



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
COMMISSIONER

July 1, 2026

Mr. Travis Peaslee  
Lewiston-Auburn Clean Water Authority  
P.O. Box 1928  
Lewiston, ME 04241

***Sent via electronic mail  
Delivery confirmation requested***

***RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101478  
Maine Waste Discharge License (WDL) Application #W000682-5M-L-R  
Proposed Permit/License***

Dear Mr. Peaslee:

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

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

The comment period begins today Wednesday, July 01, 2026, and ends on Friday, July 31, 2026. All comments on the proposed draft permit must be received in the Department of Environmental Protection office on or before the close of business Friday, July 31, 2026. Failure to submit comments in a timely fashion may result in the proposed draft/license permit document being issued as drafted.

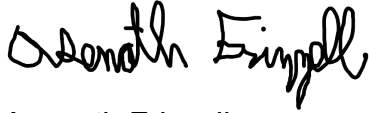
Comments in writing should be submitted to my attention at the following address:

Maine Department of Environmental Protection  
Bureau of Water Quality  
Division of Water Quality Management  
17 State House Station  
Augusta, ME 0433-0017

Letter to Lewiston-Auburn Clean Water Authority  
July 1, 2026  
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If you have any questions regarding the matter, please feel free to call me at 207-215-6856 or email me at [Asenath.Frizzell@maine.gov](mailto:Asenath.Frizzell@maine.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Asenath Frizzell". The signature is fluid and cursive, with the first name "Asenath" being more prominent than the last name "Frizzell".

Asenath Frizzell  
Division of Water Quality Management  
Bureau of Water Quality

Enc.

cc: Lori Mitchell, DEP/CMRO  
Fred Gallant, DEP/SMRO  
Gregg Wood, DEP/CMRO  
Holly Ireland, DEP/CMRO  
Laura Crossley, DEP/CMRO  
Michael Riley, DEP/CMRO  
Michael Cobb, USEPA  
Kathryn Rosenberg, USEPA  
Richard Carvalho, USEPA  
Sean Mahoney, CLF



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

**IN THE MATTER OF**

|                                      |   |                           |
|--------------------------------------|---|---------------------------|
| LEWISTON-AUBURN CLEAN WATER          | ) | MAINE POLLUTANT DISCHARGE |
| LEWISTON, ANDROSCOGGIN COUNTY, MAINE | ) | ELIMINATION SYSTEM PERMIT |
| PUBLICLY OWNED TREATMENT WORKS       | ) | AND                       |
| ME0101478                            | ) | WASTE DISCHARGE LICENSE   |
| W000682-5M-L-R                       | ) | <b>RENEWAL</b>            |
| <b>APPROVAL</b>                      |   |                           |

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

**APPLICATION SUMMARY**

On February 08, 2021, the Department accepted as complete for processing an application LACWA for renewal of combination Waste Discharge License (WDL) #W000682-5M-K-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME00101478, which was issued by the Department on April 11, 2016, for a five-year term. The April 11, 2016 permit authorized a monthly average discharge of 14.2 million gallons per day (MGD) of secondary treated municipal wastewaters from a publicly owned treatment works (POTW), allowed the use of a secondary treatment bypass structure at the facility as well as the discharge of an unspecified quantity of untreated combined sanitary and stormwater from one (1) combined sewer overflow (CSO) point to the Androscoggin River, Class C, in Lewiston, Maine.

**PERMIT SUMMARY**

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

1. Updated the bacteria sampling season from May 15<sup>th</sup> – September 30<sup>th</sup> to April 15<sup>th</sup> – October 31<sup>st</sup>, starting on April 15, 2027.
2. Established a 5/Week monitoring frequency for Total Residual Chlorine.
3. Established effluent and ambient Total Phosphorus monitoring once/month for the sampling season of June 1<sup>st</sup> – September 30<sup>th</sup>, starting Year 3 through Year 5 of this permitting action, only.
4. Established a Report Only limit for settleable solids when bypass is active only.

5. Established the Special Condition Limitations for Industrial Users.
6. Updated the Special Condition Monitoring and Reporting for electronic reporting only.
7. Updated the language in the Special Condition Industrial Pretreatment Program.
8. Increased the transported wastes from 40,000 gpd to 71,000 gpd.
9. Decreased the TSS when bypass is active limit from 23,771 lbs/day to 15,753 lbs/day base on calculations using new information gathered during the last permit term.
10. Decreased the Monthly Average Total Aluminum limit from 19 lbs/day to 16 lbs/day based on calculations using new information gathered during the last permit term.
11. Established the Special Condition N: Total Phosphorus Sampling Plan, to support the Total Phosphorus effluent and ambient monitoring requirements.

## CONCLUSIONS

Based on the findings in the attached Proposed Fact Sheet dated July 1, 2026, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with State law.
3. The provisions of the State's antidegradation policy, *Classification of Maine waters*, 38 M.R.S. § 464(4)(F), will be met, in that:
  - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
  - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
  - (c) Where the standards of classification of the receiving waterbody are not met, the discharge will not cause or contribute to the failure of the waterbody to meet the standards of classification;
  - (d) Where the actual quality of any classified receiving waterbody exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and

- (e) Where a discharge will result in lowering the existing water quality of any waterbody, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
- 4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S. § 414-A(1)(D) and Department Rule 06-096 C.M.R. ch. 570 (1)(C). Pursuant to Combined Sewer Overflow Abatement, 06-096 C.M.R. ch. 570 § 4, the discharge will be subject to the application of best practicable treatment.

**ACTION**

THEREFORE, the Department APPROVES the above noted application of the LEWISTON-AUBURN CLEAN WATER AUTHORITY to discharge a monthly average of 14.2 million gallons per day (MGD) of secondary treated municipal wastewaters from a publicly owned treatment works (POTW), allows the use of a secondary treatment bypass structure at the facility as well the discharge of an unspecified quantity of excess combined sanitary and stormwater from one (1) combined sewer overflow (CSO) point to the Androscoggin River, Class C, in Lewiston, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. *"Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits,"* revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit becomes effective upon the date of signature below and expires at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the terms and conditions of this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [Maine Administrative Procedure Act, 5 M.R.S. § 10002 and Department Rule Rules Concerning the Processing of Applications and Other Administrative Matters, 06-096 C.M.R. ch. 2(21)(A) (effective September 15, 2024)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEALS PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2026.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_  
For: Melanie Loyzim, Commissioner

Date of initial receipt of application: January 29, 2021  
Date of application acceptance: February 08, 2021

This Order prepared by Asenath Frizzell, Bureau of Water Quality

## SPECIAL CONDITIONS

### A. Authorized Discharges

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on February 08, 2021; 2) the terms and conditions of this permit; and 3) only from Outfall #001C and #002. Discharges of wastewater from any other point source are not authorized under this permit, and must be reported in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*, of this permit.

### B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge secondary treated municipal wastewaters from **Outfall #001C** and consistent with CSO bypass regulations, allowed to discharge **blended effluent** to the Androscoggin River in Lewiston, Maine. Bypassing secondary treatment is only allowed when the influent flow to the treatment facility has exceeded the instantaneous flow rate of 25.0 MGD (17,361 gallons per minute). Such discharges shall be limited and monitored by the permittee as specified below<sup>(1)</sup>:

| Effluent Limitations                                                |                         | Discharge Limitations            |                 |               | Minimum Monitoring Requirements          |               |
|---------------------------------------------------------------------|-------------------------|----------------------------------|-----------------|---------------|------------------------------------------|---------------|
|                                                                     | Monthly Average         | Daily Maximum                    | Monthly Average | Daily Maximum | Measurement Frequency                    | Sample Type   |
| Flow ( <b>Secondary Treated</b> ) [50050]                           | Report MGD [03]         | Report MGD [03]                  | ---             | ---           | Continuous [99/99]                       | Recorder [RC] |
| Influent Flow Rate Minimum [00058] ( <b>When bypass is active</b> ) | ---                     | Report (gpm) <sup>(1)</sup> [78] | ---             | ---           | Instantaneous [91/99]                    | Recorder [RC] |
| Flow ( <b>Bypass Secondary</b> ) [50050]                            | Report (Total MGD) [03] | Report MGD [03]                  | ---             | ---           | 1/Discharge Day <sup>(2,4)</sup> [01/DD] | Recorder [RC] |

The italicized numeric values in brackets in the table above and the tables that follow are not limitations but are code numbers used by Department personnel to code Discharge Monitoring Reports (DMRs). Footnotes – See pages 11-15 for footnotes.

## SPECIAL CONDITIONS

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

1. The permittee is authorized to discharge secondary treated municipal wastewaters from **Outfall #001C** and consistent with CSO bypass regulations, allowed to discharge **blended effluent** to the Androscoggin River in Lewiston, Maine. Bypassing secondary treatment is only allowed when the influent flow to the treatment facility has exceeded the instantaneous flow rate of 25.0 MGD (17,361 gallons per minute). Such discharges shall be limited and monitored by the permittee as specified below<sup>(1)</sup>:

| Effluent Limitations                                               |                          |                          | Discharge Limitations     |                 |                 | Minimum Monitoring Requirements |                       |                   |
|--------------------------------------------------------------------|--------------------------|--------------------------|---------------------------|-----------------|-----------------|---------------------------------|-----------------------|-------------------|
|                                                                    | Monthly Average          | Weekly Average           | Daily Maximum             | Monthly Average | Weekly Average  | Daily Maximum                   | Measurement Frequency | Sample Type       |
| BOD <sub>5</sub> [00310]                                           | 3,553<br>lbs/day<br>[26] | 5,329<br>lbs/day<br>[26] | Report<br>lbs/day<br>[26] | 30 mg/L<br>[19] | 45 mg/L<br>[19] | 50 mg/L<br>[19]                 | 3/Week<br>[03/07]     | Composite<br>[24] |
| <u>BOD<sub>5</sub></u> [00310]<br><b>(When bypass is active)</b>   | ---                      | ---                      | 15,894<br>lbs/Day<br>[26] | ---             | ---             | Report mg/L<br>[19]             | 3/Week<br>[03/07]     | Composite [24]    |
| BOD <sub>5</sub> Percent Removal <sup>(3)</sup><br>[81010]         | ---                      | ---                      | ---                       | 85%<br>[23]     | ---             | ---                             | 1/Month<br>[01/30]    | Calculate<br>[CA] |
| TSS<br>[00530]                                                     | 3,553<br>lbs/day [26]    | 5,329<br>lbs/day [26]    | Report<br>lbs/day [26]    | 30 mg/L<br>[19] | 45 mg/L<br>[19] | 50 mg/L<br>[19]                 | 3/Week<br>[03/07]     | Composite<br>[24] |
| <u>TSS</u> [00530]<br><b>(When bypass is active)</b>               | ---                      | ---                      | 15,753<br>lbs/Day [26]    | ---             | ---             | Report mg/L<br>[19]             | 3/Week<br>[03/07]     | Composite [24]    |
| TSS Percent Removal <sup>(3)</sup><br>[81011]                      | ---                      | ---                      | ---                       | 85%<br>[23]     | ---             | ---                             | 1/Month<br>[01/30]    | Calculate<br>[CA] |
| Settleable Solids<br>[00545]                                       | ---                      | ---                      | ---                       | ---             | ---             | 0.3 ml/L<br>[25]                | 1/Day<br>[01/01]      | Grab<br>[GR]      |
| <u>Settleable Solids</u> [00545]<br><b>(When bypass is active)</b> | ---                      | ---                      | ---                       | ---             | ---             | Report Only<br>[25]             | 1/Day<br>[01/01]      | Grab<br>[GR]      |

The italicized numeric values in brackets in the table above and the tables that follow are not limitations but are code numbers used by Department personnel to code Discharge Monitoring Reports (DMRs). Footnotes – See pages 11-15 for footnotes.

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

1. The permittee is authorized to discharge secondary treated municipal wastewaters from **Outfall #001C** and consistent with CSO bypass regulations, allowed to discharge **blended effluent** to the Androscoggin River in Lewiston, Maine. Bypassing secondary treatment is only allowed when the influent flow to the treatment facility has exceeded the instantaneous flow rate of 25.0 MGD (17,361 gallons per minute). Such discharges shall be limited and monitored by the permittee as specified below<sup>(1)</sup>:

| Effluent Limitations                                                                                            |                  | Discharge Limitations   |                                       |                                       | Minimum Monitoring Requirements           |                   |
|-----------------------------------------------------------------------------------------------------------------|------------------|-------------------------|---------------------------------------|---------------------------------------|-------------------------------------------|-------------------|
|                                                                                                                 | Monthly Average  | Daily Maximum           | Monthly Average                       | Daily Maximum                         | Measurement Frequency                     | Sample Type       |
| Overflow Use, Occurrences <sup>(4)</sup> [74062]<br><i>(When bypass is active)</i>                              | ---              | Report (# of days) [93] | ---                                   | ---                                   | 1/Discharge Day <sup>(4)</sup><br>[01/DD] | Record Total [RT] |
| <i>E. coli</i> Bacteria <sup>(5)</sup> [31633]<br><i>April 15–Oct. 31 (Starting April 15, 2027)</i>             | ---              | ---                     | 100 col/100 ml <sup>(6)</sup><br>[13] | 236 col/100 ml <sup>(6)</sup><br>[13] | 3/Week<br>[03/07]                         | Grab [GR]         |
| Total Residual Chlorine <sup>(7)</sup> [50060]                                                                  | ---              | ---                     | 0.1 mg/L [19]                         | 0.24 mg/L [19]                        | 5/Week [05/07]                            | Grab [GR]         |
| pH [00400]                                                                                                      | ---              | ---                     | ---                                   | 6.0-9.0 SU [12]                       | 5/Week [05/07]                            | Grab [GR]         |
| Total Phosphorus <sup>(13a)</sup><br><i>(June 1 through September 30)<br/>(Starting Year 3 of permit cycle)</i> | Report Only [26] | Report Only [26]        | Report Only [19]                      | Report Only [19]                      | 1/Month [01/30]                           | Grab [GR]         |
| Aluminum (Total) [01105]                                                                                        | 16 lbs/day [26]  | 40 lbs/day [26]         | Report µg/L [28]                      | Report ug/L [28]                      | 2/Year [02/YR]                            | Composite [24]    |
| Copper (Total) [01042]                                                                                          | ---              | 2.5 lbs/day [26]        | ---                                   | Report ug/L [28]                      | 2/Year [02/YR]                            | Composite [24]    |
| Mercury (Total) <sup>(8)</sup> [71900]                                                                          | ---              | ---                     | 6.5 ng/L [3M]                         | 9.8 ng/L [3M]                         | 1/Year [01/YR]                            | Grab [GR]         |

The italicized numeric values in brackets in the table above and the tables that follow are not limitations but are code numbers used by Department personnel to code Discharge Monitoring Reports (DMRs). Footnotes – See pages 11-15 for footnotes.

## SPECIAL CONDITIONS

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

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

| Effluent Limitations                                                                                                                                                  | Discharge Limitations |               |                 |                                | Minimum Monitoring Requirements        |                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------|-----------------|--------------------------------|----------------------------------------|----------------------------------|
|                                                                                                                                                                       | Monthly Average       | Daily Maximum | Monthly Average | Daily Maximum                  | Measurement Frequency                  | Sample Type                      |
| Whole Effluent Toxicity <sup>(9)</sup><br><b>Acute – NOEL</b><br><i>Ceriodaphnia dubia</i> (Water flea) [TDA3B]<br><i>Salvelinus fontinalis</i> (Brook trout) [TDA6F] | ---                   | ---           | ---             | Report % [23]<br>Report % [23] | 1/2 Years [01/2Y]<br>1/2 Years [01/2Y] | Composite [24]<br>Composite [24] |
| <b>Chronic – NOEL</b><br><i>Ceriodaphnia dubia</i> (Water flea) [TBP3B]<br><i>Salvelinus fontinalis</i> (Brook trout) [TBQ6F]                                         | ---                   | ---           | ---             | Report % [23]<br>Report % [23] | 1/2 Years [01/2Y]<br>1/2 Years [01/2Y] | Composite [24]<br>Composite [24] |
| Analytical Chemistry <sup>(10,12)</sup> [51477]                                                                                                                       | ---                   | ---           | ---             | Report ug/L [28]               | 1/2/Years [01/2Y]                      | Composite / Grab [24/GR]         |

The italicized numeric values in brackets in the table above and the tables that follow are not limitations but are code numbers used by Department personnel to code Discharge Monitoring Reports (DMRs). Footnotes – See pages 11-15 for footnotes.

## SPECIAL CONDITIONS

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

**3. SCREENING LEVEL** – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement.

| Effluent Limitations                                                                                                                                                  | Discharge Limitations |               |                 | Minimum Monitoring Requirements |                                  |                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------|-----------------|---------------------------------|----------------------------------|----------------------------------|
|                                                                                                                                                                       | Monthly Average       | Daily Maximum | Monthly Average | Daily Maximum                   | Measurement Frequency            | Sample Type                      |
| Whole Effluent Toxicity <sup>(9)</sup><br><b>Acute – NOEL</b><br><i>Ceriodaphnia dubia</i> (Water flea) [TDA3B]<br><i>Salvelinus fontinalis</i> (Brook trout) [TDA6F] | ---                   | ---           | ---             | Report % [23]<br>Report % [23]  | 2/Year [02/YR]<br>2/Year [02/YR] | Composite [24]<br>Composite [24] |
| <b>Chronic – NOEL</b><br><i>Ceriodaphnia dubia</i> (Water flea) [TBP3B]<br><i>Salvelinus fontinalis</i> (Brook trout) [TBQ6F]                                         | ---                   | ---           | ---             | Report % [23]<br>Report % [23]  | 2/Year [02/YR]<br>2/Year [02/YR] | Composite [24]<br>Composite [24] |
| Analytical Chemistry <sup>(10,12)</sup> [51477]                                                                                                                       | ---                   | ---           | ---             | Report ug/L [28]                | 1/ Quarter [01/90]               | Composite / Grab [24/GR]         |
| Priority Pollutant <sup>(11,12)</sup> [50008]                                                                                                                         | ---                   | ---           | ---             | Report ug/L [28]                | 1/Year [01/YR]                   | Composite / Grab [24/GR]         |

The italicized numeric values in brackets in the table above and the tables that follow are not limitations but are code numbers used by Department personnel to code Discharge Monitoring Reports (DMRs). Footnotes – See pages 11-15 for footnotes.

## SPECIAL CONDITIONS

### B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

4. The permittee must, seasonally (June 1<sup>st</sup> – September 30<sup>th</sup>) starting year 3 of this permit and ending in Year 5, conduct Ambient Receiving Water monitoring of the Androscoggin River upstream of the discharge and reported as **Outfall #001AM**. Such sampling must be conducted by the permittee as specified below <sup>(1)</sup>.

| Ambient Receiving Water Characteristic                                                                          | Discharge Limitations    | Minimum Monitoring Requirements |              |
|-----------------------------------------------------------------------------------------------------------------|--------------------------|---------------------------------|--------------|
|                                                                                                                 | Monthly Average          | Measurement Frequency           | Sample Type  |
| Up-Stream: Total Phosphorus <sup>(13b)</sup><br>(June 1 <sup>st</sup> – September 30 <sup>th</sup> )<br>[00665] | Report Only mg/L<br>[19] | 1/Month<br>[01/30]              | Grab<br>[GR] |

The italicized numeric values in brackets in the table above and the tables that follow are not limitations but are code numbers used by Department personnel to code Discharge Monitoring Reports (DMRs). Footnotes – See pages 11-15 for footnotes.

## SPECIAL CONDITIONS

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

#### Footnotes:

1. **Sampling – Influent sampling** for BOD<sub>5</sub> and TSS must be sampled at the Lewiston and Auburn Parshall flumes prior to the addition of transported wastes and prior to the bar racks. BOD<sub>5</sub> and TSS associated with the addition of transported waste may be included in calculations for percent removal. **Outfall #001C effluent monitoring for all parameters** must be conducted from the effluent end of the chlorine contact chamber, except that effluent monitoring for *E. coli* bacteria may be conducted from the effluent end of the chlorine contact chamber or from the dechlorination manhole and all sampling for TRC must be conducted from the dechlorination manhole. Any change in sampling location must be approved by the Department in writing.

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

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

2. **Minimum instantaneous influent flow** – The permittee must report the *minimum* instantaneous influent flow rate entering the headworks of the plant at the time each bypass of secondary treatment is activated.
3. **BOD<sub>5</sub> and TSS Percent Removal** - The treatment facility must maintain a minimum of 85 percent removal of BOD<sub>5</sub> and a minimum of 85 percent removal of TSS for all flows receiving secondary treatment.
4. **Overflow occurrence** – An overflow occurrence is defined as the period of time between initiation and cessation of flow through the secondary bypass system if a continuous overflow occurrence is greater than 60 minutes in duration or intermittent occurrences totaling 120 minutes during a 24-hour period. Overflow occurrences are reported in discharge days. Multiple intermittent overflow occurrences in one discharge day are reported as one overflow occurrence and are sampled according to the measurement frequency specified.
5. ***E. coli* bacteria** - Limits and monitoring requirements are seasonal and apply between April 15th and October 31st of each year, starting on April 15, 2027. In accordance with 38 M.R.S. § 414-A, the Department may, at any time and with notice to the permittee, modify this permit to establish bacteria limitations on a year-round basis to protect the health, safety, and welfare of the public.
6. **Bacteria Reporting** – The monthly average *E. coli* bacteria limitation is a geometric mean limitation and sample results must be reported as such. Results must be expressed in MPN/100mL or CFU/100mL.
7. **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. 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.
8. **Mercury** – The permittee must conduct all mercury monitoring required by this permit required to determine compliance with interim limitations established pursuant to 06-096 C.M.R. ch. 519 in accordance with the U.S. Environmental Protection Agency’s (USEPA) “clean sampling techniques” found in USEPA Method 1669, *Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels*. All mercury analysis must be conducted in accordance with USEPA Method 1631E, *Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry*. For the most up-to-date reporting form, “[Whole Effluent Toxicity, Chemistry, and Mercury Reporting Forms](#)” for a reporting form for mercury test results. Compliance with the monthly average limitation established in Special Condition A of this permit will be based on the cumulative arithmetic mean of all mercury tests results that were conducted utilizing sampling Method 1669 and analysis Method 1631E on file with the Department for this facility.
9. **Whole effluent toxicity (WET) testing** – Definitive WET testing is a multi-concentration testing event (a minimum of five dilutions bracketing the critical acute and chronic thresholds of 6.5% and 1.7%, respectively), which provides a point estimate of toxicity in

terms of No Observed Effect Level or Concentration, commonly referred to as NOEL or NOEC. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level with survival, reproduction and growth as the end points. The critical acute and chronic thresholds were derived as the mathematical inverse of the applicable acute and chronic dilution factors of 15.5:1 and 65.5:1, respectively.

