STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

September 8, 2026

Mr. Paul Morin
Sabattus Sanitary District and Water Division
22 Lisbon Street
Sabattus, ME 04280

Sent via electronic mail
Delivery confirmation requested

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101842
Maine Waste Discharge License (WDL) Application #W002624-6C-L-R
Proposed Draft Permit/License

Dear Mr. Morin:

Enclosed is a **proposed** draft MEPDES renewal 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, Tuesday, September 8, 2026, and ends on **Thursday, October 8, 2026**. All comments on the proposed draft permit must be received in the Department of Environmental Protection office on or before the close of business **Thursday, October 8, 2026**. Failure to submit comments in a timely fashion may result in the proposed draft/license permit document being issued as drafted.

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

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

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.

Sincerely,

Asenath Frizzell
Division of Water Quality Management
Bureau of Water Quality

Enc.

cc: Benjamin Pendleton, DEP
Lori Mitchell, DEP
Brenda Faford-Pizer, DEP
Wendy Garland, DEP
Gregg Wood, DEP
Holly Ireland, DEP
Laura Crossley, DEP
Brandy King, DEP
Robert Hartley, DEP
Michael Cobb, USEPA
Kathryn Rosenberg, USEPA
Richard Carvalho, USEPA
Sean Mahoney, CLF

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

IN THE MATTER OF

SABATTUS SANITARY DISTRICT	)	MAINE POLLUTANT DISCHARGE
SABATTUS, ANDROSCOGGIN COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS	)	AND
ME0101842	)	WASTE DISCHARGE LICENSE
W002624-6C-L-R **APPROVAL**	)	**RENEWAL**

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

APPLICATION SUMMARY

On September 15, 2021, the Department accepted as complete for processing an application from the Sabattus Sanitary District for renewal of combination Waste Discharge License (WDL) # W002624-6C-J-R / Maine Pollutant Discharge Elimination System (MEPDES) permit # ME0101842, which was issued by the Department on November 16, 2016 for a five-year term. The November 16, 2016 permit authorized the monthly average discharge of 0.12 million gallons per day (MGD) of secondary treated sanitary wastewater from a publicly owned treatment works (POTW) to the Sabattus River, Class C, in Sabattus, Maine.

PERMIT SUMMARY

a. Terms and conditions

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

1. Updated the E. coli monthly average limit to 100 MPN or CFU/100mL and the daily maximum 236 MPN or CFU / 100mL as stated in *Standards for Classification of Fresh Surface Waters*, 38 M.R.S. § 465 (3).

2. Updated the E. coli sampling period from May 15 through September 30 to April 15 through October 31, as stated in *Standards for Classification of Fresh Surface Waters*, 38 M.R.S. § 465 (3).

3. Updated footnote 1, Sampling to include wording on sufficiently sensitive methods.

4. Updated Special Condition G; Monitoring and Reporting, to include the process for electronic reporting only and removed the mail in option for reporting.

5. Establishing monthly average water quality-based mass and concentration limitations for total phosphorus.

6. Establishing outfall #001B for ambient Total Phosphorus sampling.

7. Establishing Special Condition K, Total Phosphorus Sampling Plan.

CONCLUSIONS

BASED on the findings in the attached **PROPOSED** Fact Sheet dated September 8, 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 discharge will be subject to effluent limitations that require application of best practicable treatment as defined in *Conditions of licenses*, 38 M.R.S. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of the SABATTUS SANITARY DISTRICT to discharge a monthly average of 0.12 MGD of secondary treated sanitary wastewater from the Sabattus Sanitary District facility to the Sabattus River, Class C, in Sabattus, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. "*Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable to All Permits*," revised July 1, 2002, copy attached.

2. The attached Special Conditions, including any effluent limitations and monitoring requirements.

3. This permit becomes effective upon the date of signature below and expires at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the terms and conditions of this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act and Other Administrative Matters*, 5 M.R.S. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matter*s, 06-096 C.M.R. ch. 2(20)(A) (effective September 15, 2024)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS _____ DAY OF _____2026.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:_____
Melanie Loyzim, Commissioner

Date of initial receipt of application: August 31, 2021
Date of application acceptance: September 15, 2021

This Order prepared by Asenath Frizzell, Bureau of Water Quality

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 September 15, 2021; 2) the terms and conditions of this permit; and 3) only from Outfall #001A. Discharges of wastewater from any other point source are not authorized under this permit, and must be reported in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*, of this permit.

B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Effluent Characteristics	Discharge Limitations			Minimum Monitoring Requirements				
	Monthly Average	**Weekly Average**	**Daily Maximum**	**Monthly Average**	**Weekly Average**	**Daily Maximum**	**Measurement Frequency**	**Sample Type**
Flow *[50050]*	0.120 MGD *[03]*	---	Report (MGD) *[03]*	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
BOD_5 *[00310]* (June 1 – Sept. 30) (Oct. 1 – May 31)	 17 lbs/day 30 lbs/day *[26]*	 45 lbs/day 45 lbs/day *[26]*	 50 lbs/day 50 lbs/day *[26]*	 17 mg/L 30 mg/L *[19]*	 45 mg/L 45 mg/L *[19]*	 50 mg/L 50 mg/L *[19]*	 1/Week 1/Week *[01/07]*	 Composite Composite *[24]*
BOD_5 % Removal(2) *[81010]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
TSS *[00530]*	30 lbs/day *[26]*	45 lbs/day *[26]*	50 lbs/day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/Week *[01/07]*	Composite *[24]*
TSS % Removal(2) *[81011]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Settleable Solids *[00545]*	---	---	---	---	---	0.3 ml/L *[25]*	3/Week *[03/07]*	Grab *[GR]*

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports (DMRs). Footnotes: See Pages 9-14 of this permit for applicable footnotes.

B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Effluent Characteristics	Discharge Limitations		Minimum Monitoring Requirements			
	Monthly Average	**Daily Maximum**	**Monthly Average**	**Daily Maximum**	**Measurement Frequency**	**Sample Type**
E. coli Bacteria[(3)] *[31633]* (April 15 – Oct. 31)	---	---	100 MPN or CFU/mL[(4)] *[13]*	236 MPN or CFU/mL *[13]*	1/Week *[01/07]*	Grab *[GR]*
Total Residual Chlorine[(5)] *[50060]*	---	---	0.1 mg/L *[19]*	0.3 mg/L *[19]*	1/Day *[01/01]*	Grab *[GR]*
Mercury (Total)[(6)] *[71900]*	---	---	4.5 ng/L *[28]*	6.8 ng/L *[28]*	1/Year *[01/YR]*	Grab *[GR]*
pH (Std. Units) *[00400]*	---	---	---	6.0-9.0 *[12]*	3/Week *[03/07]*	Grab *[GR]*
Effluent Phosphorus (Total)[(7a)] *[00665]* (June 1 – Sept. 30)	0.04 lbs./day *[26]*	Report lbs./day *[26]*	Report mg/L *[19]*	Report mg/L *[19]*	2/Month *[02/30]*	Composite *[24]*

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports (DMRs). Footnotes: See Pages 9-14 of this permit for applicable footnotes.

3. The permittee is authorized to take ambient samples both above and below the discharge according to the sites shown in attachment F of the fact sheet. Results for the above discharge sampling results be reported as **Outfall #002A** and below sampling results reported as **Outfall #003A**.

