



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

DEPARTMENT ORDER

IN THE MATTER OF

BLUE RIDGE PROPERTIES LLC)	MAINE POLLUTANT DISCHARGE
d/b/a BEGIN MOBILE HOME PARK)	ELIMINATION SYSTEM PERMIT
SABATTUS, ANDROSCOGGIN COUNTY)	
OVERBOARD DISCHARGE)	AND
ME0037010)	WASTE DISCHARGE LICENSE
W001622-5C-G-R)	RENEWAL & TRANSFER
	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 Blue Ridge Properties LLC (D.B.A Begin Mobile Home Park)(“permittee”) with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On June 6, 2024, the Department accepted as complete for processing an application for the renewal of Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0037010/Maine Waste Discharge License (WDL) #W001622-5C-E-R (permit) which was issued by the Department on April 5, 2019, for a five-year term, and authorized a year-round daily maximum discharge of 20,000 gallons per day (GPD) of secondary treated wastewater generated by a 68-unit mobile home park to the Sabattus River, Class C, in Sabattus, Maine.

PERMIT SUMMARY

Terms and conditions – This permit carries forward all the terms and conditions of the previous permit except that this permit:

1. Revises the monthly average and daily maximum limitations for Escherichia coli Bacteria to 100 CFU/100mL and 236 CFU/100mL respectively, pursuant to 38 MRS §465(4) *Standards for Classification of Fresh Surface Waters*.
2. Establishes the requirement for the permittee to conduct monitoring of the ambient, upstream total phosphorus and effluent total phosphorus at a frequency of once per month during the months of June through September for calendar years 2026 and 2027.
3. Establishes Special Condition M – Total Phosphorus Sampling for clarity.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated May 15, 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 water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification.
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing water quality of any water body, 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) and 414-A(1-B).
5. The overboard discharge system was in continuing existence for the 12 months preceding June 1, 1987.
6. A subsurface wastewater disposal system cannot be installed in compliance with the Maine Subsurface Wastewater Disposal Rules at the time the renewal application was accepted by the Department.
7. A publicly owned sewer line is not located on, or abutting land owned or controlled by the permittee or is not available for the permittee's use.
8. The discharge is not located within the boundaries of a sanitary district or sewer district.

ACTION

THEREFORE, the Department APPROVES the above noted application of Blue Ridge Properties LLC d/b/a Begin Mobile Home Park to discharge a daily maximum flow of 20,000 gpd of secondary treated sanitary wastewater from a 68-unit mobile home park to the Sabattus River, Class C, in Sabattus, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. “*Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable to All Permits*,” revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit and the authorization to discharge become effective upon the date of signature below and 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 authorization to discharge and the terms and conditions of this permit and all modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act, 5 M.R.S. § 10002 and Department Rule, Concerning the Processing of Applications and Other Administrative Matters, 06-096 CMR Ch. 2(20)(A) (effective September 15, 2024)*]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 15 DAY OF May, 2026.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Brian Kavanah
for MELANIE LOYZIM, Commissioner

Date of initial receipt of application: June 4, 2024
Date of application acceptance: June 6, 2024

:

This Order prepared by Rod Robert, BUREAU OF WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- The permittee is authorized to discharge **secondary treated sanitary wastewater from Outfall #001A** to the Sabattus River, Class C. Such discharges shall be limited and monitored by the permittee as specified below⁽¹⁾:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow <i>[50050]</i>	---	---	20,000 GPD <i>[07]</i>	---	---	---	Continuous <i>[99/99]</i>	Metered <i>[MT]</i>
BOD₅ <i>[00310]</i>	5.0 lbs/day <i>[26]</i>	7.5 lbs/day <i>[26]</i>	8.3 lbs/day <i>[26]</i>	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	1/ Month ⁽³⁾ <i>[01/30]</i>	Grab <i>[GR]</i>
BOD₅ Percent Removal ⁽²⁾ <i>[81010]</i>	---	---	---	85% <i>[23]</i>	---	---	1/ Month ⁽³⁾ <i>[01/30]</i>	Calculate <i>[CA]</i>
TSS <i>[00530]</i>	5.0 lbs/day <i>[26]</i>	7.5 lbs/day <i>[26]</i>	8.3 lbs/day <i>[26]</i>	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	1/ Month ⁽³⁾ <i>[01/30]</i>	Grab <i>[GR]</i>
TSS Percent Removal ⁽²⁾ <i>[81011]</i>	---	---	---	85% <i>[23]</i>	---	---	1/ Month ⁽³⁾ <i>[01/30]</i>	Calculate <i>[CA]</i>
Settleable Solids <i>[00545]</i>	---	---	---	---	---	0.3 ml/L <i>[25]</i>	1/ Month <i>[01/30]</i>	Grab <i>[GR]</i>
<u>E. Coli. Bacteria</u> ⁽⁴⁾ <i>(April 15 – Oct. 31) [31633]</i>	---	---	---	100/100CFU or MPN ml ⁽⁵⁾ <i>[13]</i>	---	236/100CFU or MPN ml <i>[13]</i>	1/Month <i>[01/30]</i>	Grab <i>[GR]</i>
Total Residual Chlorine <i>[50060]</i>	---	---	---	---	---	1.0 mg/L ⁽⁶⁾ <i>[19]</i>	2/Week ⁽⁷⁾ <i>[02/07]</i>	Grab <i>[GR]</i>
pH <i>[00400]</i>	---	---	---	---	---	6.0 – 9.0 SU <i>[12]</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 Department personnel utilize to code the monthly Discharge Monitoring Reports.								