- a. **Surveillance level testing** - Beginning upon permit issuance and lasting through 24 months prior to permit expiration (Years 1, 2 & 3 of the term of the permit) and commencing again 12 months prior to permit expiration (Year 5 of the term of the permit), the permittee must initiate surveillance level acute and chronic WET testing at a minimum frequency of once every other year (1/2 Years) for both the water flea (*Ceriodaphnia dubia*) and the brook trout (*Salvelinus fontinalis*). Testing must be conducted in a different calendar quarter each sampling event. The intent of this is that at least two WET tests will be conducted during years 1, 2, 3 & 5 of this permit.
- b. **Screening level testing** – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement. The permittee must conduct screening level acute and chronic WET testing at a minimum frequency of twice per year (2/Year) for both species. Acute and chronic tests must be conducted on both the water flea (*Ceriodaphnia dubia*) and the brook trout (*Salvelinus fontinalis*). Testing must be conducted in a different calendar quarter each sampling event.

WET test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability from the laboratory before submitting them. The permittee must evaluate test results being submitted and identify to the Department possible exceedances of the critical acute and chronic water quality thresholds of 6.5% and 1.7%, respectively.

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

- a. U.S. Environmental Protection Agency. 2002. *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, 5<sup>th</sup> ed. EPA 821-R-02-012. U.S. Environmental Protection Agency, Office of Water, Washington, D.C., October 2002 (the acute method manual).
- b. U.S. Environmental Protection Agency. 2002. *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, 4<sup>th</sup> ed. EPA 821-R-02-013. U.S. Environmental Protection Agency, Office of Water, Washington, D.C., October 2002 (the freshwater chronic method manual).

Results of WET tests must be reported on the "[Whole Effluent Toxicity, Chemistry, and Mercury Reporting Forms](#)" form each time a WET test is performed.

The permittee must analyze the effluent for the analytical chemistry and priority pollutant parameters specified on the "[Whole Effluent Toxicity, Chemistry, and Mercury Reporting Forms](#)" form each time a WET test is performed.

10. **Analytical chemistry** – Refers to those pollutants listed in their respective categories on the "[Whole Effluent Toxicity, Chemistry, and Mercury Reporting Forms](#)".
  - a. **Surveillance level testing** - Beginning upon permit issuance and lasting through 24 months prior to permit expiration (Years 1, 2 & 3 of the term of the permit) and commencing again 12 months prior to permit expiration (Year 5 of the term of the permit), the permittee must conduct analytical chemistry testing at a minimum frequency of once every other year (1/2 Years). As with WET testing, testing must be conducted in a different calendar quarter of each year.
  - b. **Screening level testing** - Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement. The permittee must conduct screening level analytical chemistry testing at a minimum frequency of once per quarter (1/quarter).
11. **Priority pollutant testing** – Refers to those pollutants listed in their respective categories on the "[Whole Effluent Toxicity, Chemistry, and Mercury Reporting Forms](#)".
  - a. **Surveillance level testing** is not required pursuant to 06-096 C.M.R. ch. 530.
  - b. **Screening level testing** – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement. The permittee must conduct screening level priority pollutant testing at a minimum frequency of once per year (1/Year) in any calendar quarter provided the sample is representative of the discharge and any seasonal or other variations in effluent quality. Priority pollutants are those listed by the USEPA pursuant to Section 307(a) of the Clean Water Act and published at 40 C.F.R. Part 122, Appendix D, Tables II and III.
12. **Analytical Chemistry & Priority Pollutants** – Testing must be conducted on samples collected at the same time as those collected for whole effluent toxicity tests, when applicable, and must be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve the most current minimum reporting levels of detection as specified by the Department.

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

(last amended February 16, 2020). For the purposes of DMR reporting, enter a “1” for yes, testing done this monitoring period or “N-9” monitoring not required this period.

**13. Total Phosphorus** – See Attachment H of this Fact Sheet for *Protocol for Total P Sample Collection and Analysis for Wastewater and receiving Water Monitoring Required by Permits*.

- a.) **Effluent Sampling:** Sampling should be taken at the effluent sampling location. Monitoring and Reporting total phosphorus concentrations are only required seasonally June 1<sup>st</sup> through September 30<sup>th</sup> of the last three years of this permitting term. This requirement will not be included if permit is administratively continued.
- b.) **Ambient Sampling:** Sampling should be taken above the facility’s outfall. The location will be decided with discussions between the Department of Environmental Assessment and the permittee. Monitoring and Reporting total phosphorus concentrations are only required seasonally June 1<sup>st</sup> through September 30<sup>th</sup> of the last three years of this permitting term. Concentration values obtained should be report as **Outfall #001AM**. This requirement will not be included if permit is administratively continued.

**C. NARRATIVE EFFLUENT LIMITATIONS**

1. The permittee must not discharge effluent that contains a visible oil sheen, foam or floating solids at any time which would impair the usages designated for the classification of the receiving waters.
2. The permittee must not discharge effluent that contains materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated for the classification of the receiving waters.
3. The permittee must not discharge effluent that imparts color, taste, turbidity, toxicity, radioactivity or other properties which cause those waters to be unsuitable for the designated uses and characteristics ascribed to their classification.
4. The permittee must not discharge effluent that lowers the quality of any classified body of water below such classification, or lowers the existing quality of any body of water if the existing quality is higher than the classification.

**D. TREATMENT PLANT OPERATOR**

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

## E. LIMITATIONS FOR INDUSTRIAL USERS

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

## F. NOTIFICATION REQUIREMENTS

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

1. Any introduction of pollutants into the wastewater collection and treatment system from an indirect discharger in a primary industrial category discharging process wastewater; and
2. Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants into the system at the time of permit issuance.
3. For the purposes of this section, adequate notice must include information on:
  - a. The quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
  - b. Any anticipated impact of the change in the quantity or quality of the wastewater to be discharged from the treatment system.

## G. MONITORING AND REPORTING

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

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

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

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

electronic DMR and must be submitted no later than midnight on the 15<sup>th</sup> day of the month following the completed reporting period.

#### **H. OPERATIONS AND MAINTENANCE (O&M) PLAN**

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

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

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

#### **I. WET WEATHER FLOW MANAGEMENT PLAN**

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

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

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

#### **J. STATEMENT FOR REDUCED/WAIVED TOXICS TESTING**

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

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

- (b) Changes in the operation of the treatment works that may increase the toxicity of the discharge;
- (c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge;

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

- (d) Changes in stormwater collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge; and
- (e) Increases in the type or volume of transported (hauled) wastes accepted by the facility. The Department may require that routine screening or surveillance level testing be re-instated if it determines that there have been changes in the character of the discharge or if annual certifications described above are not submitted.

#### K. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

Pursuant to this permit and *Standards for the Addition of Transported Wastes to Waste Water Treatment Facilities*, 06-096 C.M.R. ch. 555 (last amended February 5, 2009), during the effective period of this permit, the permittee is authorized to receive and introduce into the treatment process or solids handling stream up to **a daily maximum of 71,000 gallons per day** of transported wastes, subject to the following terms and conditions.

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

- (b) The volume of transported wastes received;
- (c) The source of the transported wastes;
- (d) The person transporting the transported wastes;
- (e) The results of inspections or testing conducted;
- (f) The volumes of transported wastes added to each treatment stream; and
- (g) The information in (a) through (d) for any transported wastes refused for acceptance.

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

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

#### **L. EFFLUENT LIMITATIONS AND CONDITIONS FOR COMBINED SEWER OVERFLOWS**

Pursuant to *Combined Sewer Overflow Abatement* 06-096 C.M.R. ch. 570 (last amended February 8, 1978), the permittee is authorized to discharge from the following locations of combined sewer overflows (CSOs) (storm water and sanitary wastewater) subject to the conditions and requirements herein.

1. CSO Locations

| CSO Outfall # | Outfall Location                     | Receiving Water and Class   |
|---------------|--------------------------------------|-----------------------------|
| 002           | "Structure B" at the Treatment Plant | Androscoggin River, Class C |

2. Prohibited Discharges

- a) The discharge of dry weather flows is prohibited. All such discharges must be reported to the Department in accordance with Standard Condition D (1) of this permit.
- b) No discharge may occur as a result of mechanical failure, improper design or inadequate operation or maintenance.
- c) No discharges shall occur at flow rates below the maximum design capacity of the wastewater treatment facility, pumping stations or sewerage system. The current pump station is designed with two influent pumps with a combined pumping capacity of 38 MGD and a third pump on the shelf to provide redundancy. To handle low nighttime flows in the 4-8 MGD range, a jockey pump has been added in the third pump location, with a spare on the shelf for redundancy.

LACWA is authorized to discharge combined sanitary and storm related water, through the CSO, in excess of what the facility can treat through secondary and primary treatment without violating permit limits for bypass conditions, but must treat an instantaneous minimum of 25 MGD through secondary and a minimum of 38 MGD through secondary and primary before activating the CSO. In situations where LACWA can treat greater than an instantaneous minimum of 25 MGD through secondary and/or more than 38 MGD through secondary and primary without violating license limits for bypass conditions, LACWA shall do so before activating the CSO.

3. Narrative Effluent Limitations

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

4. CSO Master Plan [see 06-096 C.M.R. ch. 570(2) and 06-096 C.M.R. ch. 570(3)]

The permittee must implement CSO control projects in accordance with the approved CSO Master Plan entitled, *Clean Water Act Master Plan, October 2000*, prepared by Metcalf & Eddy, an updated CSO Master Plan entitled, *Lewiston and Auburn, Maine and the Lewiston Auburn Water Pollution Control Authority – Clean Water Act Master Plan Five Year Update, May 2005*, prepared by Camp Dresser & McKee, that was approved by the Department on June 28, 2006 and a second update to the CSO Master Plan entitled, *City of Lewiston, Maine, Auburn Sewerage District, and the Lewiston Auburn Water Pollution Control Authority (LAWPCA) Clean Water Act Master Plan Ten Year Update, June 2010*, prepared by Camp Dresser & McKee and approved by the Department on June 20, 2013 and *City of Lewiston, Maine, Auburn Sewerage District, and the Lewiston Auburn Water Pollution Control Authority (LAWPCA) Clean Water Act Master Plan Ten Year Update, June 2015*, prepared by CDM Smith. Updates have been done to the master plan in 2020 and again in 2025.

**By November 25, 2030, [ICIS Code 81699]** the permittee must submit to the Department for review and approval an Updated CSO Master Plan and implementation schedule summarizing the impact of the CSO storage tank project and expansion of wet weather capacity to 38 MGD on CSO activity at Structure B.

To modify the date specified above, the permittee must file an application with the Department to formally modify the permit. The remaining work items identified in the abatement schedule may be amended from time to time based on mutual agreements between the permittee and the Department. The permittee must notify the Department in writing prior to any proposed changes to the implementation schedule.

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

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

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

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

**Results must be submitted annually** as part of the annual *CSO Progress Report* (see below), and must include annual precipitation, CSO volumes (actual or estimated) and any block test data required. Any abnormalities during CSO monitoring must also be reported. The results shall be reported on the Department form "CSO Activity and Volumes," included as **Attachment E** of this fact sheet, or similar format and submitted to the Department in electronic form.

CSO control projects that have been completed must be monitored for volume and frequency of overflow to determine the effectiveness of the project toward CSO abatement. This requirement shall not apply to those areas where complete separation has been completed and CSO outfalls have been eliminated.

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

06-096 C.M.R. ch. 570(8) lists requirements relating to any proposed addition of wastewater to the combined sewer system. Documentation of the new wastewater additions to the system and associated mitigating measures must be included in the annual *CSO Progress Report* (see below). Reports must contain the volumes and characteristics of the wastewater added or authorized for addition and descriptions of the sewer system improvements and estimated effectiveness.

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

**By March 1** of each year [**ICIS Code CSO10**], the permittee must submit *CSO Progress Reports* covering the previous calendar year (January 1 to December 31). The CSO Progress Report must include, but is not necessarily limited to, the following topics as further described in 06-096 C.M.R. ch. 570: CSO abatement projects, schedule comparison, progress on inflow sources, costs, flow monitoring results, CSO activity and volumes, nine minimum controls update, sewer extensions, and new commercial or industrial flows. The CSO Progress Reports must be completed on a standard form entitled, "*Annual CSO Progress Report*" furnished by the Department, and submitted in electronic form to the following address:

CSO Coordinator  
Department of Environmental Protection  
Bureau of Water Quality  
17 State House Station  
Augusta, Maine 04333  
e-mail: [CSOCoordinator@maine.gov](mailto:CSOCoordinator@maine.gov)

9. Signs

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

**LEWISTON-AUBURN CLEAN WATER AUTHORITY  
WET WEATHER  
SEWAGE DISCHARGE  
CSO # AND NAME OF OUTFALL**

**or  
COMBINED SEWAGE OUTFALL**  
Contains sewage during and after  
periods of heavy rainfall.  
**CSO Permittee Name**  
CSO # and Name  
CSO Permittee Tel. #

**10. Definitions**

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

- a. Combined Sewer Overflow - a discharge of excess wastewater from a municipal or quasi-municipal sewerage system that conveys both sanitary wastes and storm water in a single pipe system and that is in direct response to a storm event or snowmelt.
- b. Dry Weather Flows - flow in a sewerage system that occurs as a result of non-storm events or are caused solely by ground water infiltration.
- c. Wet Weather Flows - flow in a sewerage system that occurs as a direct result of a storm event, or snowmelt in combination with dry weather flows.

**M. INDUSTRIAL PRETREATMENT PROGRAM**

- 1. Pollutants introduced into POTWs by a non-domestic source (user) must not pass-through the publicly owned treatment works (POTW) or interfere with the operation or performance of the works and collection system.
  - a. The permittee must develop and enforce specific effluent limits (local limits) or conditions (Best Management Practices) for Industrial User(s), and all other users, as appropriate, which together with appropriate changes in the POTW facilities or operation, are necessary to ensure continued compliance with the POTWs MEPDES permit or sludge use or disposal practices. Specific local limits must not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

**Within 180 days of the effective date of this permit, [ICIS code PR002]** the permittee must prepare and submit a written technical evaluation to the Department analyzing the need to revise local limits. As part of this evaluation, the permittee must assess how the POTW performs with respect to influent and effluent of pollutants, water quality concerns, sludge quality, sludge processing concerns, biomonitoring results, secondary/biological activated sludge inhibition, worker health and safety and collections with collection system interference. In preparing this evaluation, the permittee must complete the "Re-Assessment of Technically Based Local Limits" form

included as **Attachment J** of this fact sheet with the technical evaluation to assist in determining whether existing local limits need to be revised or new local limits added. Justifications and conclusions should be based on actual plant data if available and should be included in the report. Should the evaluation reveal the need to revise local limits, the permittee must complete the revisions within 120 days of notification by the Department and submit the revisions to the Department for approval. The permittee must carry out the local limits revisions in accordance with EPA's document entitled, ***Local Limits Development Guidance*** (July 2004).

2. The permittee must implement the Industrial Pretreatment Program in accordance with the legal authorities, policies, procedures, and financial provisions described in the permittee's approved Pretreatment Program, and the General Pretreatment Regulations, found at 40 C.F.R. Part 403 and *Pretreatment Program*, 06-096 C.M.R. ch. 528 (effective March 17, 2008). At a minimum, the permittee must perform the following duties to properly implement the Industrial Pretreatment Program (IPP):
  - a. Carry out inspection, surveillance, and monitoring procedures which will determine, independent of information supplied by the industrial user, whether the industrial user is in compliance with the Pretreatment Standards. At a minimum, all significant industrial users must be sampled and inspected at the frequency established in the approved IPP but in no case less than once per year and maintain adequate records.
  - b. Issue or renew all necessary Industrial User control mechanisms within 90 days of their expiration date or within 180 days after the industry has been determined to be a significant industrial user.
  - c. Obtain appropriate remedies for noncompliance by an Industrial User with any pretreatment standard, best management practice or other requirement.
  - d. Maintain an adequate revenue structure for continued implementation of the Pretreatment Program.
  - e. The permittee must provide the Department with an annual report describing the permittee's pretreatment program activities for the twelve-month period ending 60 days prior to the due date in accordance with federal regulation found at 40 C.F.R. Part 403.12(i) and 06-096 C.M.R. ch. 528(12)(i). **The annual report [ICIS code 53199] must be consistent with the format described in the "MEPDES Permit Requirements For Industrial Pretreatment Annual Report" form included as Attachment G of this fact sheet and must be submitted no later than November 1<sup>st</sup> of each calendar year.** The Annual Report for reporting year prior to 1 January 2026 as required of the permittee in the Industrial Users and Pretreatment Program section of this permit shall be submitted to the Pretreatment Coordinator in Maine Department of Environmental Protection Water Bureau. The current Coordinator contact information can be found under Industrial Pretreatment Program (IPP) at: [Water Contacts, Maine DEP](#) or the IPP section at: [Wastewater Treatment, Water Quality, Maine Department of Environmental Protection](#). Reports with reporting year ending after 31 December 2025 and with a due date on or after 1 March 2026, must be done electronically as NetDMR attachments and/or using

EPA's NPDES Electronic Reporting Tool ("NeT"), which will be accessible through EPA's Central Data Exchange at <https://cdx.epa.gov/>.

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

- (1) Pretreatment Reports Reassessment of Technically Based Industrial Discharge Limits Form,
  - (2) Revisions to Industrial Discharge Limits,
  - (3) Report describing Pretreatment Program activities, and
  - (4) Proposed changes to a Pretreatment Program
- f. The permittee must obtain approval from the Department prior to making any significant changes to the industrial pretreatment program in accordance with federal regulation found at 40 C.F.R. Part 403.18(c) and state regulation 06-096 C.M.R. ch. 528(18).
- g. The permittee must assure that applicable National Categorical Pretreatment Standards are met by all categorical industrial users of the POTW. These standards are published in the federal regulations found at 40 C.F.R. Parts 405 through 471.
- h. The permittee must modify its pretreatment program to conform to all changes in the federal regulations and State rules that pertain to the implementation and enforcement of the industrial pretreatment program. **Within 180 days of the effective date of this permit, [ICIS code 50799]** the permittee must provide the Department in writing, proposed changes to the permittee's pretreatment program deemed necessary to assure conformity with current federal regulations and State rules. At a minimum, the permittee must address in its written submission the following areas: (1) the effectiveness of their Enforcement response plan; (2) the adequacy or need for revision of their Sewer Use Ordinances; and (3) the need for and effectiveness of Industrial User slug control evaluations. The permittee must implement these proposed changes pending the Department's approval under 40 C.F.R. Part 403.18 and 06-096 C.M.R. ch. 528(18). This submission is separate and distinct from any local limits analysis submission described in section 1(a) above.

## N. TOTAL PHOSPHORUS SAMPLING PLAN

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

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

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

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

#### **O. REOPENING OF PERMIT FOR MODIFICATION**

In accordance with 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.

#### **P. SEVERABILITY**

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

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

**FACT SHEET**

DATE: **July 1, 2026**

PERMIT NUMBER: **ME0101478**

WASTE DISCHARGE LICENSE: **W000682-5M-L-R**

APPLICANT INFORMATION:

**LEWISTON-AUBURN CLEAN WATER AUTHORITY  
P.O. Box 1928  
Lewiston, Maine 04241**

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

**535 Lincoln Street  
Lewiston, Maine 04241**

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

COGNIZANT OFFICIAL CONTACT INFORMATION:

**Mr. Travis Peaslee, General Manager  
(207) 782-0917  
e-mail: [tpeaslee@lacwa.org](mailto:tpeaslee@lacwa.org)**

## 1. APPLICATION SUMMARY

- a. **Application:** On February 08, 2021, the Department accepted as complete for processing an application LACWA for renewal of combination Waste Discharge License (WDL) #W000682-5M-K-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME00101478, which was issued by the Department on April 11, 2016, for a five-year term. The April 11, 2016 permit authorized a monthly average discharge of 14.2 million gallons per day (MGD) of secondary treated municipal wastewaters from a publicly owned treatment works (POTW), allowed the use of a secondary treatment bypass structure at the facility as well as the discharge of an unspecified quantity of untreated combined sanitary and stormwater from one (1) combined sewer overflow (CSO) point to the Androscoggin River, Class C, in Lewiston, Maine.
- b. **Source Description:** LACWA owns and operates a wastewater treatment facility to provide wastewater treatment services for the Cities of Lewiston and Auburn. A map showing the location of the facility and discharge location is included as **Attachment A** of this fact sheet. Estimates of plants flows from the two cities indicate that approximately 20% of the sewers contributing to the plant are combined (storm water and sanitary wastewater) and 25% of the dry weather flow is from industrial or commercial sources. In 2012, the average flow from industries included in LACWA's industrial pretreatment program was estimated to be approximately 604,631 gallons per day, approximately 4.3% of the plant's average daily and permitted average flow.