Ambient Characteristics	Discharge Limitations		Minimum Monitoring Frequency			
	Monthly Average	**Daily Maximum**	**Monthly Average**	**Daily Maximum**	**Measurement Frequency**	**Sample Type**
Ambient/Background Phosphorus (Total)[(7b)] *[00665]* (June 1 – Sept. 30)	---	---	Report mg/L *[19]*	Report mg/L *[19]*	2/Month *[02/30]*	Grab *[GR]*

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports (DMRs). Footnotes: See Pages 9-14 of this permit for applicable footnotes.

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

4. The permittee is authorized to discharge secondary treated municipal wastewaters from **Outfall #001A** to the Sabattus River in Sabattus. Such discharges must be limited and monitored by the permittee as specified below[1]:

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).

Effluent Characteristics	Discharge Limitations		Minimum Monitoring Requirements			
	Monthly Average	**Daily Maximum**	**Monthly Average**	**Daily Maximum**	**Measurement Frequency**	**Sample Type**
Whole Effluent Toxicity (WET)[8]						
A-NOEL						
Ceriodaphnia dubia [TDA3B]	---	---	---	Report % *[23]*	1/2 Years *[01/2Y]*	Composite *[24]*
Salvelinus fontinalis [TDA6F]	---	---	---	Report % *[23]*	1/2 Years *[01/2Y]*	Composite *[24]*
C-NOEL						
Ceriodaphnia dubia [TBP3B]	---	---	---	Report % *[23]*	1/2 Years *[01/2Y]*	Composite *[24]*
Salvelinus fontinalis [TBQ6F]	---	---	---	Report % *[23]*	1/2 Years *[01/2Y]*	Composite *[24]*
Analytical Chemistry[9] *[51477]*	---	---	---	Report ug/L *[28]*	1/2 Years *[01/2Y]*	Composite/Grab *[24/GR]*

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports (DMRs). Footnotes: See Pages 9-14 of this permit for applicable footnotes.

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

5. The permittee is authorized to discharge secondary treated municipal wastewaters from **Outfall #001A** to the Sabattus River in Sabattus. Such discharges must be limited and monitored by the permittee as specified below[1]:

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

Effluent Characteristics	**Discharge Limitations**				**Minimum Monitoring Requirements**	
	Monthly Average	**Daily Maximum**	**Monthly Average**	**Daily Maximum**	**Measurement Frequency**	**Sample Type**
Whole Effluent Toxicity (WET)[8]						
A-NOEL						
Ceriodaphnia dubia *[TDA3B]*	---	---	---	Report % *[23]*	2/Year *[02/YR]*	Composite *[24]*
Salvelinus fontinalis *[TDA6F]*	---	---	---	Report % *[23]*	2/Year *[02/YR]*	Composite *[24]*
C-NOEL						
Ceriodaphnia dubia *[TBP3B]*	---	---	---	Report % *[23]*	2/Year *[02/YR]*	Composite *[24]*
Salvelinus fontinalis *[TBQ6F]*	---	---	---	Report % *[23]*	2/Year *[02/YR]*	Composite *[24]*
Analytical Chemistry[9] *[51477]*	---	---	---	Report ug/L *[28]*	1/Quarter *[01/90]*	Composite/Grab *[24/GR]*
Priority Pollutant[9] *[50008]*	---	---	---	Report ug/L *[28]*	1/Year *[01/YR]*	Composite/Grab *[24/GR]*

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports (DMRs). Footnotes: See Pages 9-14 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

Footnotes

1. **Sampling** – **Influent sampling:** for BOD_5 and TSS shall be sampled at a point after the headworks. **Effluent sampling**: for all parameters shall be sampled for all parameters at the end of the chlorine contact chamber on a year-round basis. Any change in sampling location must be approved by the Department in writing. The permittee must conduct sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (C.F.R.) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 C.F.R. Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for wastewater. Samples that are sent to a POTW pursuant to *Waste discharge licenses*, 38 M.R.S. §413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Accreditation Rules*, 10 - 144 C.M.R. ch. 263 (amended March 15, 2023). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10 - 144 C.M.R. ch. 263. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 C.F.R. Part 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the discharge monitoring report (DMR).

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

SPECIAL CONDITIONS

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

2. **BOD_5 and TSS Percent Removal** – The treatment facility must maintain a minimum of 85 percent removal of BOD_5 and a minimum of 85 percent removal for TSS for all flows receiving secondary treatment.

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

4. **Bacteria Reporting** – The monthly average *E. coli* bacteria limitation is a geometric mean limitation and sample results must be reported as such. Results must be expressed in MPN/100mL or CFU/100mL.

5. **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.

6. **Mercury** – The permittee must conduct all mercury monitoring required by this permit required to determine compliance with interim limitations established pursuant to 06-096 C.M.R. ch. 519 in accordance with the U.S. Environmental Protection Agency's (USEPA) "clean sampling techniques" found in USEPA Method 1669, *Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels*. All mercury analysis must be conducted in accordance with USEPA Method 1631E, *Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor 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.

7. **Total Phosphorus** – See Attachment A of this permit for Protocol for Total Phosphorus Sample Collection and Analysis for Wastewater and Receiving Water Monitoring Required by Permits.

SPECIAL CONDITIONS

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

a. **Effluent Sampling:** To be taken at the point of discharge with all other effluent sampling. Take at the same day as the ambient sampling when ambient sampling is being required.

b. **Ambient Sampling:** To be taken upstream from the site of the discharge and below the Sabattus Pond dam. Taken as a grab sample 2/Month from June 1st through September 30th, 2029. Results should be reported under outfall #001B.

8. WET Testing – Definitive WET testing is a multi-concentration testing event (a minimum of five dilutions bracketing the critical acute and chronic thresholds of 4.76%), 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 threshold were derived as the mathematical inverse of the applicable acute and chronic dilution factors of 21:1.

a. **Surveillance level testing** – Beginning upon permit issuance and lasting through 24 months prior to permit expiration (Years 1, 2, & 3 of the term of the permit) and commencing again 12 months prior to permit expiration (Year 5 of the term of the permit), the permittee must initiate surveillance level acute and chronic WET testing at a minimum frequency of once per two years (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 and year. The permittee must conduct surveillance level WET testing at a minimum frequency of once per two year (1/2 Years) on the water flea and brook trout.

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.

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

WET test results must be submitted to the Department not later than the next DMR required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee must evaluate test results being submitted and identify to the Department possible exceedances of the critical acute and chronic water quality thresholds of 4.76%.

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

a. U.S. Environmental Protection Agency. 2002. *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, 5th ed. EPA 821-R-02-012. U.S. Environmental Protection Agency, Office of Water, Washington, D.C., October 2002 (the acute method manual).

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

Results of WET tests must be reported on the "Whole Effluent Toxicity, 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.

9. **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 and year.

SPECIAL CONDITIONS

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

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).

10. **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** - Waived pursuant Department rule *Surface water Toxics Control Program,* 06-096 C.M.R. ch. 530 §2(D)(3)(b).

    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.

11. **Analytical chemistry and Priority Pollutant testing** – Testing must be conducted on samples collected at the same time as those collected for whole effluent toxicity tests, when applicable, and must be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve the most current minimum reporting levels of detection as specified by the Department.

SPECIAL CONDITIONS

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

Analytical chemistry and priority pollutant test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the laboratory reports for up to 10 business days after receiving the test results from the laboratory conducting the testing before submitting them. The permittee must evaluate test results being submitted and identify to the Department, possible exceedances of the acute, chronic or human health 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.

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.

SPECIAL CONDITIONS

D. TREATMENT PLANT OPERATOR

The person who has the management responsibility and exercises operational oversight over the treatment facility must hold a minimum of a Maine **Grade III** 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). **The permittee has five (5) years from the effective date of this permit to come into compliance with the updated treatment plant operator grade.** For the period from the effective date of this permit to five years from the effective date of this permit, the person who has the management responsibility and exercises oversight over the treatment facility must hold a minimum of a Maine **Grade II** 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).