FOOTNOTES: See pages 6&7of this permit for applicable footnotes.

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

1. The permittee is authorized to discharge secondary treated sanitary wastewater from Outfall #001A to the Sabattus River, Class C. Such discharges shall be limited and monitored by the permittee as specified below(1):

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Effluent Phosphorus (Total)⁽⁸⁾ [00665] <i>(June 1 – Sept. 30, annually beginning in 2026 and lasting through 2027)</i>	Report lbs./day [26]	---	Report lbs./day [26]	Report mg/L [19]	---	Report mg/L [19]	1/Month [01/30]	Composite [24]
Ambient/Background Phosphorus (Total)⁽⁸⁾ [00665] <i>(June 1, 2026, through September 30, 2027)</i>	---	---	---	Report mg/L [19]	---	Report mg/L [19]	1/Month [01/30]	Grab [GR]

SPECIAL CONDITIONS

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

Footnotes:

1. **Sampling** – 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 testing. 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. **Percent Removal** – The treatment facility must maintain a minimum of 85 percent removal of both BOD₅ and TSS for all flows receiving secondary treatment. This permitting action authorizes the permittee to assume an influent BOD₅ and TSS concentration value of 286 mg/L for purposes of calculating the monthly percent removal value until such time that the infrastructure is modified or replaced such that collection of a representative raw influent sample is practical.

SPECIAL CONDITIONS

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

3. **BOD & TSS** – Numeric limitations are in effect on a year-round basis but 1/Month **monitoring for BOD and TSS is only required from April 15th to October 31st of each year.**
4. **Bacteria limits** – E. coli bacteria limits and monitoring requirements are seasonal and apply between April 15th and October 31st of each year. In accordance with *Conditions of Licenses*, 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 r-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 shall be reported as such.
6. **Total Residual Chlorine (TRC)** – 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. Monitoring for TRC is only required when elemental chlorine or chlorine-based compounds are in use for effluent disinfection. 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. **2/Week sampling** – There must be at least 1 day between sampling events.
8. **Total Phosphorus** - See Attachment A of this permit for the Department’s sampling and analysis protocol.

B. ANNUAL DISCHARGE FEES

Pursuant to *Annual waste discharge license fees*, 38 M.R.S. §353-B, the permittee is required to pay an applicable annual fee for discharges authorized by this permit. Failure to pay an annual fee within 30 days of the billing date of a license/permit is sufficient grounds for revocation of the permit under *Board responsibilities and duties*, 38 M.R.S. §341-D, (3) and is subject to penalties for non-payment.

SPECIAL CONDITIONS

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. DISINFECTION

If chlorination is used as the means of disinfection, an approved chlorine contact tank providing the proper detention time consistent with good engineering practice must be utilized followed by a dechlorination system if the imposed total residual chlorine (TRC) limit cannot be achieved by dissipation in the detention tank. The total residual chlorine in the effluent shall at no time cause any demonstrable harm to aquatic life in the receiving waters. The dose of chlorine applied must provide a TRC concentration that will effectively reduce E. Coli bacteria levels to or below those specified in Special Condition A, "Effluent Limitation and Monitoring Requirements," of this permit.