Combined sewer overflows (CSOs) exist on both the Lewiston and Auburn sewer systems and are permitted by the Department separately (City of Lewiston #ME0100005 and Auburn Sewerage District #ME0100994) from the wastewater treatment facility. LACWA has one permitted CSO on its property on the Lewiston interceptor. This outfall is generally referred to as Outfall #002 or "Structure B". During periods of high flow the collection system may receive excess flows. To effectively operate during these periods the treatment facility staff maintains a Wet Weather Management Plan, last revised in February 2013.

LACWA is responsible for the industrial pretreatment program in both cities. Currently there are 13 Significant Industrial Users (SIU) involved in the Authority's industrial pretreatment program. LACWA's program was first approved by the USEPA on September 12, 1984 and LAWPCA's local limits were approved by USEPA on December 1, 1995.

LACWA is authorized to receive and introduce into the treatment process a daily maximum of up to 71,000 GPD of transported wastes in the form of septage in accordance with the terms and conditions of this permit and *Standards for the Addition of Transported Wastes to Waste Water Treatment Facilities*, 06-096 C.M.R. ch. 555 (last amended February 5, 2009). It is noted the facility also receives up to 40,000 gpd of digester feedstock waste at the facility but the waste is not introduced into the headworks or the solids handling waste stream but are pumped directly to the anaerobic digestors to generate electricity. Any liquid waste from the digester/energy

cycle introduced into the wastewater treatment process is similar to or has compatible chemical composition and strength to the influent typically received at the treatment facility. As a result, 06-096 C.M.R. ch. 555 does not apply to this waste stream.

- c. **Wastewater Treatment:** The wastewater treatment facility provides a secondary level of treatment using an activated sludge process that employs selector/contact stabilization modification of the activated sludge process in order to handle variations in influent flow and wastewater strength. A schematic of the treatment facility is included as **Attachment B** of this fact sheet. After metering flows from both cities independently, the flows are combined and conveyed through two bar screens for removal of large solids. The screened wastewater is pumped into two aerated grit chambers (37,700 gallons each) using three pumps with a pumping capacity of 38 MGD (with one of the three pumps off-line). Following grit removal, the wastewater flows by gravity through two primary sedimentation basins (409,000 gallons each) and to the secondary system (two aeration basins of 1,390,000 gallons each and two secondary clarifiers of 1,140,000 gallons each). The aeration basins and secondary clarifiers are generally operated in parallel as two separate and independent systems. When flows exceed the capacity of the secondary system, a portion of the primary effluent can be bypassed around the aeration basins and secondary clarifiers. The bypassed flow is recombined with the secondary clarifier effluent prior to chlorine injection. All flows are seasonally disinfected using sodium hypochlorite and then dechlorinated using sodium bisulfite prior to discharge. LACWA replaced the gas chlorine system with a liquid sodium hypochlorite prior to the start of the 2009 disinfection season.

Screenings are disposed of by the LACWA at a local incinerator. Grit and primary sedimentation basin scum and grease are disposed of by the LACWA via landfill disposal. Primary sludge may be thickened in gravity thickeners and secondary sludge is thickened using two 2.0 Meter gravity belt thickeners prior to being pumped to the anaerobic digestion system. The digested sludge is then dewatered using two screw presses that were installed in 2016.

Septage is received directly into the plant headworks, upstream of the bar screens, via a 10" pipe. In addition to septage, the facility is authorized to receive digester feedstock waste in a 30,000-gallon tank to generate electricity at the facility.

The final effluent is discharged to the Androscoggin River via a 60-inch diameter reinforced concrete pipe extending approximately 265 feet out into the river. The single-port, 6-inch diameter Outfall #001C discharges vertically upward at right angles to the effluent conveyance pipe and is approximately 5 feet below the mean low water level.

## 2. PERMIT SUMMARY

### a. Modification Requests:

1. The permittee has requested to increase the daily maximum amount of transported waste from 41,000 gpd to 71,000 gpd. This request has been accepted and implemented in the permit.
2. The permittee has requested to reduce the testing for both settleable solids and total chlorine residual to 5-days per week (5/Week). The department has reviewed the reported data for both the settleable solids and total chlorine. Due to there being only one exceedance for total chlorine, the department decided to allow the monitoring frequency be 5/Week. For settleable solids there were six exceedances since the previous permitting action and the exceedance are all at least double the limit or greater. Therefore, the department will be denying the request to allow for a 5/Week monitoring frequency for settleable solids.
3. The permittee has requested that settleable solids be "report only" during secondary bypass events. This request has been accepted and implemented in this permit due to not being required during the previous permit cycle. This will allow for more information about the combined effluent discharge during wet weather events.

### b. Terms and Conditions: This permitting action is carrying forward all the terms and conditions of the previous permitting action and it is:

1. Updated the bacteria sampling season from May 15<sup>th</sup> – September 30<sup>th</sup> to April 15<sup>th</sup> – October 31<sup>st</sup>, starting on April 15, 2027.
2. Established a 5/Week monitoring frequency for Total Residual Chlorine.
3. Established effluent and ambient Total Phosphorus monitoring once/month for the sampling season of June 1<sup>st</sup> – September 30<sup>th</sup>, starting Year 3 through Year 5 of this permitting action, only.
4. Established a Report Only limit for settleable solids when bypass is active only.
5. Established the Special Condition Limitations for Industrial Users.
6. Updated the Special Condition Monitoring and Reporting for electronic reporting only.
7. Updated the language in the Special Condition Industrial Pretreatment Program.

8. Increased the transported wastes from 40,000 gpd to 71,000 gpd.
  9. Decreased the TSS when bypass is active limit from 23,771 lbs/day to 15,753 lbs/day base on calculations using new information gathered during the last permit term.
  10. Decreased the Monthly Average Total Aluminum limit from 19 lbs/day to 16 lbs/day based on calculations using new information gathered during the last permit term.
  11. Established the Special Condition N: Total Phosphorus Sampling Plan, to support the Total Phosphorus effluent and ambient monitoring requirements.
- c. **History:** This section provides a summary of significant licensing/permitting actions and milestones that have been completed for the permittee's facility.
- April 11, 1995 – The Department issued the WDL #W000682-47-C-R for a five year for the discharge of 14.2 MGD to the Androscoggin River in Lewiston Maine.
- April 3, 1996 – The Department issued WDL #W000682-68-C-R for a five year term.
- July 8, 1998 – The Lewiston-Auburn Water Pollution Authority submitted an application for a modification and this application was withdrawn in September 1998.
- September 21, 1999 – The Department issued the WDL #W000682-68-E-N to satisfy the section 401 water quality certification.
- January 12, 2001 – The Department received authorization from the U. S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permitting program in Maine.
- December 31, 2002 – The Department issued the combined MEPDES #ME0101478 and WDL #W000682-5M-F-R for the discharge of 14.2 MGD municipal wastewater to the Androscoggin River in Lewiston Maine, for five year term.
- July 15, 2003 – The Department administratively modified the 12/31/02 permit to eliminate the first five conditions specified in Special Condition K, Schedule of Compliance, based on Department approval of plans and specifications for a dechlorination and aeration basin improvement project.
- November 18, 2005 – The Department administratively modified the 12/31/02 permit to correct two technical errors regarding bacteria and TRC limitations for Outfall #001D. The administrative modification eliminated the monthly average limitations for Escherichia coli bacteria and total residual chlorine.
- July 24, 2008 – The Department issued combination WDL # W000682-5M-G-R/MEPDES permit #ME 0101478 for a five-year term. The July 24, 2008 permit

superseded previous WDLs issued on December 31, 2002, April 03, 1996, and September 16, 1986.

December 22, 2010 – The Department administratively modified the 7/24/08 permit to incorporate Special Conditions to establish and implement an Asset Management Program and establish a repair and replacement account to comply with the 2010 Clean Water State Revolving Fund requirements. This modification was assigned the WDL #W000682-5M-H-M.

November 24, 2010 – The Lewiston-Auburn Water Pollution Control Authority submitted an application for a modification on the toxics. This application was withdrawn by November 14, 2011.

September 6, 2012 – The Department issued a minor revision of the 7/24/08 permit for reduction of mercury testing frequency from 4/Year to 1/Year based on Certain deposits and discharges prohibited, 38 M.R.S. § 420 1-B(F). This modification was assigned the WDL #W000682-5M-J-M.

April 11, 2016 – The Department issued MEPDES #ME0101478/ WDL #w000682-5M-K-R for the renewal of the July 24, 2008 permit, for a five year term.

January 29, 2021 – The LAWPCA submitted a timely and complete General Application to the Department for renewal of the 4/16/16 MEPDES permit. The application was accepted for processing on February 08, 2021 and was assigned WDL #W000682-5M-L-R / MEPDES #ME0101478.

June 3, 2024 – Lewiston Auburn Water Pollution Control Authority changed their name to Lewiston Auburn Clean Water Authority.

### 3. CONDITIONS OF PERMIT

*Conditions of licenses*, 38 M.R.S. § 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require the application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, *Certain deposits and discharges prohibited*, 38 M.R.S. § 420 and Department rule *Surface Water Toxics Control Program*, 06-096 C.M.R. ch. 530 require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 C.M.R. ch. 584 (last amended February 16, 2020), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

### 4. RECEIVING WATER QUALITY STANDARDS

*Classification of major river basins*, 38 M.R.S. § 467(1)(A)(2) classifies the Androscoggin River, main stem, "From its confluence with the Ellis River to Worumbo Dam in Lisbon

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

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

- A. Class C waters must be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under [Title 12, section 403](#); navigation; and as a habitat for fish and other aquatic life.*
- B. Class C waters must be of sufficient quality to support all species of fish indigenous to those waters and to maintain the structure and function of the resident biological community. The dissolved oxygen content of Class C water may not be less than 5 parts per million or 60% of saturation, whichever is higher, except that in identified salmonid spawning areas where water quality is sufficient to ensure spawning, egg incubation and survival of early life stages, that water quality sufficient for these purposes must be maintained. In order to provide additional protection for the growth of indigenous fish, the following standards apply.*
  - (1) The 30-day average dissolved oxygen criterion of a Class C water is 6.5 parts per million using a temperature of 22 degrees centigrade or the ambient temperature of the water body, whichever is less, if:*
    - (a) A license or water quality certificate other than a general permit was issued prior to March 16, 2004 for the Class C water and was not based on a 6.5 parts per million 30-day average dissolved oxygen criterion; or*
    - (b) A discharge or a hydropower project was in existence on March 16, 2005 and required but did not have a license or water quality certificate other than a general permit for the Class C water.*

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

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

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

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

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

## **5. REASONABLE POTENTIAL**

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

If the permitting authority determines that the discharge of a pollutant will cause, has the reasonable potential to cause, or contribute to an excursion above WQSs, the permit must contain water quality-based effluent limitations (WQBELs) for that pollutant. See 40 C.F.R. § 122.44(d)(1)(i).

## **6. RECEIVING WATER QUALITY CONDITIONS**

***The State of Maine Department of Environmental Protection 2018/2020/2022 Integrated Water Quality Monitoring and Assessment Report*** (Report), prepared by

the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the Androscoggin River main stem from the Little Androscoggin River to the Pejepscot Dam (AU ID: ME0104000210\_425R\_01) which includes the receiving water at the point of discharge, under the following categories.

*“Category 4-B: Rivers and Streams Impaired by Pollutants – Pollution Control Requirements Reasonably Expected to Result in Attainment.”* Impairment in this context refers to a statewide fish consumption advisory due to the presence of dioxin in fish tissue. The report indicates standards are expected to be met in 2030 given the imposition of dioxin limits in permits.

*“Category 5-D: Rivers and Streams Impaired by Legacy Pollutants.”* Impairment in this context refers to polychlorinated biphenyls (PCBs). The Report indicates that this legacy pollutant cannot be addressed with a TMDL or permit and that pollutant effects will continue to diminish naturally over time.

Note: The lower portion of this segment was upgraded from Class C to Class B in 2022 (effective date 8/8/2022). The segment associated with the receiving water is still Class C but now extends from the Little Androscoggin River to the Worumbo Dam (Lisbon Falls). The 2018/2020/2022 report lists this segment in Category 4-C, but this segment is no longer part of the Category 4-C listing based on the reclassification in 2022.

The Report 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 (Total Maximum Daily Load (TMDL) completed) due to USEPA approval of a Regional Mercury TMDL in December 2007. Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters, and many fish from any given water, do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Health and Human Services decided to establish a statewide advisory recommending limits on consumption for all freshwater fish. Maine has instituted statewide programs for removal and reduction of mercury sources.”

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

## 7. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- a. **Flow:** The previously established monthly average and daily maximum discharge flow as “Report Only” requirement for Outfall #001C and this permitting action is carrying forward this requirement.

The permit requires the permittee to convey a minimum of 25 MGD to the secondary treatment components of the plant before it is allowed to bypass secondary treatment. The facility is capable of providing secondary treatment for flows between 14.2 MGD and 25 MGD for extended periods of time. As a result, monthly average flows receiving secondary treatment would exceed the dry weather flow limit of 14.2 MGD if established in the permit and result in nuisance violations of the permit and possibly put the facility in the category of significant non-compliance. Therefore, reporting monthly average and daily maximum flow values are being carried forward in this permit.

A review of the monthly Discharge Monitoring Reports (DMRs) for the period April 2016 through September 2025 indicates values have reported as follows:

**Flow (n=124)**

| Value           | Limit (MGD) | Range (MGD) | Mean (MGD) |
|-----------------|-------------|-------------|------------|
| Monthly Average | Report      | 0.01 – 18.7 | 8.1        |
| Daily Maximum   | Report      | 0.09 – 32.7 | 15.7       |

- b. **Dilution Factors:** The department establishes applicable dilution factors for the discharge in accordance with freshwater protocols established in *Surface Water Toxics Control Program*, 06-096 C.M.R. ch. 530. In April 2025, the department's Division of Environmental Assessment updated the 1Q10s, 7Q10s, and harmonic mean flows along the lower Androscoggin River using flow data from the USGS gage in Auburn (NWIS 01059000) for the 1987–2024 record period and tributary inflow estimates from USGS regression equations. Using the results of this update and a monthly average flow limit of 14.2 MGD for LACWA's discharge, dilution factors for the facility are calculated as follows:

$$\text{Modified Acute: } 1/4^{\text{th}} \text{ of } 1\text{Q}10 = 318 \text{ cfs} \Rightarrow \frac{(318 \text{ cfs})(0.6464) + 14.2 \text{ MGD}}{14.2 \text{ MGD}} = 15.5:1$$

$$\text{Acute: } 1\text{Q}10 = 1,270 \text{ cfs} \Rightarrow \frac{(1,270 \text{ cfs})(0.6464) + 14.2 \text{ MGD}}{14.2 \text{ MGD}} = 58.8:1$$

$$\text{Chronic: } 7\text{Q}10 = 1,417 \text{ cfs} \Rightarrow \frac{(1,417 \text{ cfs})(0.6464) + 14.2 \text{ MGD}}{14.2 \text{ MGD}} = 65.5:1$$

$$\text{Human Health: Harm. Mean} = 4,094 \text{ cfs} \Rightarrow \frac{(4,094 \text{ cfs})(0.6464) + 14.2 \text{ MGD}}{14.2 \text{ MGD}} = 187:1$$

06-096 C.M.R. ch. 530(4)(B)(1) states,

*Analyses using numerical acute criteria for aquatic life must be based on 1/4 of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone and to ensure a zone of passage of at least 3/4 of the cross-sectional area of any stream as required by Chapter 581. 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 flow, up to and including all of it, as long as the required zone of passage is maintained.*

The Department's Division of Environmental Assessment (DEA) has determined that mixing of the effluent with the receiving water is not rapid and complete and recommends that acute evaluations be based on the default stream design flow of ¼ of the 1Q10 in accordance with 06-096 C.M.R. ch. 530(4)(B)(1).

- c. Biochemical Oxygen Demand (BOD<sub>5</sub>) and Total Suspended Solids (TSS):** This permitting action is carrying forward the previously established monthly average and weekly average technology-based concentration limits of 30 mg/L and 45 mg/L, respectively, for BOD<sub>5</sub> and TSS based on the secondary treatment requirements specified at *Effluent Guidelines and Standards*, 06-096 C.M.R. ch. 525(3)(III) (effective January 12, 2001), and a daily maximum concentration limit of 50 mg/L, which is based on best professional judgment (BPJ) of best practicable treatment (BPT) for secondary treated municipal wastewater.

The technology-based monthly average and weekly average mass limits of 3,553 lbs/day and 5,329 lbs/day, respectively, are also being carried forward in this permitting action. To encourage the treatment facility to maximize use of its secondary treatment process during wet weather events, this permitting action is carrying forward a report only requirement for the daily maximum BOD<sub>5</sub> and TSS mass values. This permitting action is carrying forward the BOD<sub>5</sub> and TSS monitoring frequency of three times per week (3/Week).

Mass limitations, the monthly average, weekly average and daily maximum technology-based mass limitations are being carried forward in this permitting action and are based on a monthly average limit of 14.2 MGD. The mass limits were derived as follows:

Monthly average:  $(14.2 \text{ MGD})(8.34)(30 \text{ mg/L}) = 3,553 \text{ lbs/day}$   
Weekly average:  $(14.2 \text{ MGD})(8.34)(45 \text{ mg/L}) = 5,329 \text{ lbs/day}$

A reviewed of the monthly DMRs data for the period April 2016 through September 2025 indicates values have reported as follows:

**BOD<sub>5</sub> Mass(n=119)**

| Value           | Limit (lbs/day) | Range (lbs/day) | Average (lbs/day) |
|-----------------|-----------------|-----------------|-------------------|
| Monthly Average | 3,553           | 143 – 2,152     | 926               |
| Weekly Average  | 5,329           | 159 – 5,117     | 1,390             |
| Daily Maximum   | Report          | 321 – 15,118    | 2,661             |

**BOD<sub>5</sub> Concentration(n=119)**

| Value           | Limit (mg/L) | Range (mg/L) | Average (mg/L) |
|-----------------|--------------|--------------|----------------|
| Monthly Average | 30           | 3.0 - 22     | 11.9           |
| Weekly Average  | 45           | 3.5 – 46*    | 15.9           |
| Daily Maximum   | 50           | 5.5 – 107*   | 24.4           |

One excursion occurred during the previous permitting cycle for weekly average and seven excursions occurred during the previous permitting cycle for daily maximum.

**TSS mass(n=120)**

| Value           | Limit (lbs/day) | Range (lbs/day) | Average (lbs/day) |
|-----------------|-----------------|-----------------|-------------------|
| Monthly Average | 3,553           | 123 – 2,541     | 768               |
| Weekly Average  | 5,329           | 125 – 7,192*    | 1,295             |
| Daily Maximum   | Report          | 218 – 17,708    | 2,821             |

One excursion occurred during the previous permitting cycle for weekly.

**TSS concentration(n=120)**

| Value           | Limit (mg/L) | Range (mg/L) | Average (mg/L) |
|-----------------|--------------|--------------|----------------|
| Monthly Average | 30           | 2.6 - 25     | 9.5            |
| Weekly Average  | 45           | 2.8 – 59*    | 13.9           |
| Daily Maximum   | 50           | 2.3 – 158*   | 23.9           |

One excursion occurred during the previous permitting cycle for weekly average and six excursions occurred during the previous permitting cycle for daily maximum.

This permitting action is carrying forward the monthly average percent removal requirement of 85 percent for BOD<sub>5</sub> and TSS as required pursuant to 06-096 C.M.R. ch. 525(3)(III)(a&b)(3) for all flows receiving secondary treatment. This permitting action is carrying forward the once per month (1/Month)

A review of the monthly DMRs data for the period April 2016 through September 2025 indicates values reported as follows:

**BOD % Removal (DMRs=63)**

| Value           | Limit (%) | Range (%) | Average (%) |
|-----------------|-----------|-----------|-------------|
| Monthly Average | 85        | 89-99     | 95          |

**TSS % Removal (DMRs=69)**

| Value           | Limit (%) | Range (%) | Average (%) |
|-----------------|-----------|-----------|-------------|
| Monthly Average | 85        | 88-99     | 96          |

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

A review of the monthly DMRs data for the period April 2016 through September 2025 indicates values reported as follows:

**Settleable solids concentration (n=110)**

| Value         | Limit (ml/L) | Range (ml/L) | Average (ml/L) |
|---------------|--------------|--------------|----------------|
| Daily Maximum | 0.3          | <0.01 – 14*  | <0.26          |

\*Six excursions occurred during the previous permitting cycle.

Given the significant non-compliance between June 2016 and March 2025, the monitoring frequency for settleable solids of 1/Day is being carried forward in this permitting action.

- e. ***Escherichia coli* bacteria:** The previous permitting established seasonal (May 15-September 30 of each year) monthly average and daily maximum *E. coli* bacteria concentration limits of 126 colonies/100 ml and 949 colonies/100 ml, respectively. This permitting action is establishing a season (April 15 through October 31<sup>st</sup>) a monthly average and daily maximum *E. coli* bacteria concentration limits of 100 MPN or CFU/100 mL and 236 MPN or CFU/100 mL, respectively. The monthly average and daily maximum concentration limits are based on 38 M.R.S. § 465(4). The Department reserves the right to impose year-round bacteria limits if deemed necessary to protect the health, safety and welfare of the public.