SPECIAL CONDITIONS

F. NOTIFICATION REQUIREMENT

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

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

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

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

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

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

G. MONITORING AND REPORTING

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

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

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

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

SPECIAL CONDITIONS

H. OPERATION & MAINTENANCE (O&M) PLAN

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

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

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

I. WET WEATHER FLOW MANAGEMENT PLAN

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

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

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

J. STATEMENT FOR REDUCED/WAIVED TOXICS TESTING

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

SPECIAL CONDITIONS

J. STATEMENT FOR REDUCED/WAIVED TOXICS TESTING

(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. 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 phosphorus. The permittee must develop and adhere to an ambient phosphorus sampling plan to ensure data integrity in accordance with Department document, Freshwater Nutrient Monitoring Plan for MEPDES Permittees. The phosphorus 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.

SPECIAL CONDITIONS

L. REOPENING OF PERMIT FOR MODIFICATIONS

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

M. SEVERABILITY

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

ATTACHMENT A

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

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

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

Sample Preservation: During compositing the sample must be at 0-6 degrees C (without freezing). If the sample is being sent to a commercial laboratory or analysis cannot be performed the day of collection then the sample must be preserved using H_2SO_4 to obtain a sample pH of <2 su and refrigerated at 0-6 degrees C (without freezing). The holding time for a preserved sample is 28 days.

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **September 8, 2026**

MEPDES PERMIT: **ME0101842**
WASTE DISCHARGE LICENSE: **W002624-6C-L-R**

NAME AND ADDRESS OF APPLICANT:

SABATTUS SANITARY DISTRICT
22 LISBON STREET
SABATTUS, ME 04280

COUNTY: **ANDROSCOGGIN**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

SABATTUS SANITARY DISTRICT
22 LISBON STREET
SABATTUS, MAINE 04280

RECEIVING WATER / CLASSIFICATION: **SABATTUS RIVER/CLASS C**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

MR. PAUL H. MORIN, SUPERINTENDENT
SABATTUS SANITARY DISTRICT & WATER DIV.
email: ssdp@roadrunner.com
(207) 577-3177

1. APPLICATION SUMMARY

a. **Application:** On September 15, 2021, the Department accepted as complete for processing an application from the Sabattus Sanitary District for renewal of combination Waste Discharge License (WDL) # W002624-6C-J-R / Maine Pollutant Discharge Elimination System (MEPDES) permit # ME0101842, which was issued by the Department on November 16, 2016 for a five-year term. The November 16, 2016 permit authorized the monthly average discharge of 0.12 million gallons per day (MGD) of secondary treated sanitary wastewater from a publicly owned treatment works (POTW) to the Sabattus River, Class C, in Sabattus, Maine.

b. **Source Description:** The wastewater treatment facility receives sanitary wastewater flows generated by approximately 600 residential users within the District's boundaries. The collection system is a separated system approximately 10 miles in length with forty (40) pump stations and no combined sewer overflow (CSO) points. Eight (8) of the pump stations have on-site generators to provide back-up power in the event of a power failure and the remaining twenty-six (26) stations have emergency generator receptacles and manual transfer switches such that back-up power via a portable generator can be supplied to the stations in the event of a power failure. None of the pump stations have constructed emergency overflow/bypasses. The treatment facility is not authorized by this permit to accept septage from local septage haulers.

A map showing the location of the facility and the receiving water is included as Fact Sheet **Attachment A.**

c. **Wastewater Treatment:** Wastewater generated in the Town of Sabattus is conveyed to the facility via a sewer collection system containing eleven (11) major pump stations and twenty-nine (29) smaller lift stations. At the facility headworks building, wastewater passes through a bar rack for screening, then is pumped (without treatment) through the 0.1 million gallon (MG) former primary (Imhoff) tank. Wastewater flow can be split between two package treatment units, each of which contain a 75,000 gallon aeration tank for extended diffused aeration, a 37,000 gallon secondary clarifier, and a 48,119 gallon aerobic sludge digester, which also utilizes diffused aeration. Currently, influent is directed through one unit. Treated effluent is then conveyed to four sand filter units, each measuring 135 feet by 77 feet, for polishing. Seasonally, wastewater is then disinfected with sodium hypochlorite in a 187 gallon chlorination mix chamber and an 8,000 gallon chlorine contact tank. Detention time in the contact tank is 19 minutes under peak flow and 95 minutes under average flow conditions. Effluent is then dechlorinated with ascorbic acid in a 160 gallon dechlorination chamber. Detention time in the dechlorination chamber is 23 seconds under peak flow and 115 seconds under average flow conditions. Final treated effluent is discharged to the Sabattus River through a 12-inch diameter outfall pipe, which splits into three diffuser pipes positioned six feet apart.

Sludge is pumped from the aerobic sludge digester to a 24,235 gallon sludge storage tank, then to a 7,480 gallon sludge stabilization tank. Sludge is then conveyed to two on-site reed beds. See **Attachment B** for a schematic of the wastewater treatment facility.

2. PERMIT SUMMARY

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

1. Updated the E. coli monthly average limit to 100 MPN or CFU / 100 mL and the daily maximum 236 MPN or CFU / 100 mL as stated in *Standards for Classification of Fresh Surface Waters*, 38 M.R.S. § 465 (3).

2. Updated the E. coli sampling period from May 15 through September 30 to April 15 through October 31, as stated in *Standards for Classification of Fresh Surface Waters*, 38 M.R.S. § 465 (3).

3. Updated footnote 1, Sampling to include wording on sufficiently sensitive methods.

4. Updated Special Condition G; Monitoring and Reporting, to include the process for electronic reporting only and removed the mail in option for reporting.

5. Establishing monthly average water quality based mass and concentration limitations for total phosphorus.

6. Establishing outfall #001B for ambient Total Phosphorus sampling.

7. Establishing Special Condition K, Total Phosphorus Sampling Plan.

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

August 1, 1990 - The Department issued WDL #W002624-59-C-R for the Sabattus facility which superseded WDL #W002624-45-A-R issued on March 23, 1984.

August 5, 1994 - The U.S. Environmental Protection Agency (USEPA) issued National Pollutant Discharge Elimination System (NPDES) permit #ME0101842 for the Sabattus facility, superseding an earlier NPDES permit issued on March 28, 1986.

December 11, 1995 – The Department issued a letter to Sabattus stating that 1994 ambient water quality sampling revealed that the Sabattus River was not meeting Class C water standards for dissolved oxygen. The Department noted that at the time of sampling, Sabattus was discharging below licensed BOD limits while river

flow was above the 7Q10 flow. The Department anticipated that nutrient loading to the River from Sabattus Pond was significant enough that it was unlikely that additional loading would be allowed in Sabattus' discharge during warmer months. The Department advised Sabattus to investigate alternate wastewater disposal methods.

December 19, 1995 – The Department issued a letter to Sabattus stating that insufficient river water quality data existed to allow reissuance of Sabattus' WDL. Based on existing data, the Department was unable to determine the relationship between Sabattus' discharge and the discharge of algae from Sabattus Pond in the river's failure to attain Class C water standards. The Department noted that additional river monitoring was planned for the future.

February 5, 1996 – The USEPA issued a modification of NPDES permit #ME0101842 to the Sabattus Sanitary District, reducing federal surveillance level WET testing requirements from the four acute and chronic tests per year specified in a NPDES permit issued August 5, 1994, to one chronic test per year.