E. 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 June 6, 2024, 2) the terms and conditions of this permit; and 3) from Outfall #001A only. Discharges of wastewater from any other point source(s) 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.

F. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a Maine **Grade II** (or higher) 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 reviewed by the Department before the Permittee may engage the services of the contract operator.

SPECIAL CONDITIONS

G. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the permittee shall notify the Department of the following.

1. Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants to the system at the time of permit issuance.
2. For the purposes of this section, notice regarding substantial change must include information on:
 - a. The quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
 - b. any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

H. REQUIREMENTS TO ELIMINATE OVERBOARD DISCHARGES

The owners of the overboard discharges subject to this permit are required to install a technologically proven alternative and properly abandon the overboard discharges when any of the following actions are initiated.

1. ***Transfer of Ownership of Property or Significant Action.*** In accordance with 38 M.R.S. § 413(3-A), prior to transfer of ownership of a property containing an overboard discharge (*i.e.*, a monetary sale of the property containing the overboard discharge), the parties to the transfer shall determine the feasibility of technologically proven alternatives¹ to the overboard discharge. Prior to completing a significant action (*i.e.*, single construction project performed on a primary residence with an overboard discharge when the total material and labor cost of the construction project exceeds 100% of the median household income as specified in 38 M.R.S. § 411), the owner shall determine the feasibility of technologically proven alternatives to the overboard discharge.
 - a) If an alternative to the overboard discharge is available, the alternative system must be installed within 180 days of property transfer or significant action, unless otherwise provided by 38 M.R.S. § 413(3-A).
 - b) If an alternative to the overboard discharge is not available, the new owner shall, no later than two weeks after any transfer of ownership, submit an application to the Department for transfer of this permit.

¹ Feasibility of technologically proven alternatives are based on determinations by a licensed site evaluator's application of plumbing standards adopted by the Department of Health and Human Services pursuant to Title 22, section 42.

SPECIAL CONDITIONS

H. REQUIREMENTS TO ELIMINATE OVERBOARD DISCHARGES

2. **Permit Renewal.** Waste Discharge Permits for overboard discharges are issued for a five-year term. The permittee shall submit a complete application for permit renewal prior to the expiration date of this permit to continue the discharge beyond the expiration date of this permit. If a technologically proven alternative system is available and;
 - a) The overboard discharge owner is eligible for grant funding², the alternative system must be installed within 180 days of written notification from the Department, unless otherwise provided by 38 M.R.S. § 414-A(1-B); or
 - b) The overboard discharge owner is not eligible for grant funding, the alternative system must be installed prior to the expiration date of this permit.
3. **Abandonment of Overboard Discharge.** When an overboard discharge is no longer necessary or is replaced by technologically proven alternative system, it must be properly abandoned within 90 days following the requirements of *Overboard discharges: licenses and abandonment*, 06-096 CMR Ch. 596(8), including submission of Overboard Discharge Abandonment Certification Form #DEPLW0653A.

I. SEPTIC TANKS

1. Septic tanks and other treatment tanks must be regularly inspected (at least once per calendar year) and maintained to ensure that they are providing best practicable treatment. The licensee must maintain logs of inspections/maintenance that records the date, notes on observations, repairs conducted etc. The logs must be maintained on site at all times and made available to Department personnel upon request.
2. Tank contents must be removed whenever the sludge and scum occupy one-third of the tank's liquid capacity or whenever levels approach maximum design capacity. Following pumping, the tanks shall be checked for damage at key joints and the inlet and outlet baffles and repaired promptly if damaged. The licensee must keep a pumping log including the date of pumping, quantity of material removed, name and number of licensed contractors, pumping frequency and other relevant observations.

J. CONNECTION TO MUNICIPAL SEWER

All wastewaters designated by the Department as treatable in a municipal treatment system will be co-signed to that system within 180 days of the system becoming available, unless this time is extended by the Department in writing.

² Grant eligibility is based on the cost-share schedule under *State contribution to residential overboard discharge replacement projects*, 38 M.R.S. § 411-A.

SPECIAL CONDITIONS

K. OPERATION & MAINTENANCE (O&M) PLAN

This facility must have a current written comprehensive Operation & Maintenance (O&M) Plan. The plan must provide a systematic approach by which 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.

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

Within 90 days of completion of new 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.

