } 20^\circ\text{C}$$

This 5-day BOD translates to an ultimate BOD of 0.0172 mg/L for a typical, in-river BOD decomposition rate (k) of 0.30/day for secondary-treated wastewater.

$$\text{Increase in river's BOD}_u \text{ concentration} = (\text{BOD}_5) / (1 - e^{-(k)(5 \text{ days})})$$

$$\text{Increase in river's BOD}_u \text{ concentration} = \frac{0.0134 \frac{\text{mg}}{\text{L}}}{1 - e^{\left(-\frac{0.3}{\text{day}}\right)(5 \text{ days})}} = 0.0172 \frac{\text{mg}}{\text{L}} \text{ at } 20^\circ\text{C}$$

For the roughly 2.25-day travel time to Penobscot Bay, this ultimate BOD would decrease the river water's dissolved oxygen by less than 0.01 mg/L at a temperature-adjusted decomposition rate of 0.38/day.

$$\text{In-river decrease in DO} = (\text{BOD}_u)(1 - e^{-kt})$$

$$\text{In-river decrease in DO} = \frac{0.0134 \frac{\text{mg}}{\text{L}}}{1 - e^{\left(-\frac{0.38}{\text{day}}\right)(2.25 \text{ days})}} = 0.0094 \frac{\text{mg}}{\text{L}} \text{ at } 25^\circ\text{C}$$

(≈ maximum water temperature in summer)

This small DO decrease would be overwhelmed, however, by the natural re-aeration occurring over that time.

3. Requesting the monitoring frequency for pH to be decreased from 5/Week to 3/Week.

The Department will allow for a reduction to 4/Week monitoring. Factoring into the decision are that the permittee experienced three pH excursions during the last permitting cycle that were explained as relating to naturally occurring phenomena. This allows for the decrease to 4/Week but not the 3/Week request.

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

1. Establishing two seasons of discharge effluent limitations of November 1st through April 14th and April 15th through October 31st.
2. Establishing a new seasonal monthly average flow limit of 500,000 gpd (0.5 MGD) from November 1st – April 14th to allow the facility to discharge more when the river flow is greater.

3. Extending the *Escherichia coli* (*E. coli*) bacteria monitoring season from May 15th – September 30th to April 15th – October 31st pursuant to 38 M.R.S § 465(3)(B);
 4. Establishing a daily maximum *E. coli* bacteria limit of 236 colonies/100 mL pursuant to 38 M.R.S. § 465 (3)(B).
 5. Establishing a new monthly average concentration limit for both BOD₅ and TSS from 35 mg/ to 30 mg/L.
 8. Establishing less stringent monthly average, weekly average and daily maximum mass limitations for BOD₅ and TSS from November 1st – April 14th as a result of revised mass limitation calculations.
 9. Establishing both effluent and ambient total phosphorus sampling from June 1st – September 30th for the term of this permitting action.
- b. History: This section provides a summary of significant licensing/permitting actions and milestones that have been completed for the permittee.

February 23, 1983 – The Department issued WDL #2632 to Howland for the monthly average discharge of up to 0.19 MGD of untreated combined sanitary and storm water wastewater to the Penobscot River, Class C, in Howland.

April 24, 1986 – The U.S. Environmental Protection Agency (USEPA) issued National Pollutant Discharge Elimination System (NPDES) permit #ME0101788 to Howland for the monthly average discharge of up to 0.19 MGD of untreated combined sanitary and storm water wastewater to the Penobscot River. The 4/24/86 NPDES permit superseded the previous NPDES permit issued on June 22, 1977.

September 5, 1986 – The Department issued a wastewater discharge license WDL # W002632-45-A-A to the Town of Howland for five-year term.

1989 – The Penobscot River was upgraded from a Class C waterway to a Class B waterway.

August 5, 1991 – The Department issued WDL # W002632-59-B-R to the Town of Howland for a five-year term.

May 8, 1995 – The Department issued WDL # W002632-59-C-A to the Town of Howland for a five-year term.

August 13, 1999 – The Department issued an Administrative Modification to establish a best practicable treatment (BPT) daily maximum limit of 1.0 mg/L for total residual chlorine (TRC).

June 2, 2000 – The Department issued WDL #W002632-5L-D-R for the monthly average discharge of up to 0.30 MGD of secondary treated sanitary wastewater.

August 28, 2000 – Pursuant to Maine law, 38 M.R.S. § 420 and § 413 and Department rule, 06-096 C.M.R. ch. 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W002632-5L-D-R by establishing interim monthly average and daily maximum effluent concentration limits of 12.1 parts per trillion (ppt) and 18.1 ppt, respectively, and a minimum monitoring frequency requirement of 2 tests per year for mercury.

January 12, 2001 – The Department received authorization from the USEPA to administer the NPDES permit program in Maine. From that date forward, the permit program has been referred to as the MEPDES permit program and ME0101788 (same as the NPDES permit) will be the primary reference number for the facility.

May 16, 2005 – The Department issued combination MEPDES permit #ME0101788/ WDL #W002632-6C-E-R for a five-year term.