April 6, 1999 – The USEPA issued a letter to Sabattus stating that beginning with the 1996 NPDES modification, Sabattus' federal testing requirements for Priority Pollutants consist of one test per year.

September 2, 1999 – The Board of Environmental Protection (BEP) issued #L-19911-36-A-N, approving a new water level and minimum flow regime for Sabattus Pond. This Order carried forward the previously established minimum flow of 2.5 cubic feet per second (cfs) from the Sabattus Pond dam.

March 2, 2000 – The Department notified Sabattus that statistical evaluations of WET and chemical specific test results conducted on June 14, 1999, indicated several "reasonable potentials to exceed" ambient water quality standards and licensed mass limits. Pursuant to Department Rule 06-096 C.M.R. ch. 530, *Surface Water Toxics Control Program*, the Department required Sabattus to submit a Toxic Reduction Evaluation for arsenic to the Department. Sabattus subsequently agreed to monitor for arsenic in its effluent on a quarterly basis.

May 23, 2000 – The Department administratively modified the 8/1/90 WDL by establishing interim mean and maximum technology-based concentration limitations of 4.5 ng/L and 6.8 ng/L, respectively for mercury.

September 1, 2000 – The Department issued #S-022065-SC-A-N, granting the Sabattus Sanitary District Program Approval for sludge application. The Program Approval establishes sewage sludge monitoring requirements and management protocols, and provides standards for determining when site-specific licenses are necessary for utilization or storage of sewage sludge.

January 12, 2001 - The Department received authorization from the USEPA to administer the NPDES program in Maine. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permit program.

March 29, 2001 – The inter-local Sabattus Lake Dam Commission issued a new water level and minimum flow Order for Sabattus Pond. This Order supersedes BEP Order #L-19911-36-A-N, dated September 2, 1999, and carries forward the 2.5 CFS minimum flow requirement.

November 12, 2001 – The Department issued combination MEPDES permit ME0101842/Waste Discharge License (WDL) #W002624-5L-D-R for a five-year term.

April 10, 2006 – The Department administratively modified the 11/12/01 permit by establishing applicable monitoring requirement pursuant to a revised Department rule found at 06-096 C.M.R. ch. 530, *Surface Water Toxics Control Program*, promulgated on October 12, 2005.

November 7, 2006 – The Department issued combination MEPDES permit ME0101842/WDL #W002624-5L-E-R for a five-year term.

March 23, 2011 – The Department issued MEPDES permit modification ME0101842/WDL #W002624-6C-F-M that established monthly average and or daily maximum water quality-based mass and concentration limits for inorganic arsenic, total copper and total lead.

September 27, 2011 – The Department issued combination MEPDES permit ME0101842/WDL #W002624-6C-G-R for a five year term.

September 11, 2013 – The Department issued MEPDES permit modification ME0101842/WDL #002624-6C-I-M eliminating the monthly average water quality-based mass limit and monitoring requirement for inorganic arsenic and the monitoring and reporting requirement for total arsenic.

November 16, 2016 – The Department issued combination MEPDES permit ME0101842/WDL #W002624-6C-G-R for a five-year term.

April 19, 2017 – The Department issued a MEPDES permit modification ME0101842/WDL #002624-6C-K-M to amend Footnote #8 to update flow of the receiving water, eliminate the monthly average total lead limit, Amended WET testing schedule to reflect Level II testing, updated the daily maximum TRC limit, adjusted monthly average total phosphorous limit.

August 31, 2021 - The permittee submitted a timely and complete General Application to the Department for renewal of the November 16, 2021 permit (including subsequent minor permit revisions and permit modifications). The application was accepted for processing on September 15, 2021 and was assigned WDL #W002624-6C-L-R / MEPDES #ME0101842.

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)(D)(3) states *"(3) Sabattus River from Sabattus Lake to limits of the Lisbon urban area - Class C."* including the point of discharge. *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 Sabattus River (Assessment Unit ID: ME0104000210_418R01) between Sabattus Pond and Androscoggin River; which includes the receiving water at the point of discharge, as Category 5-A: *Rivers and Streams Impaired by Pollutants Other Than Those Listed in 5-B Through 5-D (TMDL Required)* for aquatic life use impairments due to nutrient/eutrophication biological indicators and dissolved oxygen. This segment is also listed in Category 2: *Rivers and Streams Attaining Some Designated Uses-Insufficient Information for Other Uses* due to attainment of aquatic life use based on benthic macroinvertebrates bioassessments.

The Report also lists all of Maine's fresh waters as, "Category 4-A: Rivers and Streams Impaired by Atmospheric Deposition of Mercury." Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, "All freshwaters are listed in Category 4-A (TMDL Completed) due to US EPA approval of a Regional Mercury TMDL in December 2007. Maine has a fish consumption advisory for fish taken from all

freshwaters due to mercury. Many waters, and many fish from any given water, do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Health and Human Services decided to establish a statewide advisory recommending limits on consumption for all freshwater fish. Maine has instituted statewide programs for removal and reduction of mercury sources."

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

7. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Flow: The previously established monthly average discharge flow limitation of 0.120 MGD, which is based on the dry weather design criterion for the facility, is being carried forward in this permitting action.

The Department reviewed discharge monitoring reports (DMR) that were submitted for the period of November 16, 2016 through December 31, 2025. A review of data indicates the following:

Flow (n = 110)

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	0.120	0.06 – 0.14*	0.09
Daily Maximum	Report	0.07 – 2.82	0.17

*One excursion occurred during the month of March 2024.

b. Dilution Factors: The Department established applicable dilution factors for the discharge in accordance with freshwater protocols established in *Surface Water Toxics Control Program,* 06-096 C.M.R. ch. 530 (last amended March 21, 2012). An assessment of flow from the upstream dam indicates that the minimum release flow is 3.7 cubic feet per second (cfs). No additional adjustments were added given the proximity of the dam to the discharge point. Therefore, with a monthly average flow limit of 0.12 MGD, dilution factors for the facility are as follows:

Dilution Factor $\dfrac{\text{River Flow (cfs)(Conv. Factor)} + \text{Plant Flow (MGD)}}{\text{Plant Flow (MGD)}}$

Acute: 1Q10 = 3.7 cfs $\dfrac{(3.7\text{ cfs})(0.6464) + (0.12\text{ MGD})}{(0.12\text{ MGD})} = 21{:}1$

Chronic: 7Q10 = 3.7 cfs $\dfrac{(3.7\text{ cfs})(0.6464) + (0.12\text{ MGD})}{(0.12\text{ MGD})} = 21{:}1$

Harmonic Mean: = 11.1 cfs $\frac{(11.1 \text{ cfs})(0.6464) + (0.12 \text{ MGD})}{(0.12 \text{ MGD})} = 61:1$

The harmonic mean dilution factor is approximated by multiplying the chronic dilution factor by three (3). This multiplying factor is based on guidelines for estimation of human health dilution presented in the USEPA publication ***Technical Support Document for Water Quality-Based Toxics Control*** (Office of Water; EPA/505/2-90-001, page 88), and represents an estimation of harmonic mean flow.

c. BOD_5 and TSS: This permitting action is carrying forward the previously established monthly average and weekly average BOD_5 concentration limits of 30 mg/L and 45 mg/L, respectively, which were based on secondary treatment requirements pursuant to 40 C.F.R. Part 133.102 and 06-096 C.M.R. ch. 525(3)(III). This permitting action is carrying forward the previously established daily maximum BOD_5 concentration limits of 50 mg/L based on a Department best professional judgement (BPJ) of BPT for secondary treated wastewater. All three concentration limitations are applicable on a seasonal (October 1 - May 31) basis and are being carried forward in this permitting action.