L. MONITORING AND REPORTING

Electronic Reporting

NPDES Electronic Reporting, 40 C.F.R. 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 Discharge Monitoring Reports (DMRs) submitted using the USEPA NetDMR system, must be:

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

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

SPECIAL CONDITIONS

M. TOTAL PHOSPHORUS SAMPLING

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.

N. REOPENING OF PERMIT FOR MODIFICATIONS

In accordance with *Conditions of licenses*, 38 M.R.S. § 414-A(5) and upon evaluation of the test results specified by 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.

O. 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 shall remain in full force and effect and shall be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

ATTACHMENT A

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

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

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

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

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

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

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

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

FACT SHEET

Date: **May 15, 2026**

MEPDES PERMIT: **ME0037010**
WASTE DISCHARGE LICENSE: **W001622-5C-G-R**

NAME AND ADDRESS OF APPLICANT:

**Blue Ridge Properties LLC
575 Middle Rd
Sabattus, ME 04280**

COUNTY: **Androscoggin County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**d/b/a BEGIN MOBILE HOME PARK
58 Webster Corner Road
Sabattus, ME 04280**

RECEIVING WATER / CLASSIFICATION: **Sabattus River/Class C**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Christopher Ames, Owner
(207) 240-0444
michelleames@gmail.com**

1. APPLICATION SUMMARY

On June 6, 2024, the Department accepted as complete an application t for the renewal of Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0037010/Maine Waste Discharge License (WDL) #W001622-5C-E-R (permit)which was issued by the Department on April 5, 2019, for a five-year term, and authorized a year-round daily maximum discharge of 20,000 gallons per day (GPD) of secondary treated wastewater generated by a 68-unit mobile home park to the Sabattus River, Class C, in Sabattus, Maine. See **Attachment A** of this Fact Sheet for a location map.

2. PERMIT SUMMARY

- a. Terms and Conditions – This permit carries forward all the terms and conditions of the previous permit, except that this permit:
1. Revises the monthly average and daily maximum limitations for Escherichia coli Bacteria to 100 CFU/100mL and 236 CFU/100mL respectively, pursuant to 38 MRS §465(4) Standards for Classification of Fresh Surface Waters.
 2. Establishes the requirement for the permittee to conduct monitoring of the ambient, upstream total phosphorus and effluent total phosphorus at a frequency of once per month during the months of June through September for calendar years 2026 and 2027.
 3. Establishes Special Condition M – Total Phosphorus Sampling for clarity.
- b. Facility History - This section provides a summary of the most significant historical events for the Begin Mobile Home Park.
- April 6, 1987* – The Department issued WDL #W001622-41-A-R to Gerard Begin for a five-year term.
- September 12, 1996* – The Department issued WDL #W001622-5C-B-R to Gerard Begin for a five-year term.
- March 19, 2009* – The Department issued combination MEPDES permit ME0037010 / WDL #W001622-5C-C-R to Gerard Begin d/b/a Begin Mobile Home Park for a five-year term.
- January 17, 2014* - The Department issued combination MEPDES permit ME0037010 / WDL #W001622-5C-D-R to Gerard Begin d/b/a Begin Mobile Home Park for a five-year term.
- February 4, 2019* – Christopher Ames d/b/a Begin Mobile Home Park applied for renewal and transfer of combination MEPDES permit ME0037010 / WDL #W001622-5C-D-R. The application was accepted for processing on February 7, 2019, and assigned WDL #W001622-5C-E-R.
- April 5, 2019* - The Department issued combination MEPDES permit ME0037010 / WDL #W001622-5C-E-R to Christopher Ames d/b/a Begin Mobile Home Park for a five-year term.
- April 22, 2019* - The Department issued a Minor Revision to combination MEPDES permit ME0037010 / WDL #W001622-5C-E-R. The Minor revision was assigned WDL #W001622-5C-F-M.
- June 4, 2024* – Blue Ridge Properties LLC d/b/a Begin Mobile Home Park applied for renewal and of combination MEPDES permit ME0037010 / WDL #W001622-5C-E-R. The application was accepted for processing on June 6, 2024, and assigned WDL #W001622-5C-G-R.