April 25, 2011 – The Department issued MEPDES permit #ME0101788 / WDL #W002632-6C-F-R for a five-year term.

January 8, 2013 – The Department initiated a modification of the 4/25/11 permit to reduce the monitoring frequency for mercury to once per year.

April 1, 2016 – The Department issued MEPDES permit #ME0101788 / WDL #W002632-6C-H-R for a five-year term.

March 11, 2021 – The Town of Howland submitted a timely and complete General Application to the Department for renewal of the April 1, 2016 MEPDES permit. The application was accepted for processing on March 12, 2021 and was assigned MEPDES Permit #ME0101788/ WDL #W002632-6C-I-R.

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(7)(A)(5) classifies the Penobscot River, main stem; “*From the West Enfield Dam to the Milford Dam, including all impoundments, and the Stillwater Branch - Class B. That portion of this segment upstream of the Milford Dam and upstream of the Gilman Falls Dam at Route 43 is subject to a sustenance fishing designated use pursuant to [section 466-A](#).*” The portion that is upstream of Milford Dam and upstream of the Gilman Falls Dam is subject to 38 M.R.S. § 466-A, *Sustenance Fishing Designated Use*, which states

“1. Water quality criteria. *To protect the sustenance fishing designated use designated under this article, the department shall calculate and establish water quality criteria for human health using a fish consumption rate of 200 grams per day and a cancer risk level of one in 1,000,000, except that the cancer risk level for inorganic arsenic is governed by [section 420, subsection 2, paragraph J](#).*

2. Criteria deemed protective. *For all purposes, the sustenance fishing designated use established under this article is deemed protected through the water quality criteria for human health calculated and established by the department for the water body segments subject to a sustenance fishing designated use under this article.*

3. Limitation; construction. *Nothing in this section and nothing in the designation in this article of a sustenance fishing designated use may be construed to:*

A. Create any other right or protection, including a right to any particular quantity or quality of fish;

B. Limit any right or protection otherwise existing in law; or

C. Alter or affect the regulation of mercury in discharges, which is governed exclusively by [section 413, subsection 11](#) and [section 420, subsection 1-B](#).”

Standards for classification of fresh surface waters, 38 M.R.S. § 465(3) describes the standards for Class B waters 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 main stem of the Penobscot River from the Piscataquis River to Orson Island (Assessment Unit ID #ME0102000506_232R), which includes the receiving water at the point of discharge, as “*Pollution Control Requirements Reasonably Expected to Result in Attainment*”, for aquatic use impairments due to dissolved oxygen and nutrient/eutrophication biological indicators. The report also lists this segment in Category 4-B for dioxin (including 2,3,7,8-TCDD) and states “New Dioxin sources removed, expected to attain standards” in 2030.

This segment is also listed in *Category 5-D: Rivers and Streams Impaired by Legacy Pollutants*, for polychlorinated biphenyls (PCBs). The report notes that “this legacy pollutant cannot be addressed with a TMDL or permit. Pollutant effects will continue to diminish naturally over time.”

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.” Pursuant to 06-096 C.M.R. ch. 519, the Department has established interim monthly average and daily maximum mercury concentration limits and requirements for this facility.

7. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- a. Flow: This permitting action is carrying forward the previously established monthly average discharge flow limitation of 0.30 MGD (300,000 gallons per day (gpd)) and the continuous flow monitoring requirement. The discharge flow limit of 0.30 MGD is higher than the reported monthly average design capacity of the treatment facility and was established to encourage the facility to hold wastewater during periods when receiving water is most vulnerable to adverse impacts from point and non-point source pollution and to discharge at a higher rate when receiving water is passing higher flows. This permitting action is carrying forward the 0.30 MGD flow limit for the monitoring season of April 15th to October 31st.

The April 2016 permitting action established that flows be reported in gallons per day (GPD) units to more accurately account for flows through the facility. Therefore, the limit is expressed as 300,000 GPD in the permit.

This permitting action is establishing a flow limit of 500,000 gpd (0.500 MGD) from November 1st to April 14th to allow the facility to discharge more secondary-treated wastewater during cold-water periods, when the impact to the river’s dissolved oxygen concentration will be minimized. The department has analyzed whether increasing the discharge limit from 0.300 MGD to 0.500 MGD would significantly lower the dissolved oxygen levels in the DO-impaired reach for the cold-water period from November 1st to April 14th. For the lowest river flow recorded for the November-April period at the nearby flow gauge in Enfield (1,690 cfs) and the highest water temperature that could reasonably be expected during the November-April period (50°F), the analysis estimates the dissolved oxygen levels will decline 0.0008 mg/L due to the additional 0.200 MGD of discharge. This will not measurably use any of the 1.74 mg/L of DO assimilative capacity between this reach’s oxygen saturation at 50°F (11.24 mg/L) and the dissolved oxygen standard from October 1st to May 14th for Class B waters (9.5 mg/L). Therefore, this permitting action does not require the 0.500 MGD discharge to be limited to times when the river’s flow is above a specific rate during the November 1st-April 14th period. This permitting action is establishing new BOD and TSS mass-based effluent limits based on the newly established flow limit of 0.500 MGD, while keeping all other mass-based effluent limits based on the previously established 0.300 MGD flow limit (see section 7.c).