This permitting action is carrying forward the previously established seasonal monthly average, weekly average, and daily maximum mass limits based on a monthly average limit of 0.12 MGD for the months of October 1 through May 31. The mass limits were calculated as follows:

Monthly average: (0.12 MGD)(8.34)(30 mg/L) = 30 lbs./day
Weekly average: (0.12 MGD)(8.34)(45 mg/L) = 45 lbs./day
Daily maximum: (0.12 MGD)(8.34)(50 mg/L) = 50 lbs./day

For the summer months (June 1 – September 30), BOD_5 will follow the water quality-based limits established to comply with the 30-day rolling average Class C dissolved oxygen criteria of 6.5 mg/L at 22°C in the receiving water based on a Department BPJ given water quality data and modeling at the time of previous permit issuance. The concentration limits for monthly average, weekly average, and daily maximum are 17 mg/L, 45 mg/L, and 50 mg/L, respectively. The mass limits were derived as follows:

Monthly average: (0.12 MGD)(8.34)(17 mg/L) = 17 lbs./day
Weekly average: (0.12 MGD)(8.34)(45 mg/L) = 45 lbs./day
Daily maximum: (0.12 MGD)(8.34)(50 mg/L) = 50 lbs./day

The Department reviewed DMRs for BOD_5 that were submitted for the period of November 16, 2016 through December 31, 2025. A review of data indicates the following:

Summer (June 1 – September 30)

BOD Mass (n = 36)

Value	Limit (lbs./day)	Range (lbs./day)	Average
Monthly Average	17	1.5 – 7.6	3.9
Weekly Average	45	2.0 - 16	5.8
Daily Maximum	50	2.0 - 16	5.8

BOD Concentration (n = 36)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	17	2.0 – 9.0	6.0
Weekly Average	45	3.0 - 20	8.0
Daily Maximum	50	3.0 - 20	8.0

Non-summer (October 1 – May 31)

BOD Mass (n = 74)

Value	Limit (lbs./day)	Range (lbs./day)	Average
Monthly Average	30	1.3 – 20.4	7.1
Weekly Average	45	1.0 - 39	10.1
Daily Maximum	50	2.0 - 39	10.4

BOD Concentration (n = 74)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	2.0 - 25	8.9
Weekly Average	45	3.0 - 36	12.5
Daily Maximum	50	3.0 - 36	12.5

This permitting action is carrying forward the previously established monthly average and weekly average TSS concentration limits of 30 mg/L and 45 mg/L, respectively, which were based on secondary treatment requirements pursuant to 40 C.F.R. Part 133.102 and 06-096 C.M.R. ch. 525(3)(III). This permitting action is carrying forward the previously established daily maximum TSS concentration limits of 50 mg/L based on a Department best professional judgement (BPJ) of BPT for secondary treated wastewater. All three concentration limitations are applicable on a year-round basis and are being carried forward in this permitting action.

This permitting action is carrying forward the previously established year-round monthly average, weekly average, and daily maximum mass limits based on a monthly average limit of 0.12 MGD. The mass limits were calculated as follows:

Monthly average: (0.12 MGD)(8.34)(30 mg/L) = 30 lbs./day
Weekly average: (0.12 MGD)(8.34)(45 mg/L) = 45 lbs./day
Daily maximum: (0.12 MGD)(8.34)(50 mg/L) = 50 lbs./day

TSS mass (n = 110)

Value	Limit (lbs./day)	Range (lbs./day)	Average
Monthly Average	30	1.0 – 12.7	4.5
Weekly Average	45	1.0 – 26	8.1
Daily Maximum	50	1.0 - 26	8.0

TSS concentration (n = 110)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	1.0 – 18	6.1
Weekly Average	45	1.0 – 27	10.3
Daily Maximum	50	1.0 - 27	10.2

This permitting action is carrying forward the monitoring frequencies for BOD_5 and TSS of 1/Week for all mass and concentration limits. This permitting action is also carrying forward the requirement for a minimum of 85% removal of BOD_5 & TSS pursuant to 06-096 C.M.R. ch. 525(3)(III)(a & b)(3). Monitoring frequencies for BOD_5 and TSS percent removal of 1/Month are being carried forward in this permitting action.

A review of the DMR data for the period November 16, 2016 through June 16, 2025 indicates values have been reported as follows:

BOD % Removal (n = 110)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	88 - 99	95

TSS % Removal (n = 110)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	87 - 99	95

d. Settleable Solids: This permitting action is carrying forward the previously established daily maximum concentration limit of 0.3 milliliters per liter (mL/L) for settleable solids and is considered by the Department as a best professional judgement of BPT for secondary treated wastewater. This permitting action is carrying forward the previously established monitoring frequency of 3 times per week (3/Week).

A review of the DMR data for the period of November 16, 2016 through December 31, 2025 indicates values have been reported as follows:

Settleable Solids Concentration (n = 110)

Value	Limit (mL/L)	Range (mL/L)	Average (mL/L)
Daily Maximum	0.3	<0.10 – 0.3	<0.27

e. *E. coli* bacteria: The previous permit contained a monthly average limit of 126 MPN or CFU/ 100 mL and a daily maximum limit of 949 MPN or CFU/ 100 mL. This permitting action is establishing monthly average of 100 MPN or CFU/ 100 mL and a daily maximum limit of 236 MPN or CFU/ 100 mL, these limits are in effect from April 15 through October 31 of each year. This permitting action is carrying forward the previously established 1/Week monitoring frequency.

A review of the monthly DMRs for the period of November 16, 2016 through December 31, 2025 indicates values have been reported as follows:

***E. coli* Bacteria (n = 45)**

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly Average	126	1.0 - 40	9.9
Daily Maximum	949	1.0 - 157	28.6

f. Total Residual Chlorine (TRC): This permitting action is carrying forward the previously established technology based (BPT) monthly average and daily maximum limit of 0.1 mg/L and 0.3 mg/L. Limits on total residual chlorine (TRC) are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. The Department imposes the more stringent of the water quality or technology-based limits in permitting actions. End-of-pipe water quality-based concentration thresholds may be calculated as follows:

	Criterion	Dilution Factors	Calculated Threshol
Acute	0.019 mg/L	21:1	0.40 mg/L
Chronic	0.011 mg/L	21:1	0.23 mg/L

To meet the water quality-based thresholds calculated above, the permittee must continue to dechlorinate the effluent prior to discharge. The Department has established daily maximum and monthly average best practicable treatment (BPT) limitations of 0.3 mg/L and 0.1 mg/L respectively, for facilities that need to dechlorinate their effluent unless calculated water quality-based limits are lower than the BPT limits. In the case of the permittee's facility, the calculated acute water quality-based limit is higher than 0.3 mg/L, thus the daily maximum BPT-based limit of 0.3 mg/L is imposed. As for the monthly average, the calculated chronic water quality-based limit is higher than the BPT limit of 0.1 mg/L, thus the monthly average BPT limit of 0.1 mg/L is imposed.

Although bacteria limitations are seasonal and apply between April 15 and October 31 of each year, the facility must monitor and report TRC during any period that chlorine-based compounds are in use at the facility because chlorine compounds are toxic at all times of the year. This permit is carrying forward the 1/Day monitoring requirement while chlorine-based compounds are being used.

A summary of TRC data as reported on the monthly DMRs for the period of November 16, 2016 through December 31, 2025 is as follows:

Total Residual Chlorine (TRC) (n = 45)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	0.1	0.01 – 0.04	0.02
Daily Maximum	0.3	0.02 – 0.26	0.08

g. pH: This permitting action is carrying forward the previously established technology-based pH range limitation of 6.0 – 9.0 standard units pursuant to 06-096 C.M.R. ch. 525(3)(III)(c). This permitting action carrying forward the monitoring frequency of 3/Week.