2. PERMIT SUMMARY (cont'd)

- c. Source Description and Wastewater Treatment – The Begin Mobile Home Park facility consists of 68 mobile home units. Wastewater generated receives a primary level of treatment via an 20,000-gallon septic tank followed by secondary treatment via four sandfilters each measuring 74 feet x 74 feet for a total area of approximately 22,000 square feet. The treated wastewater is seasonally (April 15 – October 31) disinfected via a tablet chlorinator and discharged to the Sabattus River, Class C, via a pipe measuring 6 inches in diameter that extends out into the thread of the river with approximately three feet of water over the crown of the pipe under low stream flow conditions.
- d. Replacement Options – The applicant has submitted a site evaluation report (HHE-200) performed by Michael Deyling, C.G, LSE and dated November 19, 2018, indicating that replacement options are not feasible at this location. Department rule Chapter 596, *Overboard Discharges: Licensing and Abandonment*, Section 5(A)(2) states in part “...the Department may approve an overboard discharge only if all of the following criteria are met.” *Except when it has been demonstrated within 5 years prior to a transfer, or some other time period acceptable to the department, that there is no technologically proven alternative to an overboard discharge pursuant to 38 M.R.S., §413 (3)(A)(1).*

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 CMR ch. 530 (effective March 21, 2012), require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR ch. 584 (effective February 16, 2020), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Classification of major river basins, 38 M.R.S., § 467(1)(D)(3) classifies the Sabattus River from Sabattus Lake to the limits of the Lisbon urban area, including the point of discharge as a Class C waterway. *Standards for classification for fresh surface waters* 38 M.R.S. § 465(4) describes the standards for Class C waters as follows:

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

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

4. RECEIVING WATER QUALITY STANDARDS (cont'd)

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

- (1) The 30-day average dissolved oxygen criterion of a Class C water is 6.5 parts per million using a temperature of 22 degrees centigrade or the ambient temperature of the water body, whichever is less, if:
 - (a) A license or water quality certificate other than a general permit was issued prior to March 16, 2004, for the Class C water and was not based on a 6.5 parts per million 30-day average dissolved oxygen criterion; or*
 - (b) A discharge or a hydropower project was in existence on March 16, 2005 and required but did not have a license or water quality certificate other than a general permit for the Class C water.**

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

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

The department may negotiate and enter into agreements with licensees and water quality certificate holders in order to provide further protection for the growth of indigenous fish. Agreements entered into under this paragraph are enforceable as department orders according to the provisions of sections 347-A to 349.

Between April 15th and October 31st, the number of Escherichia coli bacteria in Class C waters may not exceed a geometric mean of 100 CFU or MPN per 100 milliliters over a 90-day interval or 236 CFU or MPN per 100 milliliters in more than 10% of the samples in any 90-day interval. The board shall adopt rules governing the procedure for designation of spawning areas. Those rules must include provision for periodic review of designated spawning areas and consultation with affected persons prior to designation of a stretch of water as a spawning area.

4. RECEIVING WATER QUALITY STANDARDS (cont'd)

C. Discharges to Class C waters may cause some changes to aquatic life, except that the receiving waters must be of sufficient quality to support all species of fish indigenous to the receiving waters and maintain the structure and function of the resident biological community. For the purpose of allowing the discharge of aquatic pesticides or chemicals approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency to restore biological communities affected by an invasive species, the department may find that the discharged effluent will not cause unacceptable changes to aquatic life as long as the materials and methods used will ensure the support of all species of indigenous fish and the structure and function of the resident biological community and will allow restoration of nontarget species.

5. RECEIVING WATER QUALITY CONDITIONS

The 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 Sabattus River from Sabattus Pond to the limits of the Lisbon urban area (Assessment Unit ID ME0104000210_418R01) which includes the receiving water at the point of discharge as, *Category 5-A: Rivers and Streams Impaired By Pollutants Other Than Those Listed in 5-B Through 5-D (TMDL Required)* due to non-attainment causes of nutrient/eutrophication biological indicators and dissolved oxygen (DO). The Report states, “10/21/21: continuous data collected at two locations in 2016 during critical conditions showed only brief, marginal non-attainment of DO criteria but significant diurnal DO swings suggest nutrient enrichment.

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.”