A review of the monthly DMRs data for the period April 2016 through September 2025 indicates values reported as follows:

***E. coli* bacteria (n=48)**

| Value           | Limit (col/100 ml) | Range (col/100 ml) | Average (col/100 ml) |
|-----------------|--------------------|--------------------|----------------------|
| Monthly Average | 126                | 1.2 – 2,420*       | 59                   |
| Daily Maximum   | 949                | >6.0 – 2,420*      | 781                  |

\*13 excursions for Daily Maximum occurred during the previous permitting cycle and One excursions for Monthly Average occurred during the previous permitting cycle.

A review of the monitoring data for *E. coli* bacteria indicates the ratios (expressed in percent) of the long term effluent average to the monthly average limits can be calculated as 7%. According to Table I of the EPA Guidance and Department Guidance, a 5/Week monitoring requirement can be reduced to 3/Week. Therefore, this permitting action is reducing the monitoring frequency for *E. coli* bacteria from 5/Week to 3/Week.

- f. **Total Residual Chlorine (TRC):** The previous permitting action established a water quality-based monthly average concentration limit of 0.24 mg/L and a daily maximum technology-based concentration limit of 0.1 mg/L for TRC. Limitations on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Department permitting actions impose the more stringent of either a water quality-based or BPT based limit. With dilution factors as determined above, end-of-pipe (EOP) water quality-based concentration thresholds for TRC may be calculated as follows:

| Criterion            | Dilution Factor         | Threshold                   |
|----------------------|-------------------------|-----------------------------|
| Acute = 0.019 mg/L   | Modified Acute = 15.5:1 | Daily Maximum = 0.29 mg/L   |
| Chronic = 0.011 mg/L | Chronic = 65.5:1        | Monthly Average = 0.72 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. The LACWA dechlorinates the effluent prior to discharge to achieve compliance with the water quality-based thresholds. This permitting action is carrying forward the previously established daily maximum limit of 0.24 mg/L, a previously calculated water quality-based threshold, due to being more stringent than the newly calculated water quality-based threshold of 0.29 mg/L. The monthly average technology-based standard of 0.1 mg/L is more stringent than the calculated chronic water quality-based threshold of 0.72 mg/L and is, therefore, being carried forward in this permitting action.

A reviewed of the monthly DMRs data for the period April 2016 through September 2025 indicates values have reported as follows:

**Total Residual Chlorine (n=50)**

| Value           | Limit (mg/L) | Range (mg/L) | Mean (mg/L) |
|-----------------|--------------|--------------|-------------|
| Monthly Average | 0.1          | 0.01 – 0.09  | 0.03        |
| Daily Maximum   | 0.24         | 0.02 – 0.26* | 0.12        |

\*Once excursion during the previous permitting cycle.

The monitoring frequency of 5/Week for total residual chlorine is being established in this permitting action.

- g. pH:** This permitting action is carrying forward the previously established technology-based pH limit of 6.0 – 9.0 standard units, which is based on 06-096 C.M.R. ch. 525(3)(III). This permit is carrying forward the 5/Week monitoring frequency that was previously established.

A reviewed of the monthly DMRs data for the period April 2016 through September 2025 indicates values have reported as follows:

**pH (n=48)**

| Value | Limit (SU) | Range (SU) |
|-------|------------|------------|
| Range | 6.0 – 9.0  | 6.0 – 7.5  |

- h. Mercury:** Pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S. § 420 and *Waste discharge licenses*, 38 M.R.S. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 C.M.R. ch. 519 (last amended October 6, 2001), the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W000682-5M-G-R by establishing interim monthly average and daily maximum effluent concentration limits of 6.5 parts per trillion (ppt) and 9.8 ppt, respectively, and a minimum monitoring frequency requirement of four (4) tests per year for mercury. On February 6, 2012, the Department issued a minor revision to the July 24, 2008 permit thereby revising the minimum monitoring frequency requirement from four times per year to once per year pursuant to 38 M.R.S. § 420(1-B)(F). It is noted the limitations have been incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of this permit. 38 M.R.S. § 420(1-B)(B)(1) provides that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department.

A reviewed of the monthly DMRs data for the period April 2016 through December 2025 indicates values have reported as follows:

**Mercury (n=12)**

| Value           | Limit (ng/L) | Range (ng/L) | Mean (ng/L) |
|-----------------|--------------|--------------|-------------|
| Monthly Average | 6.5          | 1.7 – 25.3*  | 5.1         |
| Daily Maximum   | 9.8          |              |             |

\*One excursion occurred during the previous permitting cycle.

Pursuant to 38 M.R.S. §420(1-B)(F), this permitting action is carrying forward the 1/Year monitoring frequency, monthly average and daily maximum limits established in the February 6, 2012, permit modification.

- i. Total phosphorus:** *Waste Discharge License Conditions*, 06-096 C.M.R. ch. 523 specifies that water- quality-based limits are necessary when it has been determined that a discharge has a reasonable potential to cause or contribute to an excursion above any state water quality standard including State narrative criteria. In addition, 06-096 C.M.R. ch. 523 specifies that water-quality-based limits may be based upon criterion derived from

a proposed state criterion or from an explicit state policy or regulation interpreting its narrative water quality criterion. On June 11, 2025, U.S. EPA Region 1 approved the State of Maine's *Nutrient Criteria for Class AA, A, B, and C Fresh Surface Waters* (06-096 C.M.R. ch. 583). This rule includes criteria for the protection of fresh surface waters from eutrophication impacts due to the discharge of total phosphorus (TP). Under this rule, the Androscoggin River at Auburn, a Class C water, has an in-stream TP limit of 44 µg/liter (0.044 mg/liter) during August median flow conditions.

The department performed limited sampling (n=3) for total phosphorus upriver of the LACWA discharge during the summer of 2014. The highest result from that sampling effort was a total phosphorus concentration of 0.019 mg/L. In the absence of more recent data, this highest concentration is being used as a conservative background concentration in the reasonable potential calculation in this fact sheet.

LACWA has provided the department with total phosphorus sampling results for its effluent through 2021, after which sampling for total phosphorus ceased. The only comprehensive effluent sampling data (n=9) for total phosphorus during the summer months that also reflects the loss a significant industrial source in 2017 is from 2018. The average of this 2018 data is 1.37 mg/L total phosphorus. In the absence of more recent data, this value is being used as the effluent concentration in the reasonable potential analysis in this fact sheet.

As part of its update of the river flows for computing dilution factors, the department's Division of Environmental Assessment also computed the August median flow at the permittee's outfall, which is 0.16 miles upstream of the USGS's flow gage at Auburn. The river's August median flow at the outfall is 2,795 cfs (1,807 MGD). Using this river flow, an effluent TP concentration of 1.37 mg/liter, and an ambient background TP concentration of 0.019 mg/liter, the reasonable potential analysis for total phosphorus is as follows:

#### Reasonable Potential Analysis

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

|                                                  |   |             |
|--------------------------------------------------|---|-------------|
| Qe = effluent flow                               | = | 14.2 MGD    |
| Ce = effluent pollutant concentration            | = | 1.37 mg/L   |
| Qs = August median flow of receiving water       | = | 1,807 MGD   |
| Cs = upstream concentration                      | = | 0.019 mg/L  |
| Qr = receiving water flow (1,807 MGD + 14.2 MGD) | = | 1,821.2 MGD |
| Cr = receiving water concentration               |   |             |

$$Cr = \frac{(14.2 \text{ MGD} \times 1.37 \text{ mg/L}) + (1,807 \text{ MGD} \times 0.019 \text{ mg/L})}{1,821.2 \text{ MGD}} = 0.030 \text{ mg/L}$$

Cr = 0.030 mg/L < 0.044 mg/L for Class C waters **No Reasonable Potential**

As the above calculation indicates LACWA's discharge will not cause or contribute to an increase in the river's total phosphorus concentration above the Class C criterion, no effluent limitation for phosphorus will be established in this permitting action. To better assess the exceedance potential due to the river's current phosphorus levels and LACWA's current treatment operations, however, this permitting action is establishing once per month (1/month) monitoring of the ambient, upstream total phosphorus (this requirement will not be administratively continued) and once per month (1/month) monitoring of the effluent total phosphorus by the permittee during the summer (June – September) starting in year 3 of this permit.

- j. **Total Copper:** The previous permit established and this permitting action is carrying forward a daily maximum limit of 2.5 lbs/day and a monitoring frequency of twice per year (2/Year). This was based on the reasonable potential calculations done based on priority pollutant and analytical chemistry testing results.

A reviewed of the monthly DMRs data for the period April 2016 through December 2025 indicates values have reported as follows:

**Copper (n = 26)**

| Value         | Limit (lbs/day) | Range (lbs/day)   | Mean (lbs/day) |
|---------------|-----------------|-------------------|----------------|
| Daily Maximum | 2.5 lbs/day     | 0.3 – 2.3 lbs/day | 0.8 lbs/day    |

- k. **Total Aluminum:** The previous permit established a monthly average and a daily maximum limit of 19 lbs/day and 40 lbs/day, respectfully, with a monitoring frequency of twice per year (2/Year). This permitting action is establishing a monthly average limit of 16 lbs/day and is carrying forward the daily maximum limit and monitoring frequency of 2/Year. This was based on the reasonable potential calculations done based on priority pollutant and analytical chemistry testing results.

A reviewed of the monthly DMRs data for the period April 2016 through December 2025 indicates values have reported as follows:

**Aluminum (n = 26)**

| Value           | Limit (lbs/day) | Range (lbs/day) | Mean (lbs/day) |
|-----------------|-----------------|-----------------|----------------|
| Monthly Average | 19 lbs/day      | 0.0 – 23*       | 6              |
| Daily Maximum   | 40 lbs/day      | 0.0 - 22        | 6              |

\*One excursion occurred during the previous permitting cycle.

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

38 M.R.S. § 414-A and 38 M.R.S. § 420 prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the

USEPA. 06-096 C.M.R. ch. 530 sets forth effluent monitoring requirements and procedures to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric water quality criteria are met. 06-096 C.M.R. ch. 584 sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

WET, priority pollutant and analytical chemistry testing, as required by 06-096 C.M.R. ch. 530, is included in this permit in order to characterize the effluent. WET monitoring is required to assess and protect against impacts upon water quality and designated uses caused by the aggregate effect of the discharge on specific aquatic organisms. Acute and chronic WET tests are performed on the water flea (*Ceriodaphnia dubia*) and the brook trout (*Salvelinus fontinalis*). Chemical-specific monitoring is required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health water quality criteria. Analytical Chemistry and Priority Pollutant refers to those pollutants listed in their respective categories on the [“Whole Effluent Toxicity, Chemistry, and Mercury Reporting Forms.”](#)

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

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

The LACWA discharges domestic (sanitary) and industrial process wastewater to surface waters and is therefore subject to the testing requirements of the toxics rule. 06-096 C.M.R. ch. 530(2)(B) categorizes dischargers subject to the toxics rule into one of four levels (Levels I through IV).

The four categories for dischargers are as follows:

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

Based on the criteria, the permittee’s facility is considered a Level II dischargers as the chronic dilution of the receiving waters is 65.5:1. The Department Rule 06-096 C.M.R. ch. 530(2)(D) specifies default WET, priority pollutant, and analytical chemistry test schedules for Level II dischargers as follows:

**Surveillance level testing**

| Level | WET Testing | Priority pollutant testing | Analytical chemistry |
|-------|-------------|----------------------------|----------------------|
| II    | 1 per year  | None required              | 2 per year           |

**Screening level testing**

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

This permit provides for reconsideration of effluent limits and monitoring schedules after evaluation of toxicity testing results. The monitoring schedule includes consideration of results currently on file, the nature of the wastewater, existing treatment, and receiving water characteristics.

- a. Whole Effluent Toxicity (WET):** The April 11, 2016 permit did not establish any WET limitations as a statistical evaluation, at the time all results indicated no reasonable potential or exceedances. 06-096 C.M.R. ch. 530 (3)(E) states:

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

On September 15, 2025, the Department conducted a statistical evaluation on the most recent 60 months of WET test results on file with the Department for LACWA in accordance with the statistical approach outlined above. The September 15, 2025 statistical evaluation indicates the discharge from the LACWA facility has not exceeded or demonstrated a reasonable potential to exceed critical acute or chronic ambient water quality thresholds for the water flea (*Ceriodaphnia dubia*) or brook trout (*Salvelinus fontinalis*). See **Attachment C** of this Fact Sheet for a summary of the WET test results.

Given the absence of exceedances or reasonable potential to exceed critical WET thresholds, this permitting action maintains the established reduced surveillance level testing for the water flea and brook trout of (1/2 Years) pursuant to 06-096 C.M.R. ch. 530 (2)(D)(3). Based on the Department’s findings this permitting action maintains the established screening level testing for the water flea and brook trout of (2/Year) pursuant to 06-096 C.M.R. ch. 530 (2)(D)(1).

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

- (a) *Changes in the number or types of non-domestic wastes contributed directly or indirectly to the wastewater treatment works that may increase the toxicity of the discharge;*
- (b) *Changes in the operation of the treatment works that may increase the toxicity of the discharge; and*
- (c) *Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge.*

Special Condition J of the previous permit established, *Surface Waters Toxics Control Program Statement For Reduced Toxics Testing* pursuant to 06-096 C.M.R. ch. 530(2)(D)(4). The annual certification statement requirement is being carried forward in this permitting action as Special Condition L in this permit. This permit provides for reconsideration of testing requirements, including the imposition of certain testing, in consideration of the nature of the wastewater discharged, existing wastewater treatment, receiving water characteristics, and results of testing.

- b. Analytical Chemistry & Priority Pollutant Testing Evaluation:** The April 11, 2016 permit established a monthly average water quality-based mass limit for Aluminum, and daily maximum water quality-based mass limits for Aluminum and Copper as a statistical evaluation, at the time results indicated a reasonable potential.

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

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

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

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

On October 22, 2025, the Department conducted a statistical evaluation of the most recent 60 months of chemical-specific test results on file with the Department. The evaluation was based on 0% of the ambient water quality criteria being withheld (Report ID 1640). The October 22, 2025 evaluation indicates that test results from the LACWA facility discharge has no reasonable potential to exceed any AWQC for any

toxics established in 06-096 C.M.R. ch. 584, *Surface Water Quality Criteria for Toxic Pollutants*. See **Attachment D** of this Fact Sheet for test dates and results for the pollutants of concern.

The Department has prepared guidance that establishes protocols for establishing waste load allocations (see **Attachment I** of this Fact Sheet). The guidance states that the most protective of water quality becomes the facility's allocation. This permitting action maintains the established reduced surveillance level testing of (1/2 Years) for analytical chemistry pursuant to 06-096 C.M.R. ch. 530 (2)(D)(3). Based on the Department's findings this permitting action maintains the established screening level testing for both analytical and priority testing of (1/Quarter and 1/Year) pursuant to 06-096 C.M.R. ch. 530 (2)(D)(1).

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

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

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

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

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

The Androscoggin River has multiple dischargers that are subject to the Department's 06-096 C.M.R. ch. 530 testing requirements above and below the permittee's facility. The Brunswick Landfill facility is the most downstream fresh water discharger in the watershed.

### **Segment allocation methodology**

For the segment allocation methodology, the historical average quantity (mass) for each pollutant of concern for each facility is calculated utilizing the arithmetic mean of the concentrated values reported for each pollutant, a conversion factor of 8.34 lbs/gallon and the monthly average permit limit for flow. The historical mass discharged for each pollutant for each facility is mathematically summed to determine the total mass discharged for each pollutant in the watershed. Based on the individual discharger's historical average, each discharger is assigned a percentage of the whole

which is then utilized to determine the percent of the segment allocation for each pollutant for each facility. For the permittee's facility, the historical averages for aluminum and copper are calculated as follows:

**Aluminum:**

**Mass limits**

Mean concentration (n=14) = 99.9 ug/L or 0.0999 mg/L

Permit flow limit = 14.2 MGD

Historical average mass = (0.0999 mg/L)(8.34)(14.2 MGD) = 11.83 lbs/day

The October 22, 2025 statistical evaluation indicates the historical average mass of aluminum discharged by the permittee's (11.83 lbs/day) is 2.68% of the aluminum discharged by facilities on the main stem of the Androscoggin River. The chronic assimilative capacity (AC) at Brunswick was calculated based on 90% of the applicable AWQC (taking into consideration the 10% reduction to account for background, 0% reduction for reserve, totaling 10%), critical low flows (7Q10 = 1,715 cfs) at Brunswick less the assimilative capacity allocated to Whitney Brook in Canton (critical low flow 7Q10 = 20 cfs), to the Little Androscoggin River in Mechanic Falls (critical low flow 7Q10 = 32.5 cfs) and the Sabattus River at Sabattus (critical low flow 7Q10 = 2.5 cfs). These critical low flows will be utilized in all calculations as they pertain to assessing chronic AWQC limitations. The calculation for aluminum is as follows:

**Chronic:**

7Q10 at Brunswick = 1,439 cfs or 930.2 MGD

7Q10 at Canton = 20 cfs or 12.9 MGD

7Q10 at Mechanic Falls = 32.5 cfs or 20.9 MGD

7Q10 at Sabattus = 3.7 cfs or 2.4 MGD

AWQC = 87 ug/L

87 ug/L(0.90) = 78.3 ug/L or 0.0783 mg/L

Chronic AC = 930.2 MGD – 12.9 MGD – 20.9 MGD – 2.4 MGD = 894 MGD

(894 MGD)(8.34 lbs/gal)(0.0783 mg/L) = 584 lbs/day

Therefore, the chronic mass segment allocations for aluminum for the permittee can be calculated as follows:

**Monthly average mass for aluminum:**

(Chronic assimilative capacity mass)(% of total aluminum discharged)

(584 lbs/day)(0.0268) = 15.7 lbs/day or **16 lbs/day**

**Acute:**

The acute assimilative capacity (AC) at Brunswick was calculated based on 90% of the applicable AWQC (taking into consideration the 10% reduction to account for background, 0% reduction for reserve, totaling 10%), critical low flows (1Q10 = 451 cfs) at Brunswick less the assimilative capacity allocated to Whitney Brook in Canton (critical low flows 1Q10 = 20 cfs), to Seven Mile Stream in Jay (critical low flows 1Q10 = 2 cfs), to the Little Androscoggin River in Mechanic Falls (critical low flows 1Q10 = 15.3 cfs) and the Sabattus River at Sabattus (critical low flow 1Q10 = 2.5 cfs). These critical low flows will be utilized in all calculations as they pertain to assessing acute AWQC limitations. The calculation for aluminum is as follows:

1Q10 at Brunswick = 1,289 cfs or 833.2 MGD  
1Q10 at Canton = 20 cfs or 12.9 MGD  
1Q10 at Mechanic Falls = 15.3 cfs or 9.9 MGD  
1Q10 at Sabattus = 3.7 cfs or 2.4 MGD

AWQC = 750 ug/L  
 $750 \text{ ug/L} (0.90) = 675 \text{ ug/L or } 0.675 \text{ mg/L}$

Acute AC =  $833.2 \text{ MGD} - 12.9 \text{ MGD} - 9.9 \text{ MGD} - 2.4 \text{ MGD} = 808 \text{ MGD}$

$(808 \text{ MGD})(8.34 \text{ lbs/gal})(0.675 \text{ mg/L}) = 4,549 \text{ lbs/day}$

Therefore, the acute mass segment allocations for aluminum for the permittee can be calculated as follows:

**Daily maximum mass for aluminum:**

(Acute assimilative capacity mass)(% of total aluminum discharged)  
 $(4,549 \text{ lbs/day})(0.0268) = 121.9 \text{ lbs/day or } \mathbf{122 \text{ lbs/day}}$

**Copper**

Mean concentration = 12.5 ug/L or 0.0125 mg/L  
Permit flow limit = 14.2 MGD  
Historical average mass =  $(0.0125 \text{ mg/L})(8.34)(14.2 \text{ MGD}) = 1.48 \text{ lbs/day}$

The 7/15/15 statistical evaluation (Report ID #793) indicates the historical average mass of copper discharged by the permittee (1.48 lbs/day) is 41.09 % of the copper discharged by facilities on the main stem of the Androscoggin River. The acute assimilative capacity (AC) at Brunswick was calculated based on 90% of the applicable AWQC (taking into consideration the 10% reduction to account for background, 0% reduction for reserve, totaling 10%), critical low flows (1Q10 = 451 cfs) at Brunswick less the assimilative capacity allocated to Whitney Brook in Canton, Seven Mile Stream in Jay, the Little Androscoggin River in Mechanic Falls and the Sabattus River at Sabattus. The calculation for copper is as follows:

**Acute:**

AWQC = 3.07 ug/L  
 $3.07 \text{ ug/L} (0.90) = 2.76 \text{ ug/L}$  or 0.00276 mg/L

Acute AC = 833.2 MGD – 12.9 MGD – 9.9 MGD – 2.4 MGD = 808 MGD

$(808 \text{ MGD})(8.34 \text{ lbs/gal})(0.00276 \text{ mg/L}) = 18.6 \text{ lbs/day}$

Therefore, the acute mass segment allocations for copper for the permittee can be calculated as follows:

**Daily maximum mass for copper:**

(Acute assimilative capacity mass)(% of total copper discharged)  
 $(18.6 \text{ lbs/day})(0.4109) = 7.6 \text{ lbs/day}$

06-096 C.M.R. ch. 530 does not establish monitoring frequencies for parameters that exceed or have a reasonable potential to exceed AWQC. Monitoring frequencies are established on case-by-case basis given the timing, severity and frequency of occurrences of the exceedances or reasonable potential to exceed applicable critical water quality thresholds. Therefore, this permitting action is making a best professional judgment to establish the monitoring frequencies for aluminum and copper at the routine surveillance level frequency of 2/Year specified in 06-096 C.M.R. ch. 530.