A review of the monthly DMRs for the period of November 16, 2016 through December 31, 2025 indicates values have been reported as follows:

pH (n = 103)

Value	Range (S.U.)	Minimum (S.U.)	Maximum (S.U.)
pH	6.0 – 9.0	6.4	7.6

h. Mercury: Pursuant to 38 M.R.S. § 420 and 38 M.R.S. § 413 and 06-096 C.M.R. ch. 519, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W002624-59-C-R by establishing interim monthly average and daily maximum effluent concentration limits of 4.5 ppt and 6.8 ppt, respectively, and a minimum monitoring frequency requirement of 4 tests per year for mercury. 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. This permitting is carrying forward the monthly average and daily maximum effluent concentration limits of 4.5 ppt and 6.8 ppt, respectively.

On February 6, 2012, the Department issued a minor revision to the September 27, 2011 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). This minimum monitoring frequency is being carried forward in this permitting action.

A review of the Department's database for the period August 1998 through October 2025 is as follows.

Mercury (n = 63)

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)
Monthly Average	4.5	0.75 – 11.0	2.3
Daily Maximum	6.8		

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 the 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 Sabattus River, a Class C water at the Sabattus Sanitary District's outfall, an in-stream TP limit of 44 µg/liter (0.044 mg/liter) during August median flow conditions.

Data from 2004 on the Sabattus River indicates that the ambient total phosphorus level for the discharger is 0.053 mg/L. The permittee conducted ambient sampling in 2017 (June 1 through September 30). This sampling indicated that the Sabattus River's total phosphorus seasonal geomean is 0.22 mg/L. This permit will be using the 2017 background concentration value for the Sabattus River to calculate the permit limits for total phosphorus.

Dates	Monthly Average (mg/L)	Daily Maximum (mg/L)
June 2017	0.4	0.4
July 2017	0.4	0.4
August 2017	0.11	0.09
September 2017	0.2	0.16

The permittee conducted effluent monitoring for total phosphorus in the summers (June - September) starting in 2017, as required by the November 2016 permit and carried forward in the April 2017 permit modification. Based on this data, a seasonal geomean was calculated based on the results. The permittee started using a treatment for phosphorus in 2021, due to the start of treatment the Department decided to use the seasonal geomean of the 2023 data is 0.33 mg/L (330 µg/L) and is considered representative of the discharge from the facility.

Flow in the Sabattus River at the Sabattus Sanitary District's outfall is controlled by releases at the Sabbattus Pond Dam (the "Sleeper Dam") 1.2 miles upstream. During the summer months, the minimum flow release is set at 3.7 cfs (2.39 MGD). The department considers this flow rate to be the August median flow for purposes of this reasonable potential analysis. Using this river flow, an effluent TP seasonal geomean concentration of 0.33 mg/L, and a background seasonal geomean (based on data the Department has from the upstream Sabattus Pond) TP concentration of 0.084 mg/L, the reasonable potential analysis for total phosphorus is as follows:

Reasonable Potential Analysis

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

Qe = Sabattus effluent flow = 0.12 MGD
Ce = effluent pollutant concentration = 0.33 mg/L
Qs = August median flow of receiving water = 2.39 MGD
Cs = upstream background concentration = 0.084 mg/L
Qr = receiving water flow = (Qe + Qs) = (0.12 MGD + 2.39 MGD) = 2.51 MGD
Cr = receiving water concentration

$$Cr = \frac{(0.12\ MGD \times 0.33\ mg/L) + (2.39\ MGD \times 0.084\ mg/L)}{2.51 MGD} = 0.096\ mg/L$$

Cr = 0.096 mg/L > 0.044 mg/L(Class C TP criterion)→**Yes, reasonable potential exists**

As the total phosphorus in the receiving water after effluent mixing will exceed the total phosphorus criterion of 0.044 mg/L for Class C waters, this permitting action is establishing a seasonal (June 1 – September 30) monthly average mass limit of 0.04 lbs/day and monthly average concentration limit of report only with a 2/Month monitoring requirement for total phosphorus. As the background concentration of the Sabattus River at the permittee's outfall exceeds the total phosphorus criterion for Class C waters, the effluent mass limit is calculated using the Class C criterion as the end-of-pipe effluent concentration limit (i.e., without applying a dilution factor) as follows:

TP mass limit = (Class C criterion)(Discharge Flow limit)(8.34)
= (0.044 mg/L)(0.120 MGD)(8.34)
= 0.04 lbs./day

This permitting action is also establishing a seasonal (June – September), 2/month sampling requirement for background total phosphorus of the river water upstream of the discharge for the first two years of this permit. These results are to be reported under **Outfall #001B**.

This permitting action is also establishing a seasonal (June – September), 2/month sampling requirement for background total phosphorus of the river water downstream of the discharge for the first two years of this permit. These results are to be reported under **Outfall #001C**.

A review of the data for the period of November 2016 through January 2026 is as follows:

Phosphorus Mass (n = 36)

Value	Limit (lbs./day)	Range (lbs./day)	Average (lbs./day)
Monthly Average	Report	0.04 – 4.5	1.24
Daily Maximum	Report	0.047 – 6.1	1.51

Phosphorus Concentration (n = 36)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	Report	0.06 – 6.7	1.93
Daily Maximum	Report	0.08 – 9.5	2.22

j. Whole Effluent Toxicity, 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. Priority pollutant testing refers to the analysis for levels of priority pollutants listed under "Priority Pollutants" on the "Whole Effluent Toxicity, Chemistry and Mercury Reporting Forms." Analytical chemistry refers to those pollutants listed under "Analytical Chemistry" 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 exceedences of narrative or numerical water quality criteria."*

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

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

The four categories for dischargers are as follows:

Level I	Chronic dilution factor of <20:1
Level II	Chronic dilution factor of ≥20:1 but <100:1.
Level III	Chronic dilution factor ≥100:1 but <500:1 or >500:1 and Q ≥1.0 MGD
Level IV	Chronic dilution factor >500:1 and Q ≤1.0 MGD

Based on the criteria, the permittee's facility is considered a Level II discharger as the chronic dilution of the receiving water is ≥ 20:1 (21:1). 06-096 C.M.R. ch. 530(2)(D) specifies *routine* 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: 06-096 C.M.R. ch. 530(3)(E) states:

> "*For effluent monitoring data and the variability of the pollutant in the effluent, the Department shall apply the statistical approach in Section 3.3.2 and Table 3-2 of USEPA's "Technical Support Document for Water Quality-Based Toxics Control" (USEPA Publication 505/2-90-001, March, 1991, EPA, Office of Water, Washington, D.C.) to data to determine whether water-quality based effluent limits must be included in a waste discharge license. Where it is*

determined through this approach that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedence of water quality criteria, appropriate water quality-based limits must be established in any licensing action."

On June 6, 2025, the Department conducted a statistical evaluation on the most recent 60 months of WET test results on file with the Department for the Sabattus POTW in accordance with the statistical approach outlined above. The June 6, 2025 statistical evaluation indicates the discharge from Sabattus has not exceeded or demonstrated a reasonable potential to exceed the critical acute or chronic ambient water quality thresholds for the water flea *(Ceriodaphnia dubia)* or brook trout *(Salvelinus fontinalis)*. See **Attachment D** of this Fact Sheet for a summary of the WET test results.