The Department has no information that the discharge from the permittee, as conditioned, causes or contributes to non-attainment of applicable Class C water quality standards.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- a. Best Practicable Treatment (BPT) - The Department will find that the discharge meets the requirements of best practicable treatment pursuant to 38 M.R.S. § 414-A(1-B) for purposes of permitting when it finds that there are no technologically proven alternative methods of wastewater disposal consistent with the plumbing code adopted by the Department of Health and Human Services pursuant to Title 22, section 42 that will not result in an overboard discharge. Pursuant to *Overboard Discharges: Licensing and Abandonment*, 06-096 CMR Ch.596(9), *Criteria and Standards for Waste Discharge Licenses* 06-096 CMR Ch. 524(2) (effective January 12, 2001) and 06-096 CMR Ch. 525(3)(III), BPT for overboard discharges is secondary treatment.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)

- b. Flow: The previous permitting action established a daily maximum discharge flow limitation of 20,000 gallons per day (gpd) based on the design flow for the treatment system and established a monitoring frequency of 1/Month on a year-round basis. A review of the daily maximum discharge flow data as reported on the Discharge Monitoring Reports (DMRs) submitted to the Department for the period May 2019 – October 2024 indicates the following:

Flow (N = 63)

Value	Limit (gpd)	Range (gpd)	Mean (gpd)
Daily maximum	20,000	4,982-10,692	6,810

This permit carries forward the daily maximum discharge flow limit of 20,000 gpd ..

- b. Dilution Factors - The Department established applicable dilution factors for the discharge in accordance with freshwater protocols established in Department Rule Chapter 530, *Surface Water Toxics Control Program*. River flows at the permittee’s outfall during the summer are controlled by the minimum flow release requirement (3.7 cfs) for Sabattus Pond’s outlet dam and the inflow from Maxwell Brook (estimated 7Q10 = 0.54 cfs). For the combined river and brook flows and a monthly average flow limit of 0.020 MGD for the discharge, the dilution factors are as follows:

Acute: 1Q10 = 4.16 cfs⁽¹⁾ ⇒
$$\frac{(4.16 \text{ cfs})(0.6464) + (0.020 \text{ MGD})}{(0.020 \text{ MGD})} = 135:1$$

Chronic: 7Q10 = 4.24 cfs ⇒
$$\frac{(4.24 \text{ cfs})(0.6464) + (0.020 \text{ MGD})}{(0.020 \text{ MGD})} = 138:1$$

Human Health Harmonic Mean: = 12.7 cfs⁽²⁾ ⇒
$$\frac{(12.7 \text{ cfs})(0.6464) + (0.020 \text{ MGD})}{(0.020 \text{ MGD})} = 411:1$$

Footnotes:

- (1) The 1Q10 is the sum of the minimum release from the Sabattus Pond’s outlet dam (3.7 cfs) and 85% of the 7Q10 for Maxwell Brook (0.85 x 0.54 cfs = 0.46 cfs). 06-096 C.M.R. 530(4)(B)(1) states that analyses using numeric acute criteria for aquatic life must be based on one-fourth of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone. The regulation goes on to say that where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design, up to including all of it. The department has determined that the permittee’s submerged outfall at the center of the river receives rapid and complete mixing with the receiving water; therefore, the department is using the full 1Q10 in the acute evaluations for this discharge.
- (2) As there is no flow gauge on the Sabattus River, the harmonic mean dilution factor is approximated by multiplying the chronic receiving water flow (7Q10) by a factor of three (3). This multiplying factor is based on guidelines for estimation of human health dilution presented in the USEPA publication "Technical Support Document for Water Quality-Based Toxics Control" (Office of Water; EPA/505/2-90-001, page 88) and represents an estimation of harmonic mean flow on which human health dilutions are based in a riverine 7Q10 flow situation

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)

- c. Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS): This permit carries forward technology based monthly average, weekly average and daily maximum BOD₅ and TSS concentration limits of 30 mg/L, 45 mg/L and 50 mg/L. The monthly average and weekly average concentration limits are based on secondary treatment requirements as defined in Department rule, 06-096 CMR Chapter 525(3)(III) and the daily maximum concentration limit of 50 mg/L is based on a best professional judgment by the Department of best practicable treatment (BPT). This permit carries forward all three technology-based concentration limits.