- k. **Transported Wastes:** The previous permitting action authorized the permittee to receive and introduce up to 40,000 gpd of transported wastes into the wastewater treatment process or solids handling stream. This permitting action is authorizing the permittee to receive and introduce up to 71,000 gpd of transported wastes into the wastewater treatment process. Department rule 06-096 C.M.R. ch. 555, *Standards For The Addition of Transported Wastes to Wastewater Treatment Facilities*, limits the quantity of transported wastes received at a facility to 1% of the design capacity of the treatment facility if the facility utilizes a side stream or storage method of introduction into the influent flow, or 0.5% of the design capacity of the facility if the facility does not utilize the side stream or storage method of introduction into the influent flow. A facility may receive more than 1% of the design capacity on a case-by-case basis.

The total in this permit is 71,000 gpd of transported wastes that it is authorized to be received and treated as it utilizes the side streams/storage method of metering transported wastes into the facility's influent flow. With a design capacity of 14.2 MGD, 71,000 gpd represents 0.5% of said capacity. The Department has determined that under normal operating conditions, the receipt and treatment of 71,000 gpd of transported wastes to the facility will not cause or contribute to upset conditions of the treatment process.

**I. CSO-Related Bypasses of Secondary Treatment**

The current treatment facilities for this outfall consist of two bar screens and an aerated grit chamber for preliminary treatment and two primary sedimentation basins for primary treatment. Flows greater than 25 MGD that have received primary treatment can be bypassed around the two aeration basins (contact selector stabilization mode) and two secondary clarifiers through the secondary bypass structure. The structure discharges through a pipe measuring 60 inches in diameter to a chlorine mixing structure along with flow receiving secondary treatment. The combined flow then enters two chlorine contact chambers and is discharged out a 60 inch diameter pipe to the Androscoggin River.

A review of the DMR data for the period April 2016 – July 2025 indicates there have only been a total of six overflow occurrences with values reported as follows:

**Overflow occurrences****Overflow occurrences/month**

| Value                   | Limit (# of days) | Total (# of days) |
|-------------------------|-------------------|-------------------|
| Daily Maximum           | Report            | ---               |
| 2016 (April – December) | ---               | 0                 |
| 2017                    | ---               | 2                 |
| 2018                    | ---               | 8                 |
| 2019                    | ---               | 2                 |
| 2020                    | ---               | 0                 |
| 2021                    | ---               | 8                 |
| 2022                    | ---               | 7                 |
| 2023                    | ---               | 9                 |
| 2024                    | ---               | 2                 |
| 2025 (January – July)   | ---               | 0                 |

**Flow:****Flow**

| Value               | Limit (MGD) | Range (MGD)                                                                                                                                  | Total (MGD)                                                                                                  |
|---------------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Total gallons/month | Report      | 33.06 (2018)<br>25.60 – 33.80 (2019)<br>20.68 (2020)<br>20.90 – 33.50 (2021)<br>25.61 – 25.96 (2022)<br>27.20 – 28.20 (2023)<br>25.40 (2024) | 33.06 (2018)<br>59.4 (2019)<br>20.68 (2020)<br>129.88 (2021)<br>51.57 (2022)<br>82.64 (2023)<br>25.40 (2024) |
| Daily Maximum       | Report      | 33.06 (2018)<br>33.80 (2019)<br>20.68 (2020)<br>33.50 (2021)<br>25.96 (2022)<br>28.20 (2023)<br>25.40 (2024)                                 | n/a (2018)<br>n/a (2019)<br>n/a (2020)<br>n/a (2021)<br>n/a (2022)<br>n/a (2023)<br>n/a (2024)               |

The permittee maintains a combined sewer system from which wet weather overflows occur. Section 402(q)(1) of the Clean Water Act requires that “each permit, order or decree issued pursuant to this chapter after December 21, 2000 for a discharge from a municipal combined storm and sanitary sewer shall conform to the Combined Sewer Overflow Control Policy signed by the Administrator on April 11, 1994 .....” 33 U.S.C. § 1342(q)(1). The Combined Sewer Overflow Control Policy (CSO Policy, 59 Fed. Reg. 18688-98), states that under USEPA’s regulations the intentional diversion of waste streams from any portion of a treatment facility, including secondary treatment, is a bypass and that 40 CFR 122.41(m), allows for a facility to bypass some or all the flow from its treatment process under specified limited circumstances. Under the regulation, the permittee must show that the bypass was unavoidable to prevent loss of life, personal injury or severe property damage, that there was no feasible alternative to the bypass and that the permittee submitted the required notices. The CSO Policy also provides that, for some CSO-related permits, the study of feasible alternatives in the control plan may provide sufficient support for the permit record and for approval of a CSO-related bypass to be included in an NPDES permit.<sup>1</sup> Such approvals will be re-evaluated upon the reissuance of the permit, or when new information becomes available that would represent cause for modifying the permit.

<sup>1</sup> 59 Fed. Reg. 18,688, at 18,693 and 40 CFR Part 122.41(m)(4) (April 19, 1994).

The CSO Policy indicates that the feasible alternative threshold may be met if, among other things, "... the record shows the secondary treatment system is properly operated and maintained, that the system has been designed to meet secondary limits for flows greater than peak dry weather flow, plus an appropriate quantity of wet weather flow, and that it is either technically or financially infeasible to provide secondary treatment at the existing facilities for greater amounts of wet weather flow."<sup>1</sup>

USEPA's CSO Control Policy and CWA section 402(q)(1) provide that the CSO-related bypass provision in the permit should make it clear that all wet weather flows passing through the headworks of the POTW will receive at least primary clarification and solids and floatables removal and disposal, and disinfection, where necessary, and any other treatment that can reasonably be provided.<sup>2</sup> Under section 402(q)(1) of the CWA and as stated in the CSO Policy, in any case, the discharge must not violate applicable water quality standards.<sup>3</sup> The Department will evaluate and establish on a case-by-case basis effluent limitations for discharges that receive only a primary level of clarification prior to discharge and those bypasses that are blended with secondary treated effluent prior to discharge to ensure applicable water quality standards will be met.

This permitting action allows a CSO-related bypass of secondary treatment at the LACWA facility based on an evaluation of feasible alternatives, which indicates it is technically and financially infeasible at this time to provide secondary treatment at the existing facilities as summarized in the original CSO Master Plan and subsequent updates. The permittee shall implement CSO control projects in accordance with the approved CSO Master Plan entitled, *Clean Water Act Master Plan, October 2000*, prepared by Metcalf & Eddy, an updated CSO Master Plan entitled, *Lewiston and Auburn, Maine and the Lewiston Auburn Water Pollution Control Authority – Clean Water Act Master Plan Five Year Update, May 2005*, prepared by Camp Dresser & McKee, that was approved by the Department on June 28, 2006 and a second update to the CSO Master Plan entitled, *City of Lewiston, Maine, Auburn Sewerage District, and the Lewiston Auburn Water Pollution Control Authority (LAWPCA) Clean Water Act Master Plan Ten Year Update, June 2010*, prepared by Camp Dresser & McKee and approved by the Department on June 20, 2013 and a third updated plan entitled, *City of Lewiston, Maine Auburn Sewerage District and the Lewiston Auburn Water Pollution Control (LAWPCA) Clean Water Act Master Plan Ten Year Update, June 2015* prepared by CDM Smith. Updates to the master plan were completed in 2020 and again in 2025.

During wet weather events when flows to the treatment facility has exceeded an instantaneous flow rate of 25.0 MGD (17,361 gallons per minute), secondary treatment of all wet weather flows is not practicable thus, a portion of the primary effluent can be bypassed around the aeration basins and secondary clarifiers. The bypassed flow is recombined with the secondary clarifier effluent prior to chlorination and dechlorination and then discharged to the river via the physical outfall designated as Outfall #001C. This

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<sup>1</sup> 59 Fed. Reg. at 18,694.

<sup>2</sup> 59 Fed. Reg. at 18,693.

<sup>3</sup> 59 Fed. Reg. at 18694, col 1 (April 19, 1994).

permitting action is establishing end-of-pipe limitations to comply with USEPA's CSO Control Policy and Clean Water Act section 402(q)(1).

The CSO Control Policy does not define specific design criteria or performance criteria for primary clarification. The Department and USEPA agree that existing primary treatment infrastructure was constructed to provide primary clarification. Therefore, the effluent quality from a properly designed, operated and maintained existing primary treatment system satisfies the requirements for primary clarification and solids removal.

For facilities that blend primary and secondary effluent prior to discharge, such as the permittee's facility, compliance must be evaluated at the point of discharge, unless impractical or infeasible.<sup>1</sup> Monitoring to assess compliance with limits based on secondary treatment and other applicable limits is to be conducted following recombination of flows at the point of discharge or, where not feasible, by mathematically combining analytical results for the two waste streams. Where a CSO-related bypass is directly discharged after primary settling and chlorination, monitoring will be at end of pipe if possible.

Due to the variability of CSO-related bypass treatment systems and wet weather related influent quality and quantity, a single technology-based standard cannot be developed for all of Maine's CSO-related bypass facilities<sup>2</sup>. To standardize how the Department will regulate these facilities to ensure compliance with the CSO Control Policy and Clean Water Act<sup>3</sup>, the Department has determined that effluent limitations for the discharge of CSO-related bypass effluent that is combined with effluent from the secondary treatment system should be based on the more stringent of either the past demonstrated performance of the properly operated and maintained treatment system(s) or site-specific water quality-based limits derived from calculations or best professional judgment of Department water quality engineers of assimilative capacity of the receiving water.

The federal secondary treatment regulation does not contain daily maximum effluent limitations for BOD<sub>5</sub> and TSS. The Department has established a daily maximum concentration limit of 50 mg/L for secondary treated wastewater as best professional judgment of best practicable treatment. This standard was developed by the Department prior to NPDES delegation and promulgation of secondary treatment regulations into State rule that are consistent with the Clean Water Act. Following consultation with USEPA, the Department has chosen to waive the requirement to comply with numeric daily maximum concentration limitations for BOD<sub>5</sub> and TSS **for days with CSO-related bypass events**. This permitting action is eliminating the reporting requirements for primary clarifier BOD<sub>5</sub> and TSS percent removal based on best professional judgment that these technology-based metrics have not been particularly useful in assessing primary treatment system performance and are not necessary to ensure water quality standards are met. During CSO-related bypasses, secondary treated wastewater is combined with

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<sup>1</sup> 40 CFR 122.45(h).

<sup>2</sup> Maine currently has 16 permitted facilities with a CSO-related bypass.

<sup>3</sup> In other words, that any other treatment that can reasonably be provided is, in fact, provided.

wastewater from the primary treatment system, which is designed to provide primary clarification and solids and floatables removal and disposal, and disinfection. The permittee is not able to consistently achieve compliance with technology based effluent limits (TBELs) derived from the secondary treatment regulation during CSO-related bypasses. As part of its consideration of possible adverse effects resulting from the bypass, the Department must ensure that the bypass will not cause exceedance of water quality standards. CSO Control Policy at 59 Fed. Reg. 18694.

For the discharge of blended effluent to the Androscoggin River via the main outfall, the Department is establishing daily maximum technology-based effluent limitations for BOD<sub>5</sub> and TSS when the flow rate through secondary treatment has exceeded an instantaneous flow rate of 17,361 gallons per minute or 25 MGD.

### **Blended effluent discharged to the Androscoggin River**

Discharges of blended effluent to the Androscoggin River are only allowed when the influent to the treatment facility has exceeded an instantaneous flow rate of 17,361 gpm or 25 MGD.

- n. **Flow, BOD<sub>5</sub> and TSS:** To be conservative, the Department has chosen the highest value for each parameter for the purposes of evaluating the potential impact to the Androscoggin River during the wet weather events when blended effluent is being discharged. Therefore, the Department evaluated the actual primary and secondary treated effluent values for BOD & TSS for the most current nine overflow occurrences between 2016 and 2025. The actual discharge values being utilized in calculations are as follows:

#### **Primary**

Flow: 3.55 MGD (April 2023)  
BOD<sub>5</sub>: 15,118 lbs./day, 72 mg/L (April 2023)  
TSS: 14,698 lbs./day, 70 mg/L (April 2023)

#### **Secondary**

Flow: 25.18 MGD (April 2023)  
BOD<sub>5</sub>: 1,871 lbs./day, 22 mg/L (April 2023)  
TSS: 1,055 lbs./day, 12 mg/L (April 2023)

To determine if water quality standards (dissolved oxygen) are maintained during times when discharging blended effluent, one must calculate the increase in the BOD and TSS concentration in the receiving water when the facility is discharging blended effluent. The only remaining unknown variable is what flow does one use for the Androscoggin River when discharging blended effluent?

The Department evaluated the flows of the Androscoggin River recorded at USGS gauging station at Near Auburn (station #01059000) on each of the two days during April 2023 in which there was a bypass of secondary treatment. The Department

chose the lowest river flow of 8,080 cfs (4/30/23) to calculate the increase in BOD and TSS concentrations in the Androscoggin River. The calculations are as follows:

What are the BOD and TSS concentrations discharged from the facility when the blended effluent is discharged?

$$\text{BOD} = \frac{(25.18 \text{ MGD})(22 \text{ mg/L}) + (3.55 \text{ MGD})(72 \text{ mg/L})}{28.73 \text{ MGD}} = 28.18 \text{ mg/L}$$

$$\text{TSS} = \frac{(25.18 \text{ MGD})(12 \text{ mg/L}) + (3.55 \text{ MGD})(70 \text{ mg/L})}{28.73 \text{ MGD}} = 19.17 \text{ mg/L}$$

### **Blended effluent discharged to the Androscoggin River**

What is the increase in the concentrations in the Androscoggin River after rapid and complete mixing?

$$\text{Dilution factor: } \frac{(8,080 \text{ cfs})(0.6464) + (28.73 \text{ MGD})}{(28.73 \text{ MGD})} = 183:1$$

$$\text{BOD: } \frac{28.18 \text{ mg/L}}{183} = 0.15 \text{ mg/L (not measurable)}$$

$$\text{TSS: } \frac{19.17 \text{ mg/L}}{183} = 0.10 \text{ mg/L (not measurable)}$$

Mass loadings of the blended effluent are as follows:

$$\text{BOD: } \underset{(2^\circ)}{1,871 \text{ lbs/day}} + \underset{(1^\circ)}{15,118 \text{ lbs/day}} = 16,989 \text{ lbs/day}$$

$$\text{TSS: } \underset{(2^\circ)}{1,055 \text{ lbs/day}} + \underset{(1^\circ)}{14,698 \text{ lbs/day}} = 15,753 \text{ lbs/day}$$

Based on the combined BOD<sub>5</sub> and TSS values (blended effluent) cited, the Department is carrying forward the maximum effluent discharge limitation of 15,894 lbs./day for BOD<sub>5</sub> and is establishing a maximum effluent discharge limitation of 15,753 lbs/day for TSS. These limitations are based on new information concerning treatment system performance data as well as a revised and corrected methodology for regulating CSO-related bypasses in Maine. This permitting action is also carrying forward the report only daily maximum blended effluent concentration requirements for BOD<sub>5</sub> and TSS to assist in comparing the effluent quality against secondary treatment technology based effluent limits. To get a better idea of how the combined effluent discharge's effect on the receiving water during wet weather events this permitting action is establishing a report only settleable solids requirement.

## 8. COMBINED SEWER OVERFLOWS

This permit does not contain effluent limitations on the individual CSO outfalls listed in the table below.

| Outfall # | Description                    | Outfall Location              | Receiving Water and Class   |
|-----------|--------------------------------|-------------------------------|-----------------------------|
| 002       | Untreated sanitary/storm water | Treatment Plant "Structure B" | Androscoggin River, Class C |

LACWA submitted to the Department a CSO Master Plan entitled, ***Clean Water Act Master Plan, October 2000, prepared by Metcalf & Eddy, an update to the CSO Master Plan entitled, Lewiston and Auburn, Maine and the Lewiston Auburn Water Pollution Control Authority – Clean Water Act Master Plan Five Year Update, May 2005,*** prepared by Camp Dresser & McKee, that was approved by the Department on June 28, 2006 and a second update to the CSO Master Plan entitled, ***City of Lewiston, Maine, Auburn Sewerage District, and the Lewiston Auburn Clean Water Authority (LACWA) Clean Water Act Master Plan Ten Year Update, June 2015,*** prepared by CDM Smith.

On June 28, 2019, LACWA in collaboration with the City of Lewiston and the Auburn Sewerage District submitted the Clean Water Act Master Plan Update (CWAMP) which was prepared by Tighe and Bond. The CWAMP was reviewed and approved by DEP on November 25, 2020. The CWAMP prepared by Tighe and Bond, written in 2025 was approved by the DEP on March 25, 2026.

LACWA has been actively implementing the recommendations of the Master Plan and to date has significantly reduced the volume of untreated combined sewer overflows to the receiving water. Special Condition L, ***Conditions For Combined Sewer Overflows***, of this permit contains a schedule of compliance for items in the most current up-to-date abatement plan which must be completed.

## 9. PRETREATMENT

The permittee is required to administer a pretreatment program based on the authority granted under Federal regulations 40 CFR Part 122.44(j), 40 CFR Part 403, section 307 of the Federal Water Pollution Control Act (Clean Water Act), and ***Pretreatment Program***, 06-096 C.M.R. ch. 528 (amended March 17, 2008). The permittee's pretreatment program received USEPA approval on July 19, 1985, and as a result, appropriate pretreatment program requirements were incorporated into the previous National Pollutant Discharge Elimination System (NPDES) permit that were consistent with that approval and federal pretreatment regulations in effect when the permit was issued. The State of Maine has been authorized by the USEPA to administer the federal pretreatment program as part of receiving authorization to administer the NPDES program.

Upon issuance of this permit, the permittee is obligated to modify (if applicable) its pretreatment program to be consistent with current federal regulations and State rules. Those activities that the permittee shall address include, but are not limited to, the

following: (1) develop and enforce Department-approved specific effluent limits (technically-based local limits - last approved by the USEPA on May 13, 1999; (2) revise the local sewer-use ordinance or regulation, as appropriate, to be consistent with federal regulations and State rules; (3) develop an enforcement response plan; (4) implement a slug control evaluation program; (5) track significant non-compliance for industrial users; and (6) establish a definition of and track significant industrial users. These requirements are necessary to ensure continued compliance with the POTWs MEPDES permit and its sludge use or disposal practices.

In addition to the requirements described above, this permit requires that **within 180 days prior to the expiration date of this permit**, the permittee must submit to the Department in writing, a description of proposed changes to permittee's pretreatment program deemed necessary to assure conformity with current federal and State pretreatment regulations and rules, respectively. These requirements are included in the permit to ensure that the pretreatment program is consistent and up-to-date with all pretreatment requirements in effect. **By October 31 of each calendar year**, the permittee shall submit a pretreatment annual report detailing the activities of the program for the twelve-month period ending 60 days prior to the due date.

#### **10. ANTI-BACKSLIDING**

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

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

#### **11. DISCHARGE IMPACT ON RECEIVING WATER QUALITY**

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

#### **12. PUBLIC COMMENTS**

Public notice of this application was made in the Lewiston Sun Journal newspaper on or about January 27, 2021. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving

copies of draft permits must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 C.M.R. ch. 522 (effective January 12, 2001).