A summary of flow data as reported on the DMRs submitted to the Department for the period April 2016 through July 2025 as follows:

Flow (DMRs = 79)

| Value | Limit (GPD) | Range (GPD) | Mean (GPD) |
|-----------------|-------------|------------------|------------|
| Monthly Average | 300,000 | 2,100 – 298,500 | 168,619 |
| Daily Maximum | Report | 14,800 – 539,500 | 235,983 |

- b. Dilution Factors: The Department established applicable dilution factors for the discharge in accordance with freshwater protocols established in *Surface Water Toxics Control Program*, 06-096 C.M.R. ch. 530 (last amended March 21, 2012). In December 2023, the department’s Division of Environmental Assessment updated the 1Q10s, 7Q10s, and

harmonic mean flows for the lower Penobscot River using flow data from the USGS gage in Enfield. Using the flow results from this update and a monthly average flow limit of 300,000 GPD (0.30 MGD), for the Town of Howland's treatment facility, dilution factors for the discharge are as follows:

Modified Acute:

$$\frac{1}{4} 1Q10 = 654 \text{ cfs} \quad \Rightarrow \quad \frac{(654 \text{ cfs})(0.6464) + 0.30 \text{ MGD}}{0.30 \text{ MGD}} = 1,410:1$$

Acute:

$$1Q10 = 2,616 \text{ cubic feet per second (cfs)} \quad \Rightarrow \quad \frac{(2,616 \text{ cfs})(0.6464) + 0.30 \text{ MGD}}{0.30 \text{ MGD}} = 5,638:1$$

Chronic:

$$7Q10 = 2,888 \text{ cfs} \quad \Rightarrow \quad \frac{(2,888 \text{ cfs})(0.6464) + 0.30 \text{ MGD}}{0.30 \text{ MGD}} = 6,224:1$$

Human Health:

$$\text{Harmonic Mean} = 7,746 \text{ cfs} \quad \Rightarrow \quad \frac{(7,746 \text{ cfs})(0.6464) + 0.30 \text{ MGD}}{0.30 \text{ MGD}} = 16,691:1$$

Department Rule, 06-096 C.M.R. ch. 530(4)(B)(1) states that analyses using numeric acute criteria for aquatic life must be based on $\frac{1}{4}$ of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone. The regulation goes on to say that where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design, up to including all of it.

The outfall pipe is not fitted with diffusers or other mechanisms that would enhance mixing of the effluent with the receiving waters and the permittee has not provided information describing the mixing characteristics of the final effluent with the receiving waters. Therefore, the Department is making a best professional judgment determination that mixing of the effluent with the receiving waters is not complete and rapid.

- c. BOD₅ and TSS: This permitting action is carrying forward the previously established weekly average and daily maximum concentration limits of 45 mg/L and 50 mg/L, respectively. This permitting action is establishing the monthly average concentration limit of 30 mg/L, which is a reduction from the previous permit. The monthly average and weekly average concentration limits are based on the guidelines set forth in Effluent Guidelines and Standards, 06-096 C.M.R. ch. 525 (3)(III)(a & b). The daily maximum concentration limit is based on the Department's best professional judgement (BPJ) of best practicable treatment (BPT). All concentration limits are in effect year-round.

The June 2000 licensing action and the May 2005 permitting action established monthly average, weekly average and daily maximum mass limits of 51 pounds per day (lbs./day), 77 lbs./day and 85 lbs./day, respectively, based on an *influent* design capacity of 0.205 MGD rather than the licensed *effluent* flow limit of 0.30 MGD. The discharge flow limit

was raised in June 2000 permitting action to 0.30 MGD and this permitting action to 0.5 MGD to encourage the facility to hold wastewater at critical times of the year or when effluent quality was not compliant with the effluent limits established in the permit. In the 2021 renewal application, the permittee requested a revision to utilize the effluent flow rate for mass limitation calculations to avoid exceeding the daily maximum mass limitation while discharging at the allowable effluent flow rate. The 2021 renewal application was updated to request the flow increase of 0.5 MGD and to update the mass loading to match this increase. The department has analyzed whether increasing the discharge limit from 0.300 MGD to 0.500 MGD would significantly lower the dissolved oxygen levels in the DO-impaired reach for the cold-water period from November 1st to April 14th. For a 7Q10 river flow (2,888 cfs) and the highest water temperature that could reasonably be expected during the November-April period (50°F), the analysis estimates the dissolved oxygen levels will decline 0.0006 mg/L due to the additional 0.200 MGD of discharge. This will not measurably use any of the 1.74 mg/L of DO assimilative capacity between this reach's oxygen saturation at 50°F (11.24 mg/L) and the dissolved oxygen standard from October 1st to May 14th for Class B waters (9.5 mg/L). Based on this analysis, the department concludes that increasing the flow limit to 0.500 MGD during the November 1st -April 14th period will not violate the state's anti-degradation policy. Therefore, this permitting action is establishing a monthly average mass limit of 125 lbs./day, a weekly average mass limit of 188 lbs./day and a daily maximum mass limit of 208 lbs./day for BOD₅ and TSS discharged from November 1st to April 14th. These BOD₅ and TSS mass limits are derived as follows:

Monthly Average Mass Limit: $(30 \text{ mg/L})(8.34)(0.205 \text{ MGD}) = 51 \text{ lbs./day}$
 Weekly Average Mass Limit: $(45 \text{ mg/L})(8.34)(0.205 \text{ MGD}) = 77 \text{ lbs./day}$
 Daily Maximum Mass Limit: $(50 \text{ mg/L})(8.34)(0.205 \text{ MGD}) = 85 \text{ lbs./day}$

Monthly Average Mass Limit: $(30 \text{ mg/L})(8.34)(0.5 \text{ MGD}) = 125 \text{ lbs./day}$
 Weekly Average Mass Limit: $(45 \text{ mg/L})(8.34)(0.5 \text{ MGD}) = 188 \text{ lbs./day}$
 Daily Maximum Mass Limit: $(50 \text{ mg/L})(8.34)(0.5 \text{ MGD}) = 208 \text{ lbs./day}$

This permitting action is also carrying forward the requirement for a minimum of 85% removal of BOD₅ & TSS pursuant to 06-096 C.M.R. ch. 525(3)(III)(a & b)(3) and a monitoring frequency of once per month (1/Month).

A summary of BOD₅ data as reported on the DMRs submitted to the Department for the period April 2016 through July 2025 is as follows:

BOD₅ Mass (DMRs = 78)

| Value | Limit (lbs./day) | Range (lbs./day) | Average (lbs./day) |
|-----------------|------------------|------------------|--------------------|
| Monthly Average | 51 | 0.51 – 73* | 16 |
| Weekly Average | 77 | 0.75 – 77.4* | 19 |
| Daily Maximum | 85 | 0.75 – 89* | 20 |

*Five excursions occurred during the period of April 2016 through July 2025; 1 weekly average, 1 daily maximum, and 3 monthly average.

BOD₅ Concentration (DMRs = 78)

| Value | Limit (mg/L) | Range (mg/L) | Average (mg/L) |
|-----------------|--------------|--------------|----------------|
| Monthly Average | 35 | 2 – 36* | 11 |
| Weekly Average | 45 | 2 – 40 | 12 |
| Daily Maximum | 50 | 2 – 44 | 13 |

*One excursions occurred during the period of April 2016 through July 2025; 1 monthly average.

A summary of TSS data as reported on the DMRs submitted to the Department for the period April 2016 through July 2025 is as follows:

TSS Mass (DMRs = 78)

| Value | Limit (lbs./day) | Range (lbs./day) | Average (lbs./day) |
|-----------------|------------------|------------------|--------------------|
| Monthly Average | 51 | 0.64 – 52* | 11 |
| Weekly Average | 77 | 0.90 – 69 | 14 |
| Daily Maximum | 85 | 0.90 – 69 | 14 |

*One excursion occurred during the period of April 2016 through July 2025; 1 monthly average.

TSS Concentration (DMRs = 78)

| Value | Limit (mg/L) | Range (mg/L) | Average (mg/L) |
|-----------------|--------------|--------------|----------------|
| Monthly Average | 35 | 1.0 – 29 | 7.4 |
| Weekly Average | 45 | 1.1 – 43 | 9.1 |
| Daily Maximum | 50 | 1.1 – 43 | 9.2 |

In consideration of *Interim Guidance for Performance Based Reductions of NPDES Permit Monitoring Frequencies* (USEPA Guidance April 1996) and, *Performance Based Reduction of Monitoring Frequencies - Modification of EPA Guidance Released April 1996* (Maine DEP May 22, 2014), the April 2016 permitting action established a reduced monitoring frequency for BOD₅ and TSS of twice per month (2/Month). This permit is carrying that action forward.

- d. *Escherichia coli* bacteria (*E. coli*): The August 5, 1991 permitting action established seasonal monthly average and daily maximum concentration limits for *E. coli* of 64 colonies/100 ml (geometric mean) and 427 colonies/100 ml (instantaneous level), respectively, based on the State of Maine Water Classification Program criteria for Class B waters found at 38 M.R.S. §465(3)(B), during the time of permitting. In calendar year 2005, Maine’s Legislature approved a new daily maximum water quality standards of 236 colonies/100 ml for water bodies designated as Class B and Class C. This permitting action is establishing the daily maximum limit of 236 colonies/100 mL and carrying forward the monthly average limit of 64 colonies/100 mL and the monitoring frequency of once per week (1/Week).

Current EPA guidance recommends that Maine extend the monitoring season within which bacteria criteria apply to reflect a longer time-period for potential human recreational contact than the current period. Pursuant to 38 M.R.S. § 465(3)(B), this permitting action is expanding the *E. coli* monitoring season from May 15th through September 30th to April 15th through October 31st. The Department reserves the right to impose year-round bacteria limits, if necessary, to protect the health, safety and welfare of the public.