This permit carries forward mass limitations for BOD₅ and TSS pursuant to Department rule Chapter 523, *Waste Discharge License Conditions*, Section 6, *Calculating NPDES permit conditions*, subsection f (1) states that, "all pollutants limited in permits shall have limitations, standards or prohibitions expressed in terms of mass...." Therefore, this permitting action is carrying forward the monthly average, weekly average and daily maximum BOD₅ and TSS mass limitations based on calculations using the design flow for the facility of 20,000 gpd (0.020 MGD) and the applicable concentration limits as follows:

Monthly Average Limit: $(30 \text{ mg/L})(8.34 \text{ lbs./gallon})(0.020 \text{ MGD}) = 5.0 \text{ lbs/day}$

Weekly Average Limit: $(45 \text{ mg/L})(8.34 \text{ lbs./day})(0.020 \text{ MGD}) = 7.5 \text{ lbs/day}$

Daily Maximum Limit: $(50 \text{ mg/L})(8.34 \text{ lbs./day})(0.020 \text{ MGD}) = 8.3 \text{ lbs/day}$

This permit carries forward a requirement for a minimum of 85% removal of BOD₅ and TSS pursuant to Chapter Ch.525(3)(III)(a)(3) and (b)(3) of the Department's rules along with a 1/Month monitoring and reporting frequency. The wastewater treatment system does not have an influent sampling port location that is representative of raw wastewater conditions. According to the USEPA's Onsite Wastewater Treatment Systems Manual, dated February 2002, table 3-7 entitled "*Constituent Mass Loadings and Concentrations in Typical Residential Wastewater*" a reasonable influent value for BOD₅ and TSS may be assumed to be 286 mg/L. Therefore, this permit authorizes the permittee to assume an influent BOD₅ and TSS concentration value of 286 mg/L if required to calculate the monthly percent removal rate.

A review of the daily maximum discharge flow data as reported on the Discharge Monitoring Reports (DMRs) submitted to the Department for the period May 2019 – October 2024 indicates the following:

BOD concentration (N = 38)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	1.0 - 28	2.72
Weekly Average	45	1.0 - 28	2.72
Daily Maximum	50	1.0 - 28	2.72

TSS concentration (N = 38)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	2.5 – 9.0	2.93
Weekly Average	45	2.5 – 9.0	2.93
Daily Maximum	50	2.5 – 9.0	2.93

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)

BOD Mass (N = 38)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	5.0	0.0	0.0
Weekly Average	7.5	0.0	0.0
Daily Maximum	8.3	5.0 – 8.3	8.13

TSS Mass (N = 38)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	5.0	0.0	0.0
Weekly Average	7.5	0.0	0.0
Daily Maximum	8.3	8.3 – 8.3	8.3

- d. Settleable Solids: A This permit carries forward a Department BPT based daily maximum concentration limit of 0.3 ml/L with a reporting frequency for Settleable Solids of 1/Month to be consistent with monitoring and reporting for BOD₅ & TSS.

A review of the daily maximum discharge flow data as reported on the Discharge Monitoring Reports (DMRs) submitted to the Department for the period May 2019 – October 2024 indicates the following:

Settleable Solids (N = 63)

Value	Limit (ml/L)	Range (ml/L)	Average (ml/L)
Daily Maximum	0.3	<0.1-0.2	<0.1

- e. Escherichia coli: *Standards for the Classification of Fresh Surface Waters*, 38 M.R.S. §465(4), establishes monthly average and daily maximum ambient water quality-based E. coli thresholds of 100 CFU or MPN/100 mL and 236 CFU or MPN/100 mL, respectively. This permit revises the previously established monthly average of 126 CFU or MPN per mL and daily maximum E. coli limitation of 947 CFU or MPN per mL pursuant to *Standards for the Classification of Fresh Surface Waters*, 38 M.R.S. §465(4).

A review of the daily maximum discharge flow data as reported on the Discharge Monitoring Reports (DMRs) submitted to the Department for the period May 2019 – October 2024 indicates the following:

Escherichia coli (N = 37)

Value	Limit (CFU)	Range (CFU)	Average (CFU)
Monthly Average	126	0.0- 56.0	<3.8
Daily Maximum	947	0.0 – 687.0	21.6

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)

- f. Total Residual Chlorine (TRC): A BPT based concentration limit of 1.0 mg/L for TRC with a monitoring frequency of 2/Week is carried forward in this permit. Limitations on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Department permitting actions impose the more stringent of either a water quality-based or BPT-based limit. With dilution factors calculated in Section 6(b) of this Fact Sheet, end-of-pipe (EOP) water quality-based concentration thresholds for TRC may be calculated as follows:

Acute (A) Criterion	Chronic (C) Criterion	A & C Dilution Factors		Calculated	
				Acute Limit	Chronic Limit
0.019 mg/L	0.011 mg/L	135:1 (A)	138:1 (C)	2.6 mg/L	1.5 mg/L

The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds. For facilities that need to dechlorinate the discharge to meet water quality-based thresholds, the Department has established daily maximum and monthly average BPT limits of 0.3 mg/L and 0.1 mg/L, respectively unless the water quality-based thresholds calculated are lower than the BPT limits. The permittee's facility does not need to dechlorinate the effluent prior to discharge to consistently achieve compliance with the calculated acute water quality-based threshold. This permit carries forward a year-round daily maximum technology-based concentration limit of 1.0 mg/L.