### **13. DEPARTMENT CONTACTS**

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

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

### **14. RESPONSE TO COMMENTS**

*This section reserved for future comments*

# **ATTACHMENT A**



LEWISTON-AUBURN WWTF

### MEPDES Facility

- ACTIVE FACILITY
- INACTIVE FACILITY

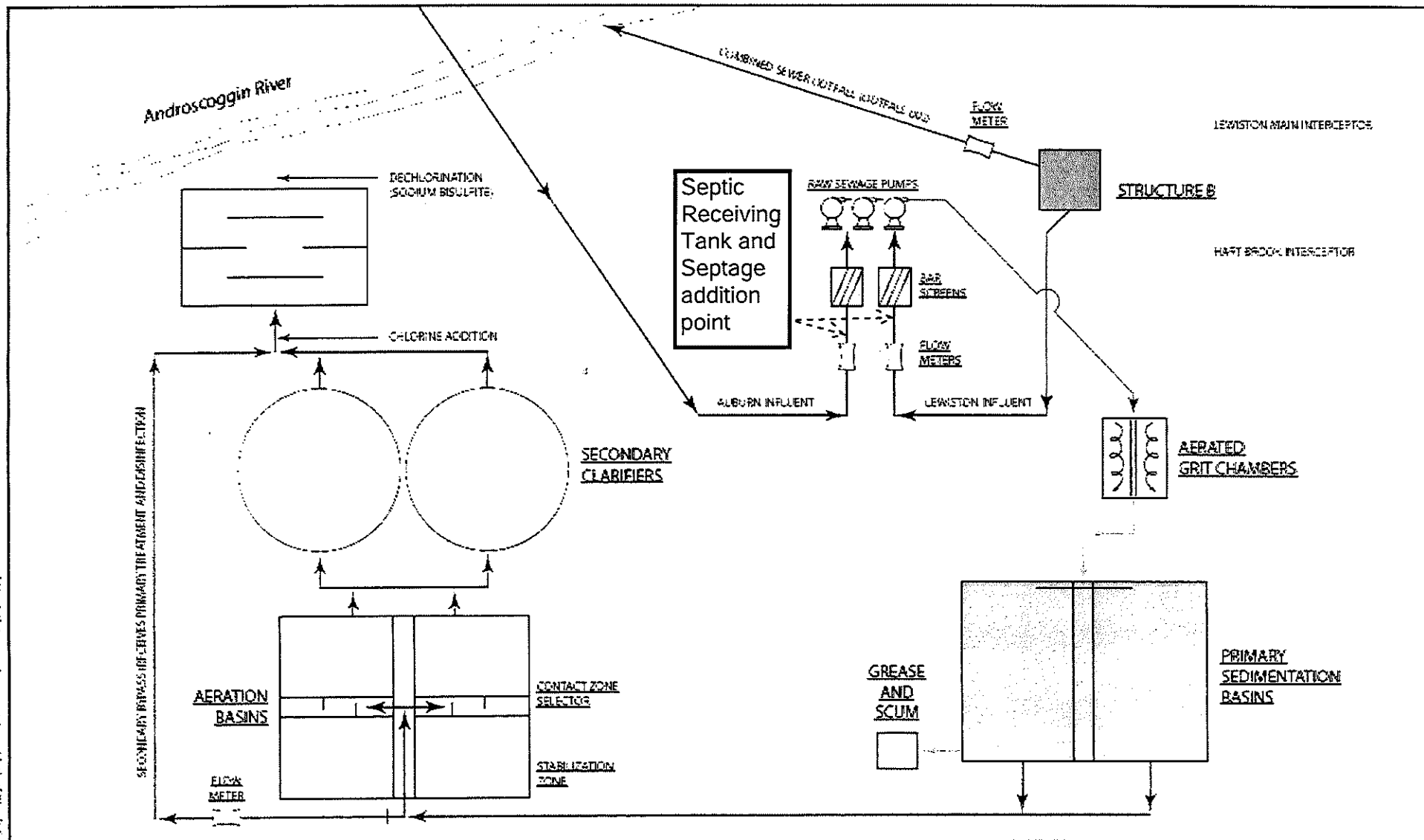
### MEPDES Outfalls

- ACTIVE OUTFALL
- INACTIVE OUTFALL

### CSO

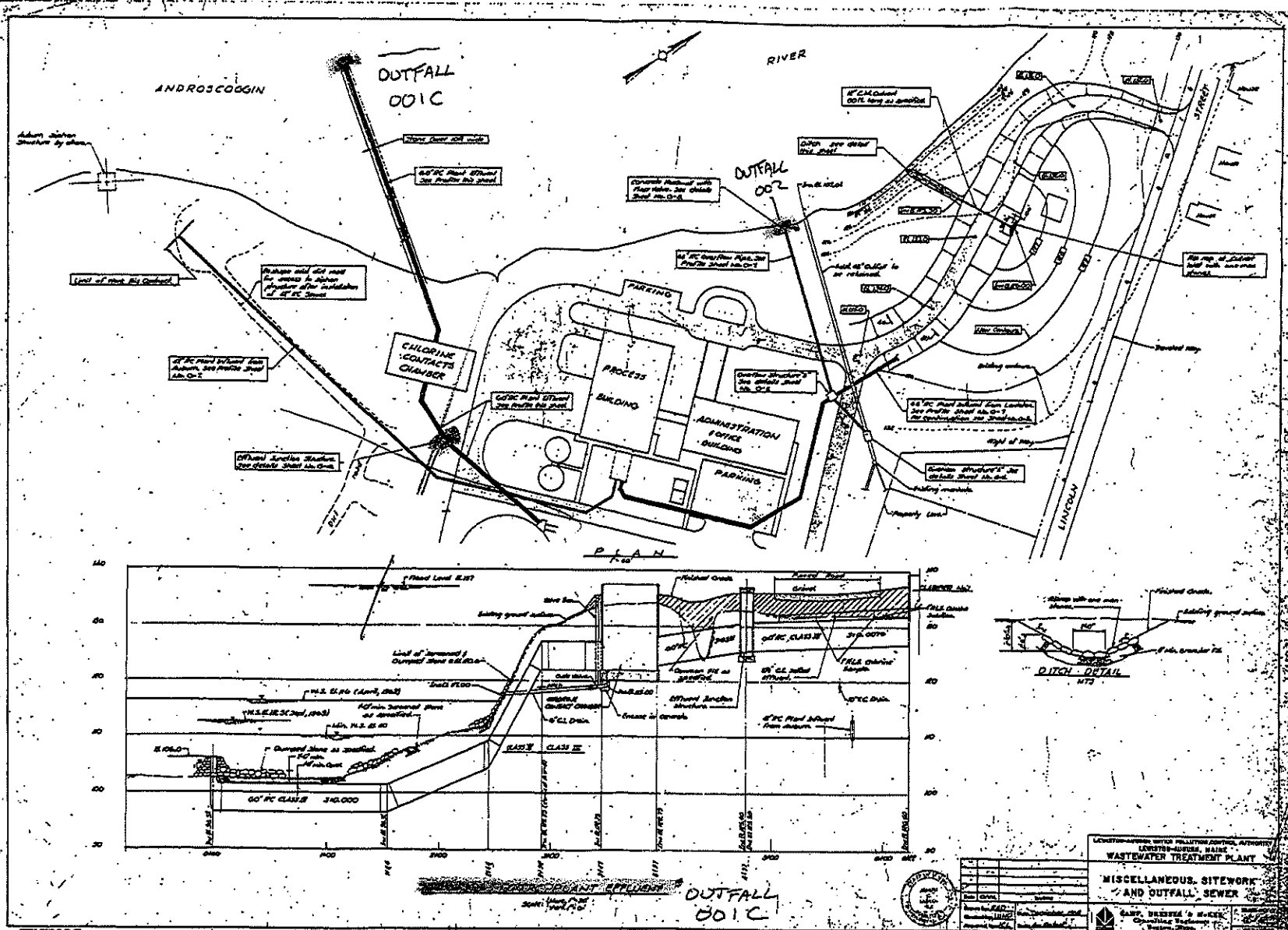
- ACTIVE CSO
- CLOSED CSO

## **ATTACHMENT B**



Lewiston-Auburn Wastewater Treatment Authority  
 Wastewater Treatment Plant

Figure 1  
 Plant Flow Diagram



## **ATTACHMENT C**

# FACILITY WET EVALUATION REPORT



**Facility:** LEWISTON AUBURN WPCA

**Permit Number:** ME0101478

**Report Date:** 9/15/2025

**Receiving Water:** ANDROSCOGGIN RIVER

**Rapidmix:** N

**Dilution Factors:** 1/4 Acute: 12.7788

Acute: 48.115

Chronic: 90.1321

**Effluent Limits:** Acute (%): 8.313

Chronic (%): 1.109

**Date range for Evaluation: From**

15/Sep/2020

**To:** 15/Sep/2025

**Test Type:** A\_NOEL

**Test Species:** TROUT

**Test Date**

**Result (%)**

**Status**

03/08/2022

100.000

OK

10/18/2023

100.000

OK

04/23/2024

100.000

OK

08/20/2024

100.000

OK

**Species Summary:**

**Test Number:** 4

**RP:** 2.600

**Min Result (%):** 100.000

**RP factor (%):**

38.462

**Status:** OK

**Test Type:** C\_NOEL

**Test Species:** TROUT

**Test Date**

**Result (%)**

**Status**

03/08/2022

100.000

OK

10/18/2023

100.000

OK

04/23/2024

100.000

OK

08/20/2024

100.000

OK

**Species Summary:**

**Test Number:** 4

**RP:** 2.600

**Min Result (%):** 100.000

**RP factor (%):**

38.462

**Status:** OK

**Test Type:** A\_NOEL

**Test Species:** WATER FLEA

**Test Date**

**Result (%)**

**Status**

03/08/2022

100.000

OK

10/18/2023

100.000

OK

04/23/2024

100.000

OK

08/20/2024

100.000

OK

**Species Summary:**

**Test Number:** 4

**RP:** 2.600

**Min Result (%):** 100.000

**RP factor (%):**

38.462

**Status:** OK

Test Type: C\_NOEL

Test Species: WATER FLEA

| Test Date  | Result (%) | Status |
|------------|------------|--------|
| 03/08/2022 | 100.000    | OK     |
| 10/18/2023 | 100.000    | OK     |
| 04/23/2024 | 100.000    | OK     |
| 08/20/2024 | 100.000    | OK     |

Species Summary:

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

---

## **ATTACHMENT D**

**COMBINED WET AND PRIORITY POLLUTANTS REPORT**  
**Data entered into Toxscan for the period**

30/Sep/2020 - 30/Sep/2025



**CHEMICAL TEST REPORT**

Showing all data - \*(Mercury results are in ng/L)

Facility name: **LEWISTON AUBURN WPCA**

Permit Number: ME0101478

Effluent Limit: Acute (%) = 2.08

Chronic (%) = 1.11

**1,1,1-TRICHLOROETHANE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

2.0000

Y

**1,1,2,2-TETRACHLOROETHANE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

1.0000

Y

**1,1,2-TRICHLOROETHANE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

1.5000

Y

**1,1-DICHLOROETHANE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

1.5000

Y

**1,1-DICHLOROETHYLENE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

1.0000

Y

**1,2-(O)DICHLOROBENZENE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

5.0000

Y

**1,2,4-TRICHLOROBENZENE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

5.0000

Y

**1,2-DICHLOROETHANE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

1.5000

Y

**1,2-DICHLOROPROPANE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

3.5000

Y

**1,2-DIPHENYLHYDRAZINE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

2.0000

Y

**1,2-TRANS-DICHLOROETHYLENE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

1.5000

Y

**1,3-(M)DICHLOROBENZENE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

5.0000

Y

**1,3-DICHLOROPROPYLENE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

1.5000

Y

**1,4-(P)DICHLOROBENZENE**

**Test date**

**Result (ug/l)**

**Lsthan**

**COMBINED WET AND PRIORITY POLLUTANTS REPORT**  
**Data entered into Toxscan for the period**

30/Sep/2020 - 30/Sep/2025



**CHEMICAL TEST REPORT**

Showing all data - \*(Mercury results are in ng/L)

Facility name: **LEWISTON AUBURN WPCA**

Permit Number: ME0101478

Effluent Limit: Acute (%) = 2.08

Chronic (%) = 1.11

**1,4-(P)DICHLOROBENZENE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

5.0000

Y

**2,4,6-TRICHLOROPHENOL**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

5.0000

Y

**2,4-DICHLOROPHENOL**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

5.0000

Y

**2,4-DIMETHYLPHENOL**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

5.0000

Y

**2,4-DINITROPHENOL**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

20.0000

Y

**2,4-DINITROTOLUENE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

5.0000

Y

**2,6-DINITROTOLUENE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

5.0000

Y

**2-CHLOROETHYL VINYL ETHER**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

10.0000

Y

**2-CHLORONAPHTHALENE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

2.0000

Y

**2-CHLOROPHENOL**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

2.0000

Y

**2-NITROPHENOL**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

5.0000

Y

**3,3'-DICHLOROBENZIDINE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

5.0000

Y

**3,4-BENZO(B)FLUORANTHENE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

2.0000

Y

**4,4'-DDD**

**Test date**

**Result (ug/l)**

**Lsthan**



## CHEMICAL TEST REPORT

Showing all data - \*(Mercury results are in ng/L)

Facility name: LEWISTON AUBURN WPCA

Permit Number: ME0101478

Effluent Limit: Acute (%) = 2.08

Chronic (%) = 1.11

4,4'-DDD

Test date

Result (ug/l)

Lsthan

08/20/2024

0.0400

Y

4,4'-DDE

Test date

Result (ug/l)

Lsthan

08/20/2024

0.0400

Y

4,4'-DDT

Test date

Result (ug/l)

Lsthan

08/20/2024

0.0400

Y

4,6-DINITRO-O-CRESOL

Test date

Result (ug/l)

Lsthan

08/20/2024

10.0000

Y

4-BROMOPHENYLPHENYL ETHER

Test date

Result (ug/l)

Lsthan

08/20/2024

2.0000

Y

4-CHLOROPHENYL PHENYL ETHER

Test date

Result (ug/l)

Lsthan

08/20/2024

2.0000

Y

4-NITROPHENOL

Test date

Result (ug/l)

Lsthan

08/20/2024

10.0000

Y

A-BHC

Test date

Result (ug/l)

Lsthan

08/20/2024

0.0200

Y

ACENAPHTHENE

Test date

Result (ug/l)

Lsthan

08/20/2024

2.0000

Y

ACENAPHTHYLENE

Test date

Result (ug/l)

Lsthan

08/20/2024

2.0000

Y

ACROLEIN

Test date

Result (ug/l)

Lsthan

08/20/2024

8.0000

Y

ACRYLONITRILE

Test date

Result (ug/l)

Lsthan

08/20/2024

10.0000

Y

A-ENDOSULFAN

Test date

Result (ug/l)

Lsthan

08/20/2024

0.0200

Y

ALDRIN

Test date

Result (ug/l)

Lsthan

## COMBINED WET AND PRIORITY POLLUTANTS REPORT

Data entered into Toxscan for the period

30/Sep/2020 - 30/Sep/2025



## CHEMICAL TEST REPORT

Showing all data - \*(Mercury results are in ng/L)

Facility name: LEWISTON AUBURN WPCA

Permit Number: ME0101478

Effluent Limit: Acute (%) = 2.08

Chronic (%) = 1.11

## ALDRIN

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

0.0200

Y

## ALUMINUM

## Test date

## Result (ug/l)

## Lsthan

05/12/2021

65.0000

N

11/16/2021

100.0000

N

03/08/2022

220.8000

N

04/14/2022

130.0000

N

05/19/2022

60.0000

N

10/05/2022

83.0000

N

04/05/2023

90.0000

N

05/17/2023

68.0000

N

10/18/2023

122.1000

N

04/23/2024

86.7800

N

06/05/2024

210.0000

N

08/20/2024

37.8300

N

11/13/2024

47.0900

N

12/09/2024

78.0000

N

## AMMONIA

## Test date

## Result (ug/l)

## Lsthan

03/08/2022

11,400.0000

N

10/18/2023

5,500.0000

N

04/23/2024

8,930.0000

N

08/20/2024

701.0000

N

11/13/2024

4,080.0000

N

## ANTHRACENE

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

2.0000

Y

## ANTIMONY

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

4.0000

Y

## ARSENIC

## Test date

## Result (ug/l)

## Lsthan



## CHEMICAL TEST REPORT

Showing all data - \*(Mercury results are in ng/L)

Facility name: LEWISTON AUBURN WPCA

Permit Number: ME0101478

Effluent Limit: Acute (%) = 2.08

Chronic (%) = 1.11

## ARSENIC

## Test date

## Result (ug/l)

## Lsthan

03/08/2022

1.0000

Y

10/18/2023

1.7300

N

04/23/2024

1.0000

Y

08/20/2024

1.2100

N

11/13/2024

1.0500

N

## B-BHC

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

0.0200

Y

## B-ENDOSULFAN

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

0.0400

Y

## BENZENE

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

1.0000

Y

## BENZIDINE

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

20.0000

Y

## BENZO(A)ANTHRACENE

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

2.0000

Y

## BENZO(A)PYRENE

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

2.0000

Y

## BENZO(G,H,I)PERYLENE

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

2.0000

Y

## BENZO(K)FLUORANTHENE

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

2.0000

Y

## BERYLLIUM

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

1.0000

Y

## BIS(2-CHLOROETHOXY)METHANE

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

5.0000

Y

## BIS(2-CHLOROETHYL)ETHER

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

2.0000

Y

**COMBINED WET AND PRIORITY POLLUTANTS REPORT**  
**Data entered into Toxscan for the period**

30/Sep/2020 - 30/Sep/2025



**CHEMICAL TEST REPORT**

Showing all data - \*(Mercury results are in ng/L)

Facility name: **LEWISTON AUBURN WPCA**

Permit Number: ME0101478

Effluent Limit: Acute (%) = 2.08

Chronic (%) = 1.11

**BIS(2-CHLOROISOPROPYL)ETHER**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 08/20/2024 | 2.0000        | Y      |

**BIS(2-ETHYLHEXYL)PHTHALATE**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 08/20/2024 | 2.2000        | Y      |

**BROMOFORM**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 08/20/2024 | 1.0000        | Y      |

**BUTYLBENZYL PHTHALATE**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 08/20/2024 | 5.0000        | Y      |

**CADMIUM**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 03/08/2022 | 0.2000        | Y      |
| 10/18/2023 | 0.2000        | Y      |
| 04/23/2024 | 0.2000        | Y      |
| 08/20/2024 | 0.2000        | Y      |
| 11/13/2024 | 0.2000        | Y      |

**CARBON TETRACHLORIDE**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 08/20/2024 | 1.0000        | Y      |

**CHLORDANE**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 08/20/2024 | 0.1000        | Y      |

**CHLOROBENZENE**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 08/20/2024 | 3.5000        | Y      |

**CHLORODIBROMOMETHANE**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 08/20/2024 | 1.0000        | Y      |

**CHLOROETHANE**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 08/20/2024 | 2.0000        | Y      |

**CHLOROFORM**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 08/20/2024 | 2.3000        | N      |

**CHROMIUM**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 03/08/2022 | 1.0000        | Y      |

**COMBINED WET AND PRIORITY POLLUTANTS REPORT**  
**Data entered into Toxscan for the period**

30/Sep/2020 - 30/Sep/2025



**CHEMICAL TEST REPORT**

Showing all data - \*(Mercury results are in ng/L)

Facility name: **LEWISTON AUBURN WPCA**

Permit Number: ME0101478

Effluent Limit: Acute (%) = 2.08

Chronic (%) = 1.11

**CHROMIUM**

**Test date**

**Result (ug/l)**

**Lsthan**

10/18/2023

1.2800

N

04/23/2024

1.0000

Y

08/20/2024

1.0000

Y

11/13/2024

1.0000

Y

**CHRYSENE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

2.0000

Y

**COPPER**

**Test date**

**Result (ug/l)**

**Lsthan**

05/12/2021

12.0000

N

11/16/2021

6.0000

N

03/08/2022

9.0600

N

05/19/2022

13.0000

N

10/05/2022

11.0000

N

04/05/2023

3.0000

N

05/17/2023

5.1000

N

10/18/2023

20.9000

N

04/23/2024

9.5900

N

06/05/2024

20.0000

N

08/20/2024

12.8600

N

11/13/2024

10.4900

N

12/09/2024

18.0000

N

**CYANIDE TOTAL**

**Test date**

**Result (ug/l)**

**Lsthan**

03/08/2022

5.0000

Y

10/18/2023

5.0000

Y

04/23/2024

5.0000

Y

08/20/2024

5.0000

Y

11/13/2024

5.0000

Y

**D-BHC**

**Test date**

**Result (ug/l)**

**Lsthan**



## CHEMICAL TEST REPORT

Showing all data - \*(Mercury results are in ng/L)

Facility name: **LEWISTON AUBURN WPCA**

Permit Number: ME0101478

Effluent Limit: Acute (%) = 2.08

Chronic (%) = 1.11

| D-BHC                  | Test date  | Result (ug/l) | Lsthan |
|------------------------|------------|---------------|--------|
|                        | 08/20/2024 | 0.0200        | Y      |
| DIBENZO(A,H)ANTHRACENE | Test date  | Result (ug/l) | Lsthan |
|                        | 08/20/2024 | 2.0000        | Y      |
| DICHLOROBROMOMETHANE   | Test date  | Result (ug/l) | Lsthan |
|                        | 08/20/2024 | 1.0000        | Y      |
| DIELDRIN               | Test date  | Result (ug/l) | Lsthan |
|                        | 08/20/2024 | 0.0400        | Y      |
| DIETHYL PHTHALATE      | Test date  | Result (ug/l) | Lsthan |
|                        | 08/20/2024 | 5.0000        | Y      |
| DIMETHYL PHTHALATE     | Test date  | Result (ug/l) | Lsthan |
|                        | 08/20/2024 | 5.0000        | Y      |
| DI-N-BUTYL PHTHALATE   | Test date  | Result (ug/l) | Lsthan |
|                        | 08/20/2024 | 5.0000        | Y      |
| DI-N-OCTYL PHTHALATE   | Test date  | Result (ug/l) | Lsthan |
|                        | 08/20/2024 | 5.0000        | Y      |
| ENDOSULFAN SULFATE     | Test date  | Result (ug/l) | Lsthan |
|                        | 08/20/2024 | 0.0400        | Y      |
| ENDRIN                 | Test date  | Result (ug/l) | Lsthan |
|                        | 08/20/2024 | 0.0400        | Y      |
| ENDRIN ALDEHYDE        | Test date  | Result (ug/l) | Lsthan |
|                        | 08/20/2024 | 0.0400        | Y      |
| ETHYLBENZENE           | Test date  | Result (ug/l) | Lsthan |
|                        | 08/20/2024 | 1.0000        | Y      |
| FLUORANTHENE           | Test date  | Result (ug/l) | Lsthan |
|                        | 08/20/2024 | 2.0000        | Y      |
| FLUORENE               | Test date  | Result (ug/l) | Lsthan |



## CHEMICAL TEST REPORT

Showing all data - \*(Mercury results are in ng/L)