A summary of *E. coli* data as reported on the DMRs submitted to the Department for the period April 2016 through July 2025 as follows:

***E. coli* Bacteria (DMRs = 26)**

| Value | Limit (col/100 ml) | Range (col/100 ml) | Mean (col/100 ml) |
|-----------------|-----------------------|-----------------------|----------------------|
| Monthly Average | 64 | 1 – 2,420* | 112 |
| Daily Maximum | 427 | 1 – 2,420* | 197 |

*Four excursions occurred during the period of April 2016 through July 2025; 2 monthly average and 2 daily maximums.

- e. **Total Residual Chlorine (TRC):** This permitting action is carrying forward the previously established daily maximum BPT-based concentration limit of 1.0 mg/L as well as a minimum monitoring frequency requirement of once per week. The Department specifies TRC limitations in order to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. The Department imposes the more stringent of either water quality-based or BPT-based limits. End-of-pipe acute and chronic water quality-based concentration thresholds may be calculated as follows:

| Criterion (A) | Dilution Factors (B) | Calculated Threshold (A X B) |
|----------------------|--------------------------|---------------------------------|
| Acute = 0.019 mg/L | Modified Acute = 1,410:1 | Acute = 26.8 mg/L |
| Chronic = 0.011 mg/L | Chronic = 6,224:1 | Chronic = 68.5 mg/L |

$$\text{Acute Limit} = 0.019 \text{ mg/L} \times 1,410 = 26.8 \text{ mg/L}$$

$$\text{Chronic Limit} = 0.011 \text{ mg/L} \times 6,224 = 68.5 \text{ mg/L}$$

The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds. For facilities that must dechlorinate the effluent to consistently achieve compliance with water-quality-based thresholds, the Department has established daily maximum and monthly average BPT limits of 0.3 mg/L and 0.1 mg/L, respectively. The permittee’s wastewater treatment process does not include effluent dichlorination following disinfection. This permitting action is carrying forward the daily maximum BPT-based concentration limit of 1.0 mg/L as it is more stringent than the water quality-based thresholds of 26.8 mg/L (acute) and 68.5 mg/L (chronic) as calculated above. Although bacteria limitations are seasonal and apply between April 15th and October 31st of each year, the facility must monitor and report TRC during any period that chlorine-based compounds are in use at the facility because chlorine compounds are toxic at all times of the year.

A summary of TRC data as reported on the monthly DMRs for the period of April 2016 through July 2025 is as follows:

Total Residual Chlorine (DMRs = 9)

| Value | Limit (mg/L) | Range (mg/L) | Mean (mg/L) |
|---------------|--------------|--------------|-------------|
| Daily Maximum | 1.0 | 0.0 – 0.8 | 0.3 |

- f. **pH:** This permitting action is carrying forward the previously established technology-based pH range limitation of 6.0 – 9.0 standard units pursuant to 06-096 C.M.R. ch. 525(3)(III)(c) This permitting action is establishing a monitoring frequency of four times per week (4/Week), from the previously established five times per week (5/Week).

During the spring, blooms of algae create a green tint in the water and raise the pH of the effluent. Correspondence related to the 2022 WDL/MEPDES Permit renewal application included a request to expand the current pH limitations from 6.0 – 9.0 to 6.0 – 9.3 in order to avoid the use of biocides. 06-096 C.M.R. ch. 525(3)(III)(c), states:

pH. The effluent values for pH shall be maintained within the limits of 6.0 to 9.0 unless the publicly owned treatment works demonstrates that: (1) Inorganic chemicals are not added to the waste stream as part of the treatment process; and (2) contributions from industrial sources do not cause the pH of the effluent to be less than 6.0 or greater than 9.0.

The permittee currently utilizes sodium hypochlorite, an inorganic sodium salt, for disinfection purposes. Therefore, the effluent pH must be maintained within the limits of 6.0 – 9.0. Deviations from this pH range due to natural causes, however, are not to be reported as limitation exceedances. Special Condition A, *Effluent Limitations and Monitoring Requirements, Footnotes(6)* states:

pH Range Limitations: *Effluent pH results outside the range of 6.0 – 9.0 standard units are not to be reported as exceptions provided the cause(s) for the exceedance(s) are naturally occurring. The permittee must provide the Department with written documentation as to the cause(s) of the pH results if found outside the 6.0 – 9.0 range.*

A summary of pH data as reported on the monthly DMRs for the period of April 2016 through July 2025 is as follows:

pH (DMRs = 78)

| Value | Limit (SU) | Minimum (SU) | Maximum (SU) |
|-------|------------|--------------|--------------|
| Range | 6.0 – 9.0 | 6.1 | 9.4* |

*Three excursions occurred during the period of April 2016 through July 2025.

- g. **Mercury:** Pursuant to 38 M.R.S. § 420 and 38 M.R.S. § 413 and 06-096 C.M.R. ch. 519, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W002632-5L-D-R by establishing interim monthly average and daily maximum effluent concentration limits of 12.1 ppt and 18.1 ppt, respectively, and a minimum monitoring frequency requirement of 2 tests per year for mercury. The interim monthly average and daily maximum effluent concentration limits of 12.1 ppt and 18.1 ppt, respectively, are being carried forward in this permitting action.