A review of the daily maximum data as reported on the DMRs submitted to the Department for the period May 2019 – October 2024 indicates the maximum TRC discharged has been as follows:

Total Residual Chlorine (N = 38)

Value	Limit (ml/L)	Range (ml/L)	Average (ml/L)
Daily Maximum	1.0	1.0 - <1.0	<1.0

- g. pH: This permit carries forward a technology-based pH range limit of 6.0 – 9.0 standard units (SU) with a once per year monitoring frequency, pursuant to Department rule found at 06-096 CMR Chapter 525(3)(III)(c).

pH (N = 5)

Value	Limit (SU)	Range (SU)	Average (SU)
Daily Maximum	6 - 9	6.0 – 7.11	6.86

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)

- h. Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing: *Conditions of Licenses*, 38 M.R.S., §414-A and *Certain Deposits and Discharges Prohibited*, 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. Department rule, 06-096 CMR Chapter 530, *Surface Water Toxics Control Program* (toxics rule) 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. Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*, sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

Chapter 530 Section (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.”

Chapter 530 Section 2.A specifies the criteria for exemption of certain discharges from toxics testing as follows:

- (1) *Discharges from individual discharge points licensed to discharge less than 50,000 gallons per day of solely domestic wastewater and with a chronic dilution factor of at least 50 to 1, provided no holding tank wastes containing chemicals are accepted by the facility;*
- (2) *Discharges from residential overboard discharge systems; or*
- (3) *Discharges from combined sewer overflow discharge points, provided the owner of the sewerage system is conducting or participating in a discharge abatement program.*

The permittee's facility is exempt from the Chapter 530 requirements as it permitted to discharge less than 50,000 gpd, the chronic dilution factor is greater than 50:1 and the wastewater has domestic-like characteristics. 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 J, *Reopening of Permit for Modifications*, to incorporate the applicable whole effluent toxicity (WET), priority pollutant or analytical testing requirements cited above.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)

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

Given that there are no available upstream ambient TP data or effluent TP data, no RP analysis could be completed. To enable future analyses of the exceedance potential due to the river's current phosphorus levels and the discharge, this permitting action is establishing once per month (1/month) monitoring of the ambient, upstream total phosphorus and once per month (1/month) monitoring of the effluent total phosphorus by the permittee during the summer (June – September) for two years of this 5-year permit renewal.

7. ANTI-BACKSLIDING

Federal regulation 40 C.F.R. §122.44(1) contains the criteria for what is often referred to as the anti-backsliding provisions of the *Federal Water Pollution Control Act* (Clean Water Act). In general, the regulation states that except for provisions specified in the regulation, effluent limitations, standards, or conditions must be at least as stringent as the final effluent limitations, standards or conditions in the previous permit. Applicable exceptions include: (1) material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitation and (2) information is available which was not available at the time of the permit issuance (other than revised regulations, guidance, or test methods) and which would justify the application of less stringent effluent limitations at the time of permit issuance. All limitations in this permit are equally or more stringent than those in the previous permit.

8. ANTI-DEGRADATION

As permitted, the Department has determined the existing water uses will be maintained and protected, and that the discharge as permitted will not cause or contribute to the failure of the water body to meet standards for Class C waters.

8. PUBLIC COMMENTS

Public notice of this application will be made in the Lewiston Sun Journal newspaper on or about May 31, 2024. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 C.M.R. Ch. 522 (effective January 12, 2001).

9. DEPARTMENT CONTACTS

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

Rodney Robert
Division of Water Quality Management
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 680-0576
e-mail: rodney.robert@maine.gov

10. RESPONSE TO COMMENTS

During the period April 10, 2026, through the issuance of this permit, the Department solicited comments on the proposed draft renewal from the public, the regulatory community, and other interested parties. The Department did not receive comments that resulted in substantive changes to the proposed draft renewal, therefore, a formal Response to Comments has not been prepared.

Attachment A – Location Map – Begin Mobile Home Park
ME0037010_2026



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

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- 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.