06-096 C.M.R. ch. 530(2)(D)(3)(c) states, "*Dischargers in Level II may reduce surveillance testing to one WET or specific chemical series every other year provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedance as calculated pursuant to section 3(E).*"

Based on the provisions of 06-096 C.M.R. ch. 530 and Department best professional judgment, this permitting action is carrying forward the reduced surveillance level WET testing requirements for this facility. Therefore, this permitting action is carrying forward the reduced surveillance level reporting and monitoring frequency for WET testing of once every two years (1/ 2 Years). The permittee must file an annual certification with the Department pursuant to 06-096 C.M.R. ch. 530 §2(D)(3) and Special Condition J of the permit.

Beginning 24 months prior to the expiration date of the permit, the permittee must conduct default screening level WET testing of 2/Year.

b. Analytical Chemistry & Priority Pollutant Testing Evaluation:

06-096 C.M.R. ch. 530(4)(C) states:

"The background concentration of specific chemicals must be included in all calculations using the following procedures. The Department may publish and periodically update a list of default background concentrations for specific pollutants on a regional, watershed or statewide basis. In doing so, the Department shall use data collected from reference sites that are measured at points not significantly affected by point and non-point discharges and best calculated to accurately represent ambient water quality conditions. The Department shall use the same general methods as those in section 4(D) to determine background concentrations. For pollutants not listed by the Department, an assumed concentration of 10% of the applicable water quality criteria must be used in calculations."

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 27, 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 indicates that no exceedances or reasonable potential for any pollutants. See **Attachment E** of this Fact Sheet for test dates and results for the pollutants of concern.

As for the remaining chemical specific parameters tested to date, none of the test results in the 60-month evaluation period exceed or have a reasonable potential to exceed applicable acute, chronic or human health AWQC. Therefore, this permitting action is carrying forward the reduced surveillance level reporting and monitoring frequency for analytical chemistry testing of once every two years (1/ 2 Years). As with reduced WET testing, the permittee must file an annual certification with the Department pursuant to 06-096 C.M.R. ch. 530 §2(D)(3) and Special Condition J of the permit.

Beginning 24 months prior to the expiration date of the permit, the permittee must conduct default screening level analytical chemistry testing at 1/Quarter and priority pollutant testing of 1/Year.

8. ANTI-BACKSLIDING

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

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

limitations at the time of permit issuance. All limitations in this permit are equally or more stringent than those in the previous permit.

9. 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.