On February 6, 2012, the Department issued a minor revision to the April 25, 2011 permit thereby revising the minimum monitoring frequency requirement from twice per year to

once per year (1/Year) pursuant to 38 M.R.S. § 420(1-B)(F). This minimum monitoring frequency is being carried forward in this permitting action.

38 M.R.S. § 420(1-B)(B)(1) provides that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department. A review of the Department’s data base for the period April 2016 through July 2025 indicates the permittee has been in compliance with the interim limits for mercury as results have been reported as follows:

Mercury (DMRs = 9)

| Value | Limit (ng/L) | Range (ng/L) | Mean (ng/L) |
|---|--------------|--------------|-------------|
| Monthly Average | 12.1 | 1.2 – 3.25 | 2.22 |
| Daily Maximum | 18.1 | 0.52 – 3.0 | 1.5 |
| Cumulative Arithmetic Mean of all* Mercury Test Results on File | | | 2.66 |

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

- h. 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 C.M.R. ch. 523 specifies that water-quality-based limits may be based upon criterion derived from a proposed State criterion or from an explicit State policy or regulation interpreting 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* (06-096 C.M.R. ch. 583). This rule includes criteria for the protection of fresh surface waters from eutrophication impacts due to the discharge of total phosphorus (TP). Under this rule, the Penobscot River at Howland, a Class B water, has an in-stream TP limit of 30 µg/L (0.030 mg/L) during August median flow conditions.

In 2007 a Waste Load Allocation (WLA) study was conducted on the Penobscot River in the vicinity of the discharge. At that time, the ambient level measured 1.8 miles upstream of the discharge was 15.7 parts per billion (ppb). However, ambient phosphorus levels ranged from 15.7 ppb to 19.3 ppb. Therefore, the department has decided to use the mean of the ambient data, which is 16.6 ppb (0.0166 mg/L). The permittee conducted effluent total phosphorus sampling in the summer of 2005. To get more current values of the total phosphorus being discharged from the permittee’s facility, the Department requested the permittee and other major dischargers to conduct effluent testing during the summer of 2014. Based on those test results, the arithmetic-mean concentration discharged for the period was 3 mg/L and is considered representative of the facility’s effluent TP.

As part of its update of the river flows for computing dilution factors, the department’s Division of Environmental Assessment also computed the August median flow at the Town of Howland’s treatment plant outfall, which is 0.75 miles downstream of the USGS gage at Enfield. The river’s August median flow at the outfall is 5,510 cfs (3,562 MGD). Using this river flow, an effluent TP concentration of 3.0 mg/L, and an ambient background TP concentration of 0.0166 mg/L, the reasonable potential analysis for total phosphorus is as follows:

Reasonable Potential Analysis

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

| | | |
|--|---|-------------|
| Q _e = effluent flow | = | 0.50 MGD |
| C _e = effluent pollutant concentration | = | 3.0 mg/L |
| Q _s = August median flow of receiving water | = | 3,562 MGD |
| C _s = upstream concentration | = | 0.0166 mg/L |
| Q _r = receiving water flow (3,562 MGD + 0.30 MGD) | = | 3562.3 MGD |
| Cr = receiving water concentration | | |

$$Cr = \frac{(0.50 \text{ MGD} \times 3.0 \text{ mg/L}) + (3,562 \text{ MGD} \times 0.0166 \text{ mg/L})}{3,562.30 \text{ MGD}} = 0.017 \text{ mg/L}$$

Cr = 0.017 mg/L < 0.030 mg/L for Class B waters **No Reasonable Potential**

Although the calculation indicates the Town of Howland's discharge does not have a reasonable potential to exceed the Class B water quality criterion of 0.030 mg/L for total phosphorus, the analysis is based on dated ambient and effluent data. To ensure a defensible analysis for river conditions, this permitting action is establishing a report only, once per month (1/month) monitoring of ambient total phosphorus upstream of the discharge by the permittee from June 1st to September 30th and a report only, once per month (1/month) monitoring of effluent total phosphorus by the permittee from June 1st to September 30th. The permittee is to sample during June 1st through September 30th when discharging only until either eight effluent and ambient samples have been taken or the end of this permitting term.

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

38 M.R.S. § 414-A and 38 M.R.S. § 420 prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. 06-096 C.M.R. ch. 530 sets forth effluent monitoring requirements and procedures to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric water quality criteria are met. 06-096 C.M.R. ch. 584 sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters. WET, priority pollutant and analytical chemistry testing as required by 06-096 C.M.R. ch. 530 are included in this permit in order to fully characterize the effluent. This permit also provides for reconsideration of effluent limits and monitoring schedules after evaluation of toxicity testing results. The monitoring schedule includes consideration of results currently on file, the nature of the wastewater, existing treatment and receiving water characteristics.