Facility name: LEWISTON AUBURN WPCA

Permit Number: ME0101478

Effluent Limit: Acute (%) = 2.08

Chronic (%) = 1.11

## FLUORENE

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

2.0000

Y

## G-BHC

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

0.0200

Y

## HEPTACHLOR

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

0.0200

Y

## HEPTACHLOR EPOXIDE

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

0.0200

Y

## HEXACHLOROBENZENE

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

2.0000

Y

## HEXACHLOROBUTADIENE

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

2.0000

Y

## HEXACHLOROCYCLOPENTADIENE

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

10.0000

Y

## HEXACHLOROETHANE

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

2.0000

Y

## INDENO(1,2,3-CD)PYRENE

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

2.0000

Y

## ISOPHORONE

## Test date

## Result (ug/l)

## Lsthan

08/20/2024

5.0000

Y

## LEAD

## Test date

## Result (ug/l)

## Lsthan

03/08/2022

1.0000

Y

10/18/2023

1.0800

N

04/23/2024

1.0000

Y

08/20/2024

1.0000

Y

11/13/2024

1.0000

Y

## MERCURY

## Test date

## Result (ng/l)

## Lsthan

05/13/2021

5.58

N

**COMBINED WET AND PRIORITY POLLUTANTS REPORT**  
**Data entered into Toxscan for the period**

30/Sep/2020 - 30/Sep/2025



**CHEMICAL TEST REPORT**

Showing all data - \*(Mercury results are in ng/L)

Facility name: **LEWISTON AUBURN WPCA**

Permit Number: ME0101478

Effluent Limit: Acute (%) = 2.08

Chronic (%) = 1.11

**MERCURY**

**Test date**

**Result (ng/l)**

**Lsthan**

05/19/2022

3.60

N

05/17/2023

2.30

N

06/05/2024

25.30

N

06/25/2024

6.80

N

08/26/2024

3.70

N

09/26/2024

12.80

N

01/09/2025

3.40

N

**METHYL BROMIDE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

5.0000

Y

**METHYL CHLORIDE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

5.0000

Y

**METHYLENE CHLORIDE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

1.0000

Y

**NAPHTHALENE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

2.0000

Y

**NICKEL**

**Test date**

**Result (ug/l)**

**Lsthan**

03/08/2022

2.0000

Y

10/18/2023

10.2200

N

04/23/2024

2.0000

Y

08/20/2024

2.5200

N

11/13/2024

2.0000

Y

**NITROBENZENE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

2.0000

Y

**N-NITROSODIMETHYLAMINE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

2.0000

Y

**N-NITROSODI-N-PROPYLAMINE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

5.0000

Y

**COMBINED WET AND PRIORITY POLLUTANTS REPORT**  
**Data entered into Toxscan for the period**

30/Sep/2020 - 30/Sep/2025



**CHEMICAL TEST REPORT**

Showing all data - \*(Mercury results are in ng/L)

Facility name: **LEWISTON AUBURN WPCA**

Permit Number: ME0101478

Effluent Limit: Acute (%) = 2.08

Chronic (%) = 1.11

**N-NITROSODIPHENYLAMINE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

2.0000

Y

**PCB-1016**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

0.2500

Y

**PCB-1221**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

0.2500

Y

**PCB-1232**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

0.2500

Y

**PCB-1242**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

0.2500

Y

**PCB-1248**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

0.2500

Y

**PCB-1254**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

0.2500

Y

**PCB-1260**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

0.2000

Y

**P-CHLORO-M-CRESOL**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

2.0000

Y

**PENTACHLOROPHENOL**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

5.0000

Y

**PHENANTHRENE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

2.0000

Y

**PHENOL**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

5.0000

Y

**PYRENE**

**Test date**

**Result (ug/l)**

**Lsthan**

08/20/2024

2.0000

Y

**SELENIUM**

**Test date**

**Result (ug/l)**

**Lsthan**

**COMBINED WET AND PRIORITY POLLUTANTS REPORT**  
**Data entered into Toxscan for the period**

30/Sep/2020 - 30/Sep/2025



**CHEMICAL TEST REPORT**

Showing all data - \*(Mercury results are in ng/L)

Facility name: **LEWISTON AUBURN WPCA**

Permit Number: ME0101478

Effluent Limit: Acute (%) = 2.08

Chronic (%) = 1.11

**SELENIUM**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 08/20/2024 | 5.0000        | Y      |

**SILVER**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 03/08/2022 | 0.4000        | Y      |
| 10/18/2023 | 0.4000        | Y      |
| 04/23/2024 | 0.4000        | Y      |
| 08/20/2024 | 0.4000        | Y      |
| 11/13/2024 | 0.4000        | Y      |

**SPECIFIC CONDUCTANCE (UMHOS)**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 03/08/2022 | 1,038.0000    | N      |
| 10/18/2023 | 1,008.0000    | N      |
| 04/23/2024 | 1,179.0000    | N      |
| 08/20/2024 | 806.0000      | N      |

**TETRACHLOROETHYLENE**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 08/20/2024 | 1.0000        | Y      |

**THALLIUM**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 08/20/2024 | 1.0000        | Y      |

**TOLUENE**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 08/20/2024 | 1.0000        | Y      |

**TOXAPHENE**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 08/20/2024 | 0.4000        | Y      |

**TRICHLOROETHYLENE**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 08/20/2024 | 1.0000        | Y      |

**VINYL CHLORIDE**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 08/20/2024 | 1.0000        | Y      |

**ZINC**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 03/08/2022 | 30.6200       | N      |
| 10/18/2023 | 103.7000      | N      |

**COMBINED WET AND PRIORITY POLLUTANTS REPORT**  
**Data entered into Toxscan for the period**

30/Sep/2020 - 30/Sep/2025



**CHEMICAL TEST REPORT**

Showing all data - \*(Mercury results are in ng/L)

Facility name: **LEWISTON AUBURN WPCA**

Permit Number: ME0101478

Effluent Limit: Acute (%) = 2.08

Chronic (%) = 1.11

**ZINC**

| Test date  | Result (ug/l) | Lsthan |
|------------|---------------|--------|
| 04/23/2024 | 28.1800       | N      |
| 08/20/2024 | 37.7700       | N      |
| 11/13/2024 | 49.0500       | N      |

**WET TEST REPORT**

**LEWISTON AUBURN WPCA**

Permit Number: ME0101478

| Species    | Test   | Percent | Sample date | Critical % | Exception |
|------------|--------|---------|-------------|------------|-----------|
| TROUT      | A_NOEL | 100     | 03/08/2022  | 2.078      |           |
| TROUT      | A_NOEL | 100     | 10/18/2023  | 2.078      |           |
| TROUT      | A_NOEL | 100     | 04/23/2024  | 2.078      |           |
| TROUT      | A_NOEL | 100     | 08/20/2024  | 2.078      |           |
| TROUT      | C_NOEL | 100     | 03/08/2022  | 1.109      |           |
| TROUT      | C_NOEL | 100     | 10/18/2023  | 1.109      |           |
| TROUT      | C_NOEL | 100     | 04/23/2024  | 1.109      |           |
| TROUT      | C_NOEL | 100     | 08/20/2024  | 1.109      |           |
| WATER FLEA | A_NOEL | 100     | 03/08/2022  | 2.078      |           |
| WATER FLEA | A_NOEL | 100     | 10/18/2023  | 2.078      |           |
| WATER FLEA | A_NOEL | 100     | 04/23/2024  | 2.078      |           |
| WATER FLEA | A_NOEL | 100     | 08/20/2024  | 2.078      |           |
| WATER FLEA | C_NOEL | 100     | 03/08/2022  | 1.109      |           |
| WATER FLEA | C_NOEL | 100     | 10/18/2023  | 1.109      |           |
| WATER FLEA | C_NOEL | 100     | 04/23/2024  | 1.109      |           |
| WATER FLEA | C_NOEL | 100     | 08/20/2024  | 1.109      |           |

# **ATTACHMENT E**

## MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

### CSO ACTIVITY AND VOLUMES

[illegible]

Note 1: Flow data should be listed as gallons per day. Storms lasting more than one day should show total flow for each day.

Note 2: Block activity should be shown as a "1" if the block floated away.

# **ATTACHMENT F**

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

MEPDES# \_\_\_\_\_ Facility Name \_\_\_\_\_

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

COMMENTS:

Name (printed): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

**Scheduled Toxicity Testing for the next calendar year**

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

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

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

## **ATTACHMENT G**

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

1/ A narrative description (**paragraph**) of program effectiveness including the following:

- ***present and proposed changes*** to the program
  - Funding
  - Staffing
  - Ordinances
  - Regulations
  - Statutory authority
  - Other

*Our pretreatment program is very effective as indicated by the SIU compliance rate and the reduction in pollutant loading to the POTW.*

*The program is adequately funded and staffed to provide for annual training and completion of our regulatory responsibilities.*

*No changes have been made, or are proposed, to \_\_\_\_\_'s Sewer Use Ordinance. The SUO provides adequate statutory authority to enforce in Local, State and Federal courts.*

2/ The **date** of the latest adoption of Local Limits and a statement as to whether the municipality is under a State or Federal compliance schedule that includes steps to be taken to revise Local Limits.

**If yes, Compliance Schedule; if no, schedule not needed.**

*\_\_\_\_\_ 's Local Limits were last adopted (by local authority) on \_\_\_\_\_ and \_\_\_\_\_ is under no State or Federal compliance schedule that includes steps to be taken to revise Local Limits.*

3/ A description of actions taken to reduce the incidence of violations by SIU's;

**Example: Inspections - Notifications - Information/Education**

4/ A description of monitoring, sewer inspections and evaluations which were done during the past year to detect Interference and Pass Through, specifying parameters and frequencies;

**Example: Evaluations/investigations as a result of Monitoring, Sewer Inspections, and Evaluations, Influent - Effluent results, Spills, Dumps, Toxicity, or Unusual events.**

5/ A detailed description of all Interference and Pass Through that occurred during the past year; **[statement of: Event, Parameter, Violation, Cause, IU, POTW action, IU action, Result (see NOV #)].**

\_\_\_\_\_ experienced no events of Interference or Pass-Through in this reporting period. If "Yes" then describe.

6/ A thorough description of all investigations into Interference and Pass-Through during the past year;  
**A paragraph: Violation, Problem, Steps to resolve, Result.**

(same as 5/ or describe investigations.)

7/ An updated **list** of all industrial users by category (40 CFR 403.8(f)(2)(i), indicating compliance or non-compliance with the following:

- baseline monitoring reporting requirements for newly promulgated industries
- compliance status reporting requirements for newly promulgated industries
- periodic (semi-annual) monitoring reporting requirements
- categorical standards, and
- local limits

**Example:**

| <b>SIU</b> | <b>New Promulgated Cat Limits</b> | <b>Local Limits</b> | <b>Semi-annual Reports</b> |
|------------|-----------------------------------|---------------------|----------------------------|
|            | <b>BMR/Compliance</b>             | <b>Compliance</b>   | <b>Compliance</b>          |
|            | <b>Y/N)</b>                       | <b>(Y/N)</b>        | <b>(Y/N)</b>               |

8/ A summary of compliance and enforcement activities during the preceding year including a:

- **list** of SIU's inspected by the POTW (dates, compliance status),
- **list** of SIU's sampled by the POTW (dates, compliance status),

**Example:**

**SIU   Inspected   Sampled/self Sampled/POTW   Compliance Y/N**

- **list** of SIU's to which compliance schedules were issued,  
[SIU] - Violation - Compliance - Schedule  
**N/A or schedule plus Progress Reporting Dates]**
- **summary list** of NOV's written to SIU's by name  
[statement],
- **summary list** of AO's written to SIU's by name  
[statement],
- **list** of criminal and/or civil suits filed by SIU,  
[usually a simple statement]
- **list** of penalty amounts obtained (by SIU) [a statement].

**NOTE:**        Some items in numbers 9 & 10 may be combined in a chart, or charts. Be sure that any charts are logical, not cluttered, and don't contain an unreasonable amount of information.

Any violations should be shown separately, in summary, for each item.

**9/    List** of violating industries required to be published in a local newspaper (40 CFR 403.8(f)(2)(vii). **[Statement]**

**10/   A summary** of all pollutant analytical results for:

- Influent **[Annual average - show violations]**
- Effluent **[Annual average - show violations]**
- Sludge **[Annual average- show violations]**
- Toxicity/Bioassay **[Annual Average - show violations]**
- **comparison** of influent sampling results versus threshold inhibitory concentrations for the POTW's wastewater treatment system.
- **comparison** of effluent sampling results versus water quality standards, considering the permitted dilution factor of the POTW.

NOTE: The sampling program shall be as described below OR any similar sampling program described in the NPDES permit.

- At a minimum, annual sampling and analysis of/ the influent and effluent of the POTW's wastewater treatment plant shall be conducted on the following pollutants:

**Example:**

|                                       | <b><i>Influent</i></b> | <b><i>Inhibition</i></b> | <b><i>Effluent</i></b> | <b><i>AWC</i></b>           |
|---------------------------------------|------------------------|--------------------------|------------------------|-----------------------------|
|                                       |                        |                          |                        | <b><i>Acute Chronic</i></b> |
| - Total Cadmium                       |                        |                          |                        |                             |
| - Total Chromium                      |                        |                          |                        |                             |
| - Total Copper                        |                        |                          |                        |                             |
| - Total Lead                          |                        |                          |                        |                             |
| - Total Mercury (Methods 1669 & 1631) |                        |                          |                        |                             |
| - Total Nickel                        |                        |                          |                        |                             |
| - Total Silver                        |                        |                          |                        |                             |
| - Total Zinc                          |                        |                          |                        |                             |
| - Total Cyanide                       |                        |                          |                        |                             |
| - Total Arsenic                       |                        |                          |                        |                             |

The sampling program shall consist of one 24-hour flow-proportioned composite that is representative of the flow received by the POTW.

The composite shall consist of accurately flow-proportioned grab samples taken over a discharge day if the samples are collected manually, or shall consist of a minimum of 48 accurately flow-proportioned samples if an automatic sampler is used. Sampling and preservation shall be according to 40 CFR part 136.

## **ATTACHMENT H**

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

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

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

**Sample Preservation:** During compositing the sample must be at 0-6 degrees C (without freezing). If the sample is being sent to a commercial laboratory or analysis cannot be performed the day of collection then the sample must be preserved using H<sub>2</sub>SO<sub>4</sub> to obtain a sample pH of <2 su and refrigerated at 0-6 degrees C (without freezing). The holding time for a preserved sample is 28 days.

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

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

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

# **ATTACHMENT I**

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

MEMORANDUM

DATE: October 2008

TO: Interested Parties

FROM: Dennis Merrill, DEP

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

\*\*\*\*\*

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

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

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

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

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

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

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

## Maine Department of Environmental Protection

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Maine Department of Environmental Protection

Working Definitions of Terms Used in the DeTox System.

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

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

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

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

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

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

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

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

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

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

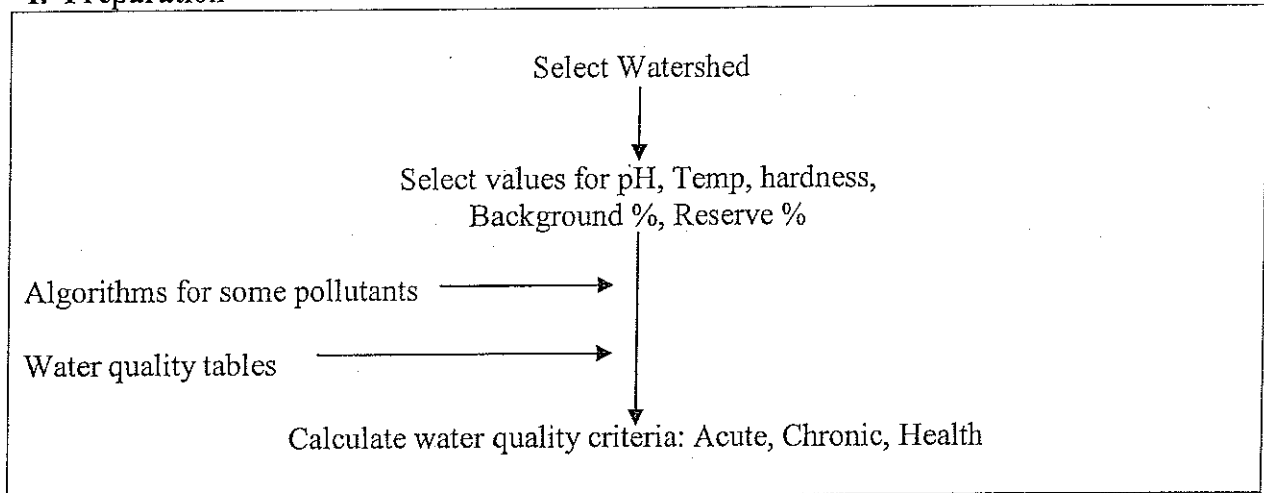
*Segment allocation.* One of three ways of developing an *allocation*. The amount is set by multiplying a facility's *historical discharge percentage* for a specific pollutant by the *assimilative capacity* for that pollutant and criterion. A facility will have different allocation percentages for each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

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

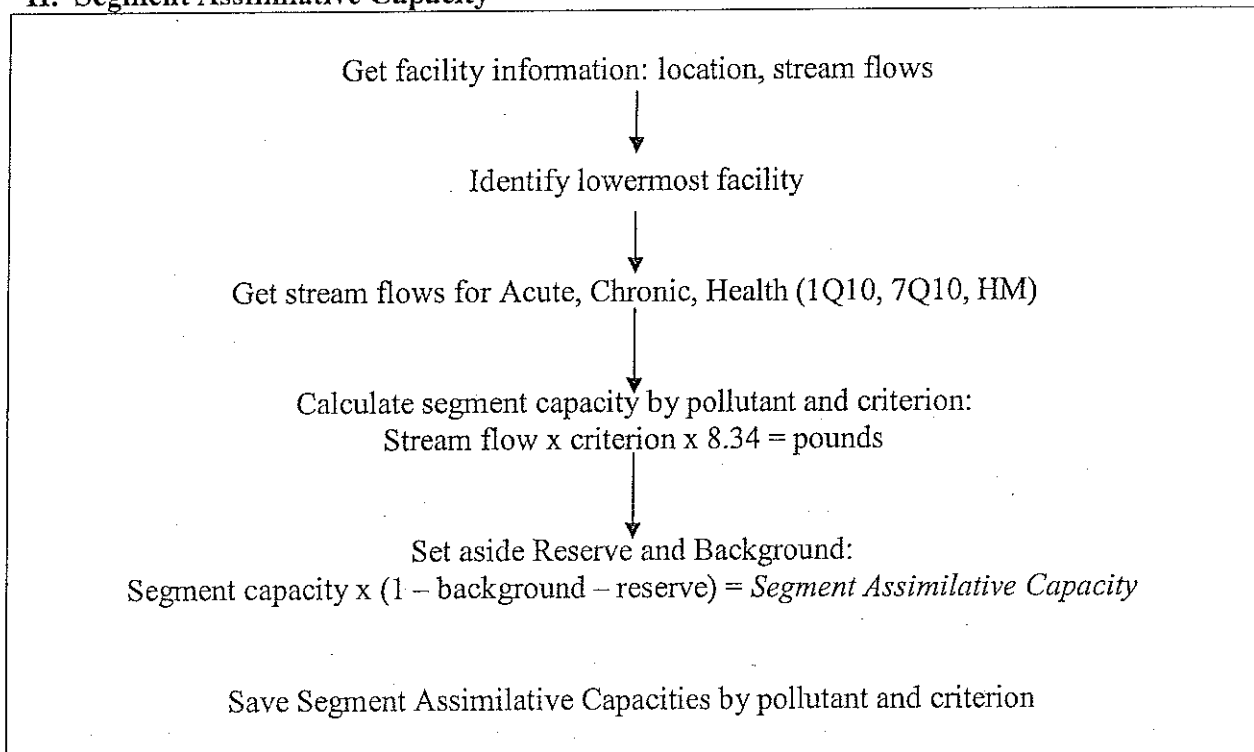
*Water quality criteria.* Standards for acceptable in-stream or ambient levels of pollutants. These are established in the Department's Chapter 584 and are expressed as concentrations in ug/L. There may be separate standards for acute and chronic protection aquatic life and/or human health. Each criterion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

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

## I. Preparation

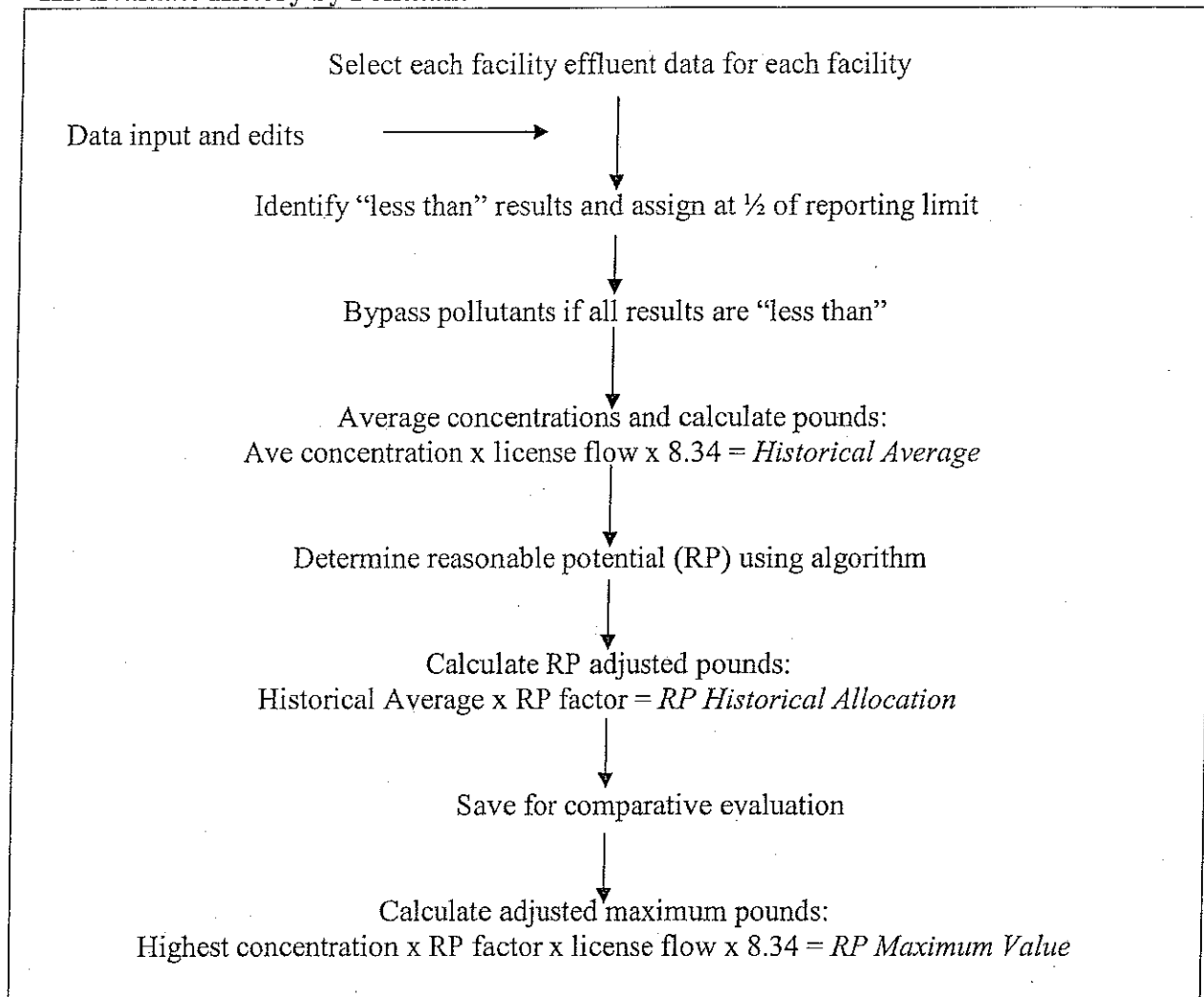


## II. Segment Assimilative Capacity

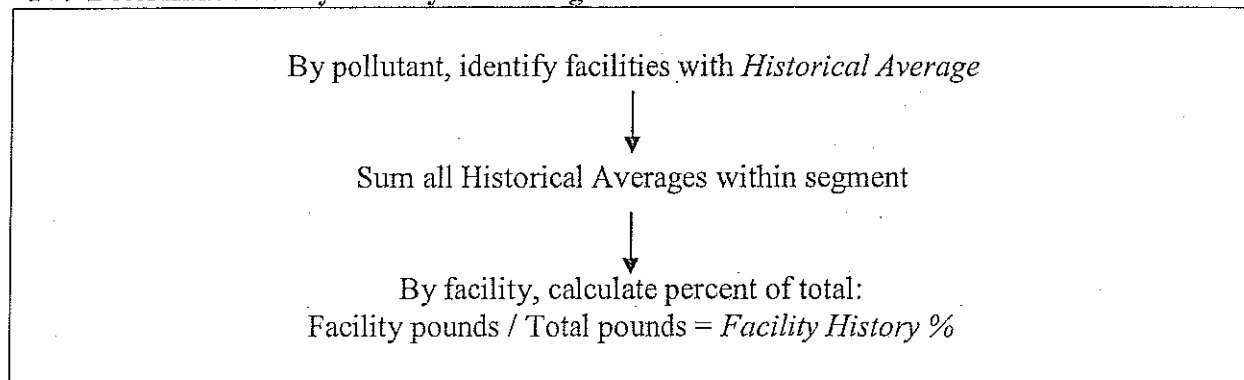


Maine Department of Environmental Protection  
General Processing Steps in "DeTox"

**III. Evaluate History by Pollutant**

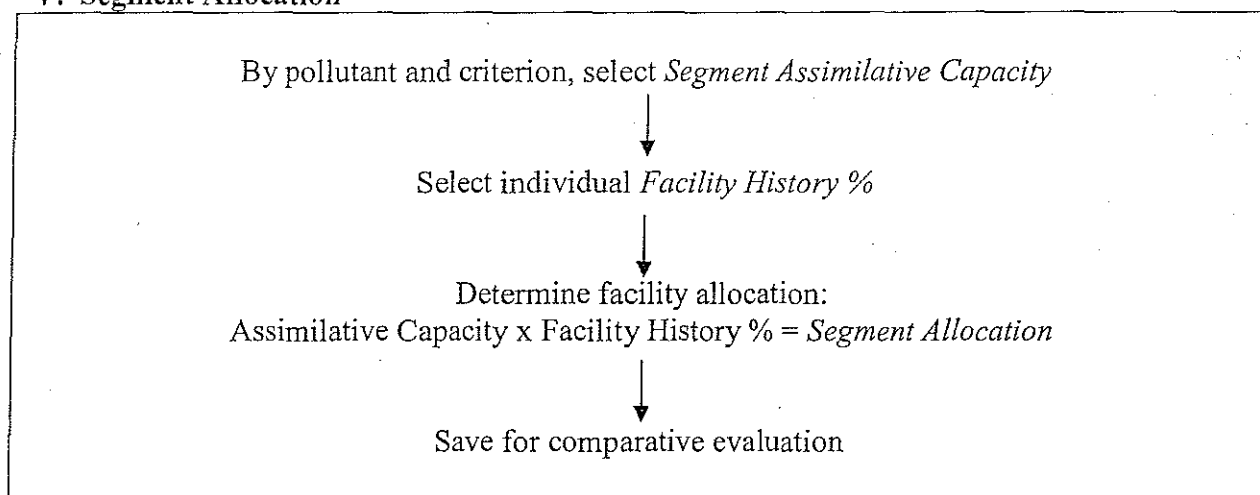


**IV. Determine Facility History Percentage**

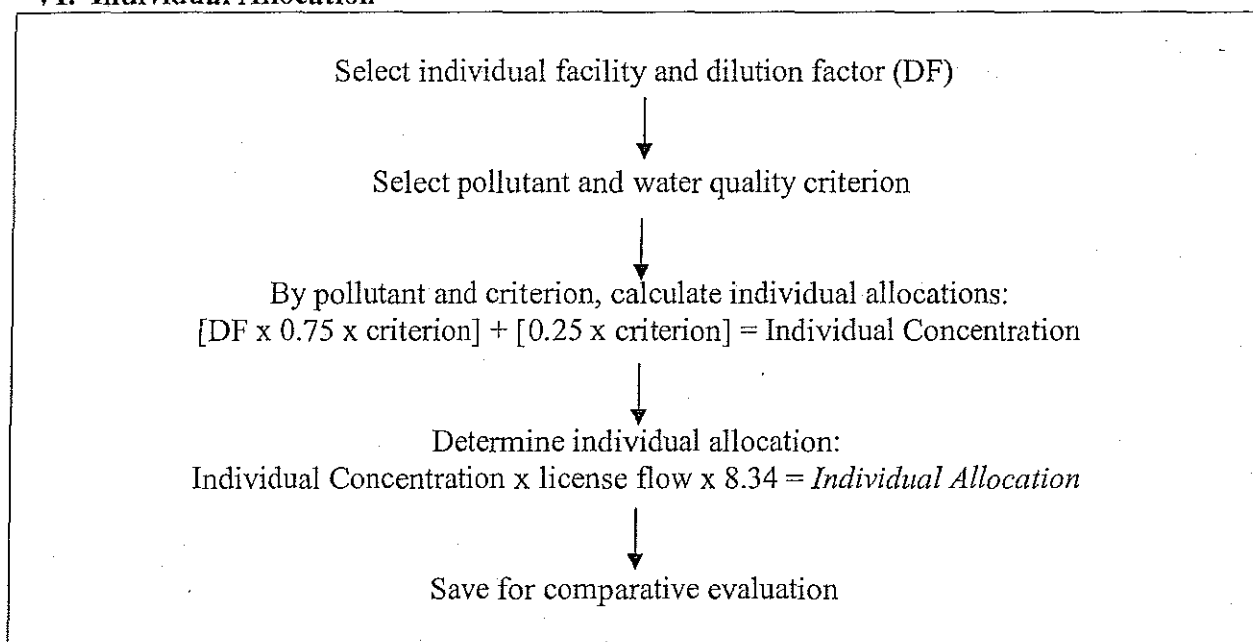


Maine Department of Environmental Protection  
General Processing Steps in "DeTox"

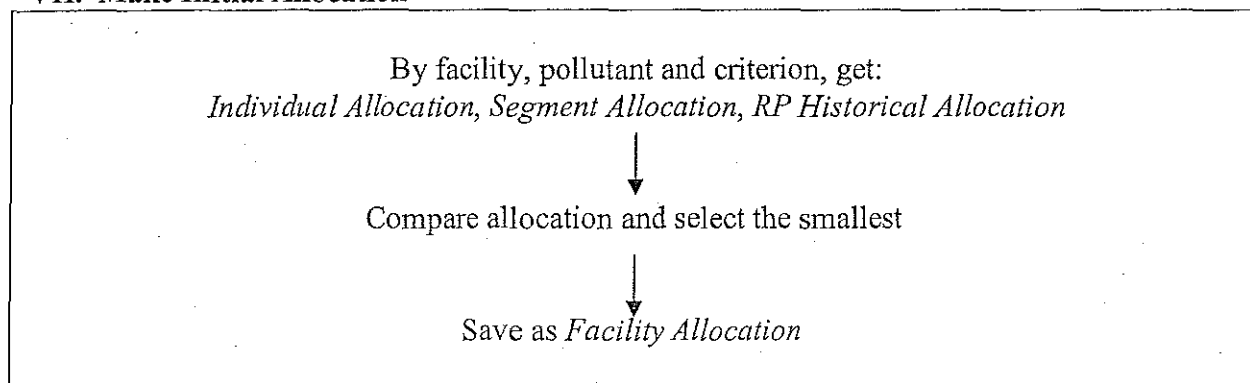
**V. Segment Allocation**



**VI. Individual Allocation**

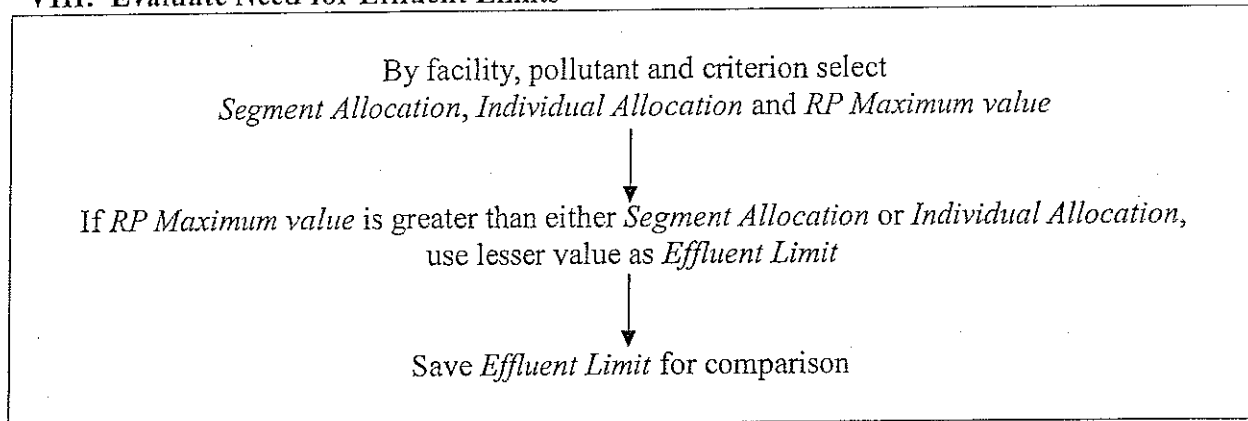


**VII. Make Initial Allocation**

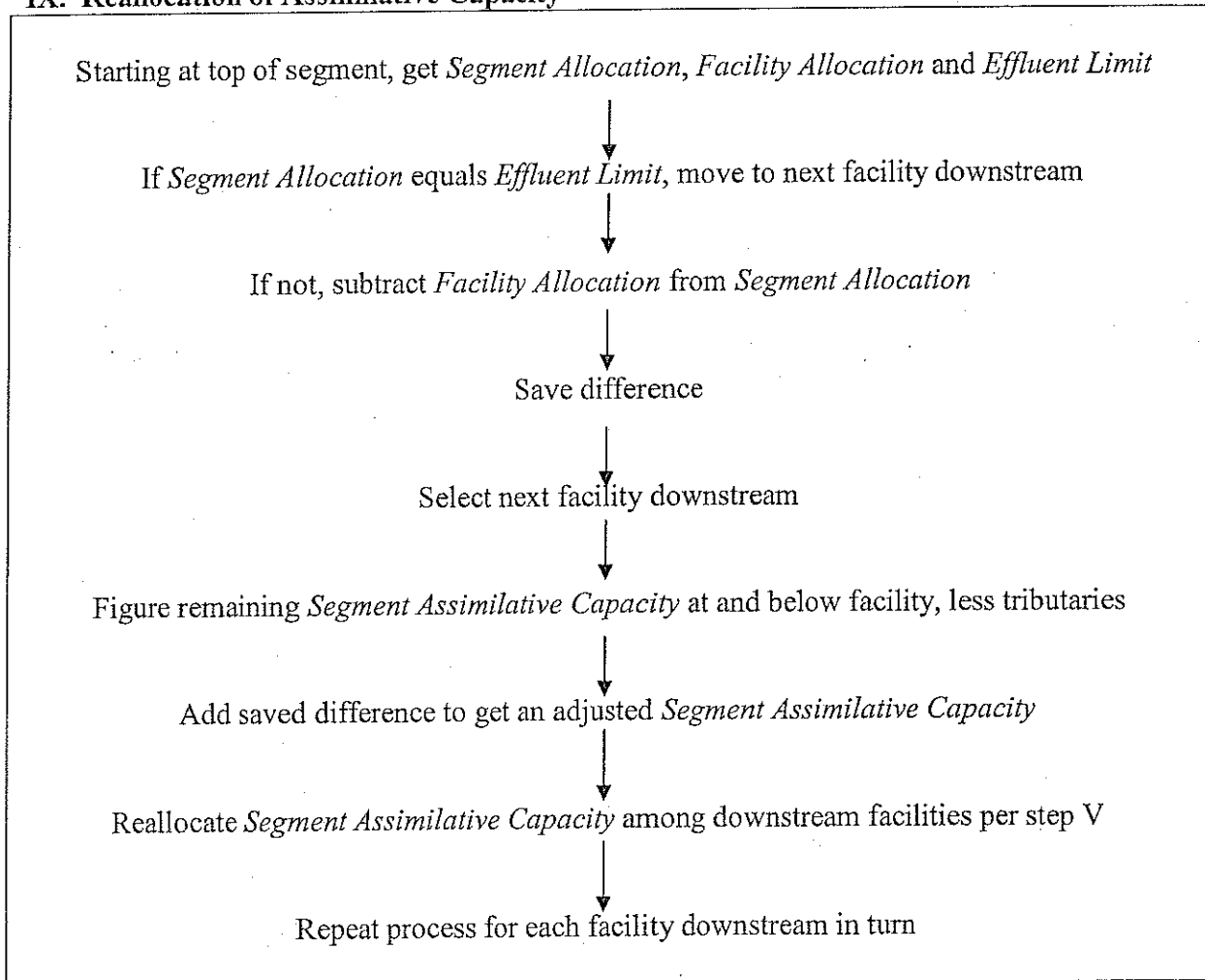


Maine Department of Environmental Protection  
General Processing Steps in "DeTox"

**VIII. Evaluate Need for Effluent Limits**



**IX. Reallocation of Assimilative Capacity**



## **ATTACHMENT J**

## **RE-ASSESSMENT OF TECHNICALLY BASED INDUSTRIAL DISCHARGE LIMITS**

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

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

**Please read the directions below before filling out the attached form.**

### **ITEM I.**

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

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

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

## **ITEM II.**

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

## **ITEM III.**

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

## **ITEM IV.**

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

## **ITEM V.**

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

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

- \* Based on your existing TBLLs, as presented in Item II., list in Column (2) each Maximum Allowable Industrial Headworks Loading (MAIHL) value corresponding to each of the local limits derived from an applicable environmental criteria or standard, e.g. water quality, sludge, NPDES, inhibition, etc. For each pollutant, the MAIHL equals the calculated Maximum Allowable Headwork Loading (MAHL) minus the POTW's domestic loading source(s). For more information, please see p., 3-28 in EPA's Guidance Manual on the Development and Implementation of Local Limits Under the Pretreatment Program, 12/87.

## **ITEM VI.**

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

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

- \* List in Column (2A) what the Water Quality Standards (WQS) were (in micrograms per liter) when your TBLLs were calculated, please note what hardness value was used at that time. Hardness should be expressed in milligram per liter of Calcium Carbonate.

List in Column (2B) the current WQSs or "Chronic Gold Book" values for each pollutant multiplied by the dilution ratio used in your new/reissued MEPDES permit. For example, with a dilution ratio of 25:1 at a hardness of 20 mg/l - Calcium Carbonate (copper's chronic WQS equals 2.99 ug/l) the chronic MEPDES permit limit for copper would equal 75 ug/l.

## **ITEM VII.**

- \* In Column (1), list all pollutants (in micrograms per liter) limited in your new/reissued MEPDES permit. In Column (2), list all pollutants limited in your old/expired NPDES permit.

## **ITEM VIII.**

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

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

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

In general, please be sure the units reported are correct and all pertinent information is included in your evaluation. If you have any questions, please contact your pretreatment representative at the Maine Department of Environmental Protection, Bureau of Land & Water Quality, Division of Engineering, Compliance & Technical Assistance, State House Station #17, Augusta, ME. 04333. The telephone number is (207) 287-3901.

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

POTW Name & Address \_\_\_\_\_

NPDES PERMIT # \_\_\_\_\_

Date EPA approved current TBLLs \_\_\_\_\_

Date EPA approved current Sewer Use Ordinance \_\_\_\_\_

**ITEM I.**

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

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

**ITEM II.**

EXISTING TBLLs

| <u>POLLUTANT</u> | <u>NUMERICAL LIMIT</u><br>(mg/l) | <u>POLLUTANT</u> | <u>NUMERICAL LIMIT</u><br>(mg/l) |
|------------------|----------------------------------|------------------|----------------------------------|
|                  |                                  |                  |                                  |
|                  |                                  |                  |                                  |
|                  |                                  |                  |                                  |
|                  |                                  |                  |                                  |
|                  |                                  |                  |                                  |
|                  |                                  |                  |                                  |
|                  |                                  |                  |                                  |

**ITEM III.**

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

**ITEM IV.**

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

If yes, explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

If yes, explain \_\_\_\_\_  
\_\_\_\_\_

**ITEM V.**

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

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

**ITEM VI.**

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

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

\*Hardness Dependent (mg/l-CaCO3)

ITEM VII.

In Column (1), identify all pollutants limited in your new/reissued MEPDES permit. In Column (2), identify all pollutants that were limited in your old/expired NPDES permit.

| <b>Column (1)</b><br>NEW PERMIT |                              | <b>Column (2)</b><br>OLD PERMIT |                              |
|---------------------------------|------------------------------|---------------------------------|------------------------------|
| <u>Pollutants</u>               | <u>Limitations</u><br>(ug/l) | <u>Pollutants</u>               | <u>Limitations</u><br>(ug/l) |
| _____                           | _____                        | _____                           | _____                        |
| _____                           | _____                        | _____                           | _____                        |
| _____                           | _____                        | _____                           | _____                        |
| _____                           | _____                        | _____                           | _____                        |
| _____                           | _____                        | _____                           | _____                        |
| _____                           | _____                        | _____                           | _____                        |
| _____                           | _____                        | _____                           | _____                        |

### ITEM VIII.

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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**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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
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**5. Permit actions**

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

**6. Reopener clause**

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

**7. Oil and hazardous substances**

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

**8. Property rights**

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

**9. Confidentiality**

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.

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**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 of 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 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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
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**2. Proper operation and maintenance**

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

**3. Need to halt or reduce activity not a defense**

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

**4. Duty to mitigate**

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

**5. Bypasses**

(a) Definitions

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

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

(c) Notice.

- (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
- (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D(1)(f), below. (24-hour notice).

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(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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
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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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
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(f) Twenty-four hour reporting.

- (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- (ii) The following shall be included as information which must be reported within 24 hours under this paragraph.
  - (A) Any unanticipated bypass which exceeds any effluent limitation in the permit.
  - (B) Any upset which exceeds any effluent limitation in the permit.
  - (C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.
- (iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (f)(ii) of this section if the oral report has been received within 24 hours.
- (g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this section.
- (h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

## **2. Signatory requirement**

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

## **3. Availability of reports**

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
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**4. Existing manufacturing, commercial, mining, and silvicultural dischargers**

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

- (a) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - (i) One hundred micrograms per liter (100 ug/l);
  - (ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
  - (iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
  - (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).
- (b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - (i) Five hundred micrograms per liter (500 ug/l);
  - (ii) One milligram per liter (1 mg/l) for antimony;
  - (iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
  - (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

**5. Publicly owned treatment works**

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

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

**E. OTHER REQUIREMENTS**

**1. Emergency action - power failure**

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

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

**2. Spill prevention**

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
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**F. DEFINITIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Maximum daily discharge limitation** means the highest allowable daily discharge.

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

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

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

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

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

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

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**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](mailto:Clerk.BEP@maine.gov) or (207) 314-1458

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#### 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 30<sup>th</sup> 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](mailto: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](mailto: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** 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](#). 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](mailto:clerk.bep@maine.gov) or 207-287-2811 or the Board Executive Analyst at [bill.hinkel@maine.gov](mailto: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.

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**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.

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