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

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

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

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

The four categories for dischargers are as follows:

| | |
|-----------|--|
| Level I | Chronic dilution factor of <20:1 |
| Level II | Chronic dilution factor of $\geq 20:1$ but <100:1. |
| Level III | Chronic dilution factor $\geq 100:1$ but <500:1 or >500:1 and $Q \geq 1.0$ MGD |
| Level IV | Chronic dilution >500:1 and $Q \leq 1.0$ MGD |

Based on the criteria, the permittee’s facility is considered a Level IV discharger as the chronic dilution of the receiving water is 6,458:1 and the permitted flow is equal to or less than 1.0 MGD.

Using the categorization criteria as stated above, and pursuant to 06-096 C.M.R. ch. 530 (2)(D)(1), dischargers are required to characterize their effluent via WET, priority pollutant and analytical chemistry testing. Although this facility has never conducted WET or chemical specific testing, the Department has made the determination that the permittee’s facility is not a new discharge nor has it substantially changed since issuance of the previous permit/license. Therefore, the Department is waiving the Level IV routine testing requirements except that the Department is requiring the facility to conduct testing under the following conditions.

- (a) The discharger's permit application or information available to the Department indicate that toxic compounds may be present in toxic amounts; or
- (b) Previous testing conducted by the discharger or similar dischargers indicates that toxic compounds may be present in toxic amounts.

Special Condition J, *Statement For Reduced/Waived Toxics Testing*, of this permitting action requires the permittee to file an annual certification with the Department.

However, should there be a substantial change in the characteristics of the discharge in the future, the Department may reopen this permit pursuant to Special Condition K, *Reopening of*

Permit For Modification, of this permit to incorporate the applicable WET, priority pollutant, or analytical testing requirements cited above.

The receiving water is subject to a sustenance fishing designated use pursuant to section 38 M.R.S. § 466-A, therefore reasonable potential evaluations for human health AWQC must be conducted using a fish consumption rate of 200 grams per day in accordance with 38 M.R.S. § 466-A.1. and 06-096 C.M.R. ch. 584.

8. ANTI-BACKSLIDING

Federal regulation 40 C.F.R. §122.44(l) contains the criteria for what is often referred to as the anti-backsliding provisions of the Federal Water Pollution Control Act (Clean Water Act). In general, the regulation states that except for provisions specified in the regulation, effluent limitations, standards, or conditions must be at least as stringent as the final effluent limitations, standards or conditions in the previous permit.

Applicable exceptions include: (1) material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitation and (2) information is available which was not available at the time of the permit issuance (other than revised regulations, guidance, or test methods) and which would justify the application of less stringent effluent limitations at the time of permit issuance. All limitations in this permit, except the newly established BOD₅ and TSS mass limitation, are equally or more stringent than those in the previous permit.

9. ANTI-DEGREDDATION

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

10. PUBLIC COMMENTS

Public notice of this application was made in the *Lincoln News* newspaper on or about March 11, 2021. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 C.M.R. ch. 522 (effective January 12, 2001).

11. DEPARTMENT CONTACTS

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

Asenath Frizzell
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

12. RESPONSE TO COMMENTS

This section reserved for future comments

ATTACHMENT A

Find address or place



001

Legend

MEPDES - Facility

- ACTIVE FACILITY
- INACTIVE FACILITY
- RETIRED

MEPDES - Outfalls

- ACTIVE OUTFALL
- INACTIVE OUTFALL
- RETIRED

CSO

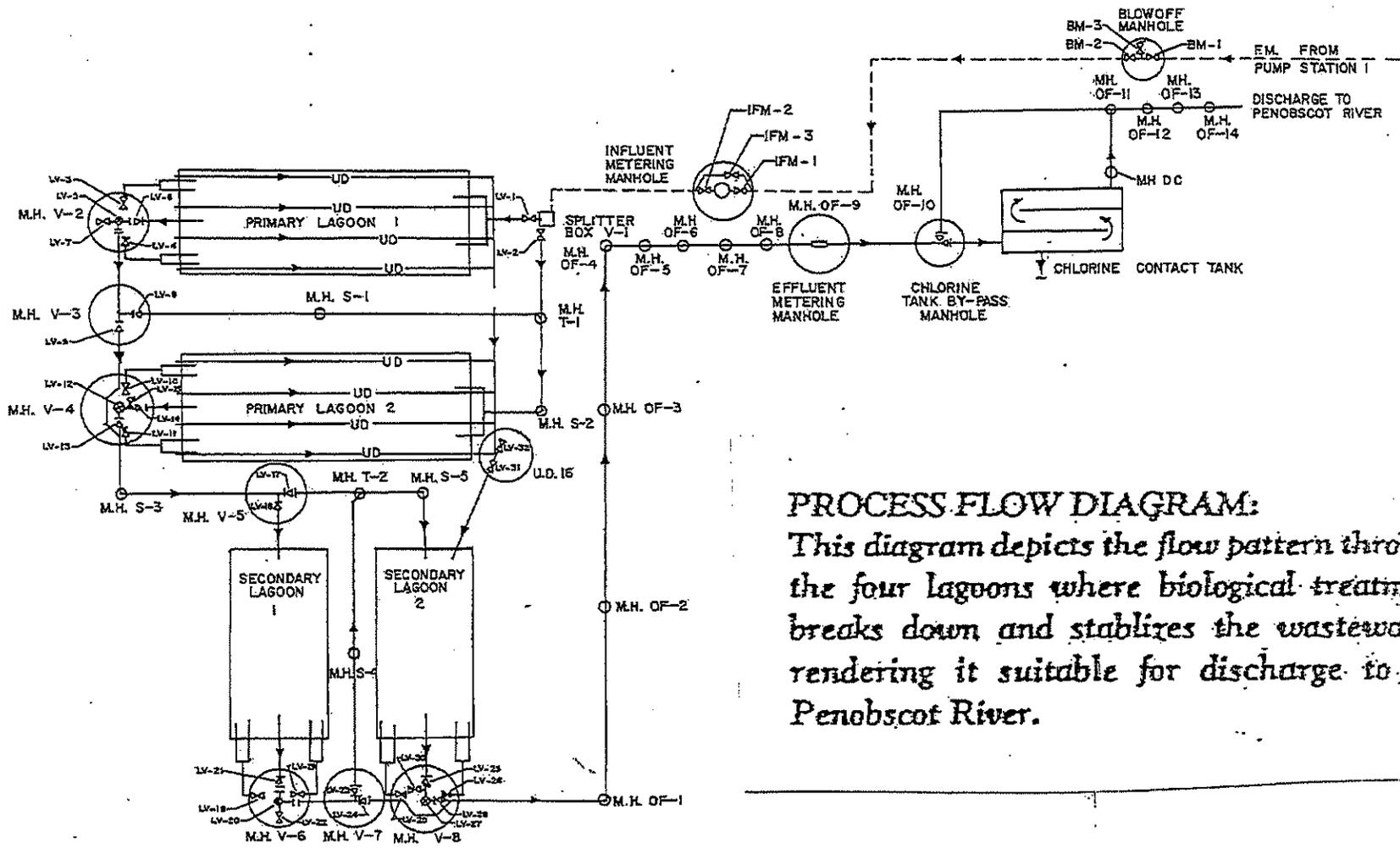
- ACTIVE CSO
- CLOSED CSO

HOWLAND WWTF

300ft

66 45.225 Degrees

ATTACHMENT B



PROCESS FLOW DIAGRAM:

This diagram depicts the flow pattern thro the four lagoons where biological treatm breaks down and stablizes the wastewa rendering it suitable for discharge to Penobscot River.

FIGURE I-5
PROCESS
FLOW

ATTACHMENT C

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

MEPDES# _____ Facility Name _____

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

COMMENTS:

Name (printed): _____

Signature: _____ Date: _____

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

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

Scheduled Toxicity Testing for the next calendar year

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

A. GENERAL PROVISIONS

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

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

(a) They are not

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

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

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

B. OPERATION AND MAINTENANCE OF FACILITIES

1. General facility requirements.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

5. Bypasses.

(a) Definitions.

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

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

(c) Notice.

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

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- (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.

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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.

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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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Publicly owned treatment works.

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

E. OTHER REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Maximum daily discharge limitation means the highest allowable daily discharge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



DEP INFORMATION SHEET

Appeals to the Board of Environmental Protection

Date: November 2024

Contact: Clerk.BEP@maine.gov or
(207) 314-1458

SUMMARY

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

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

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

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

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

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

HOW TO SUBMIT AN APPEAL TO THE BOARD

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

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

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

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

REQUIRED APPEAL CONTENTS

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

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with the administrative record.* Generally, the record on which the Board decides an appeal is limited to the record prepared by the agency in its review of the application, any supplemental evidence admitted to the record by the Board Chair and, if a hearing is held on the appeal, additional evidence admitted during the hearing. A person who seeks to appeal a decision to the Board is encouraged to contact the DEP (or State Fire Marshal for Clean-up and Response Fund decisions made by that agency) to inspect the record before filing an appeal.
2. *Be familiar with the applicable rules and laws.* An appellant is required to identify the licensing criterion or standard the appellant believes was not satisfied in issuing the decision, the bases of the objections or challenges, and the remedy sought. Prior to filing an appeal, review the decision being appealed to identify the rules and laws that are applicable to the decision. An appellant may contact the DEP or Board staff with any questions regarding the applicable rules and laws or the appeal procedure generally.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a separate stay of the decision is requested and granted (*see* Chapter 2, section 23(M)), the licensee may proceed with an approved project pending the outcome of the appeal. Any activity initiated in accordance with the approved license during the pendency of the appeal comes with the risk of not knowing the outcome of the appeal, including the possibility that the decision may be reversed or modified by the Board.
4. *Alternative dispute resolution.* If the appeal participants agree to use mediation or another form of alternative dispute resolution (“ADR”) to resolve the appeal and so notify the Board, the Board will not hear the matter until the conclusion of that effort, provided the participants engaged in the alternative dispute resolution demonstrate satisfactory progress toward resolving the issues. *See* Chapter 2, section 23(H) or contact the Board Executive Analyst (contact information below) for more information on the ADR provision.

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

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

II. JUDICIAL APPEALS

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

ADDITIONAL INFORMATION

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

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