10. PUBLIC COMMENTS

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

11. DEPARTMENT CONTACTS

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

Asenath Frizzell
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

12. RESPONSE TO COMMENTS

This section reserved for future comments

ATTACHMENT A

MEPDES Facility

- ACTIVE FACILITY
- INACTIVE FACILITY

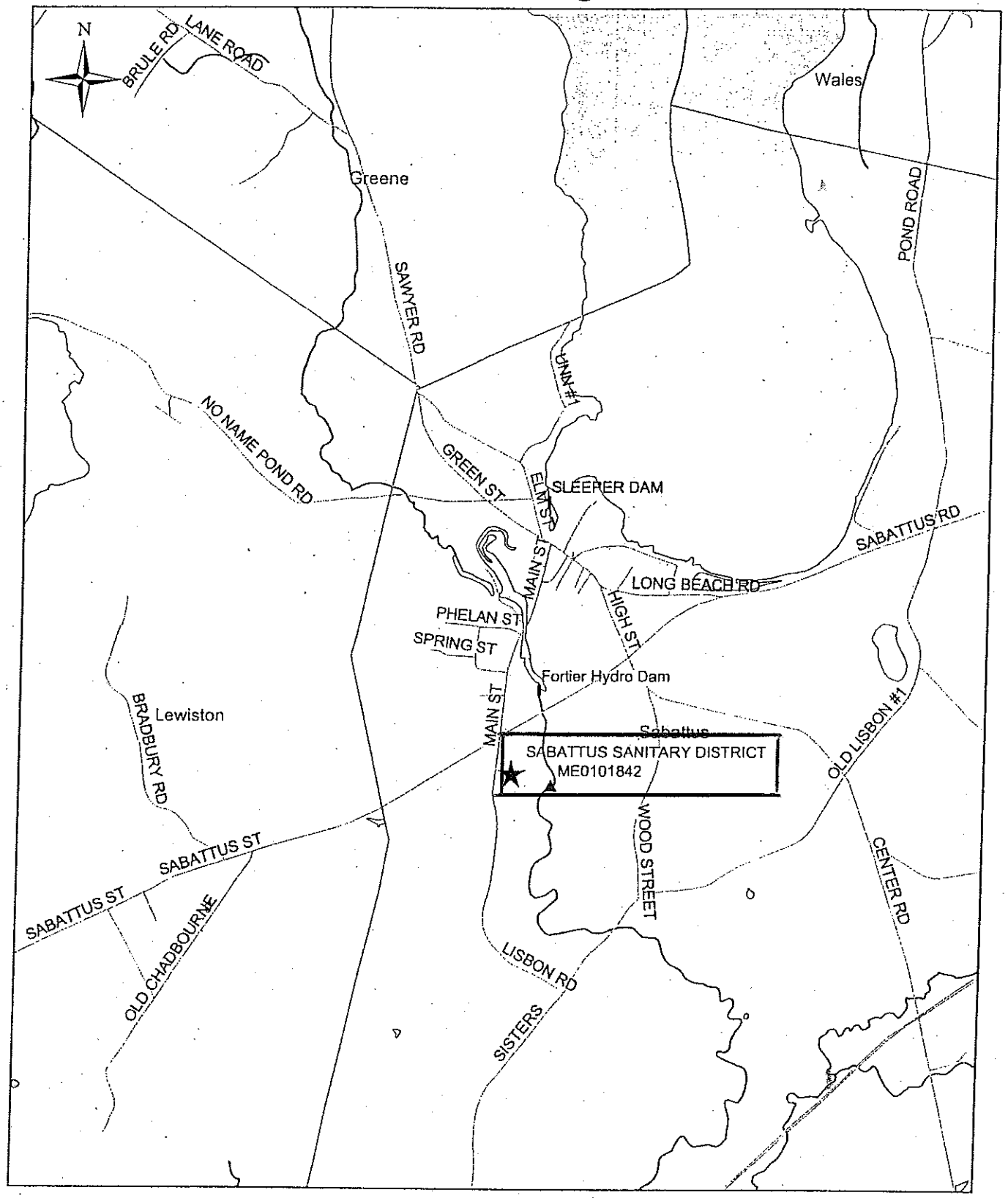
MEPDES Outfalls

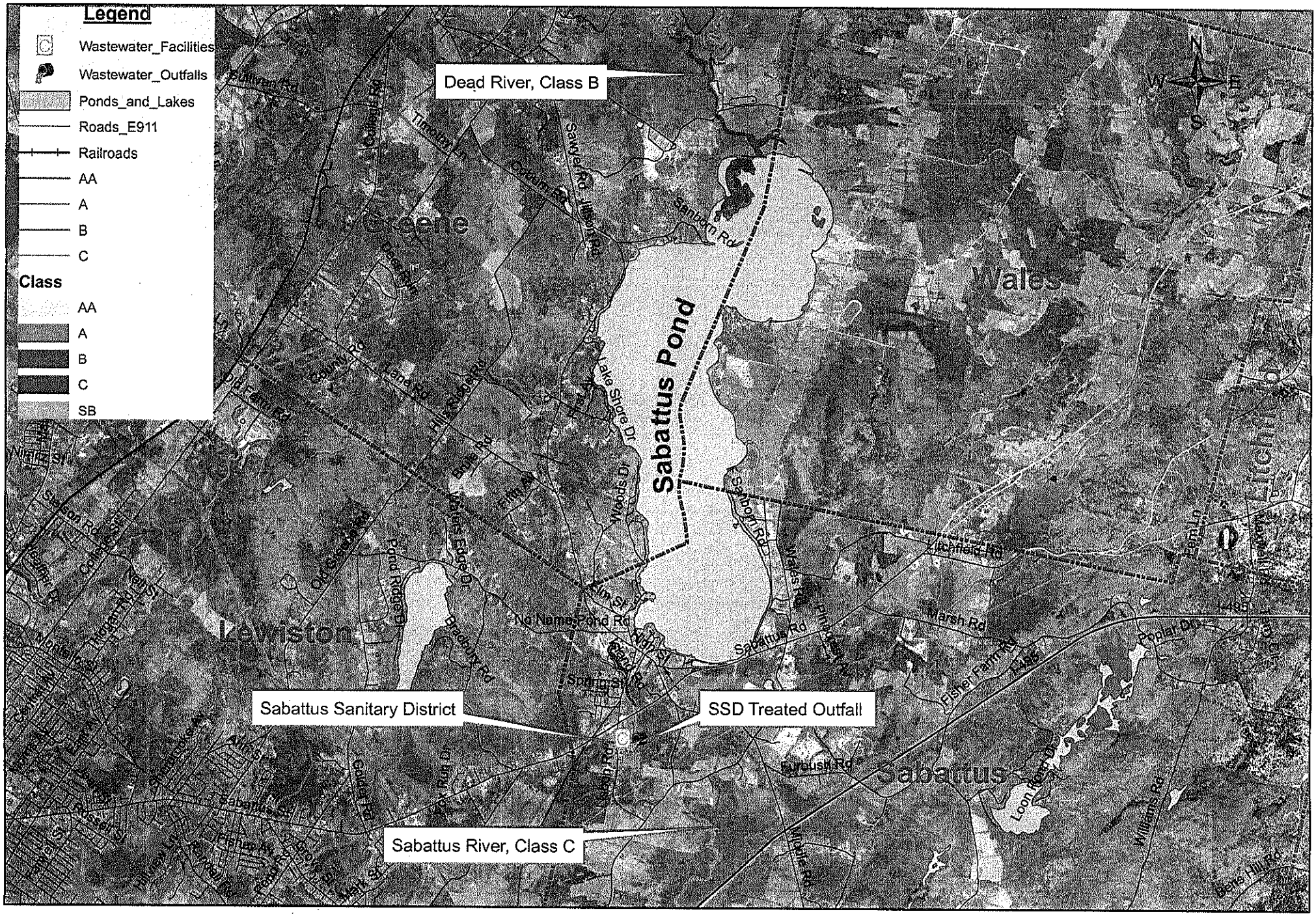
- ACTIVE OUTFALL
- INACTIVE OUTFALL

CSO

- ACTIVE CSO
- CLOSED CSO

Wastewater Licensing Information





Sabattus Sanitary District Area Map, Sabattus, Maine

Map created by Maine DEP
August 21, 2006

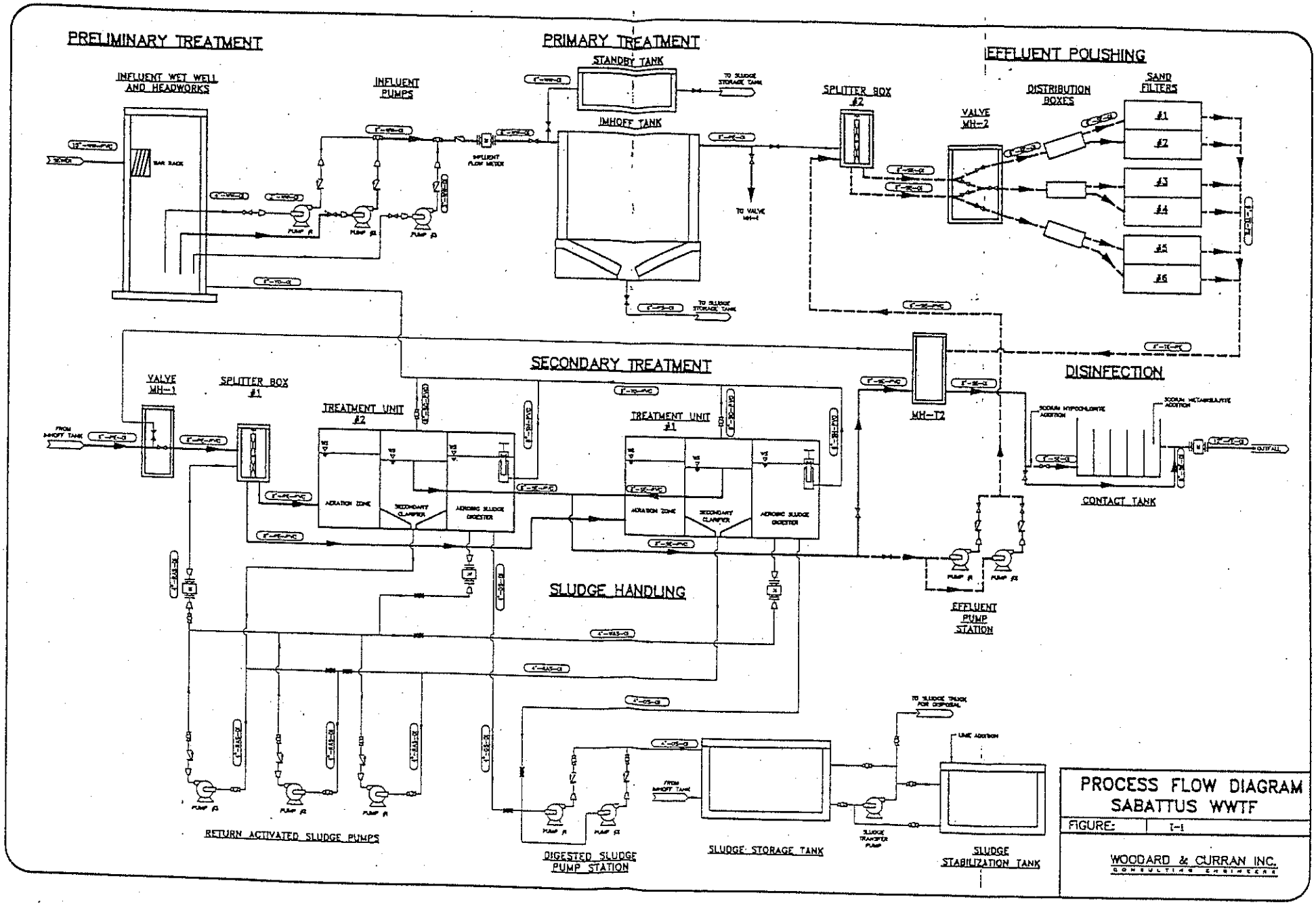
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF MAINE

Sabattus Sanitary District Detail, Sabattus, Maine

Map created by Maine DEP
August 21, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION · STATE OF MAINE

ATTACHMENT B


PRELIMINARY TREATMENT
INFLUENT WET WELL AND HEADWORKS
INFLUENT PUMPS
PRIMARY TREATMENT
STANDBY TANK
IMHOFF TANK
SECONDARY TREATMENT
VALVE MH-1
SPLITTER BOX #1
TREATMENT UNIT #2
TREATMENT UNIT #1
SLUDGE HANDLING
RETURN ACTIVATED SLUDGE PUMPS
DIGESTED SLUDGE PUMP STATION
SLUDGE STORAGE TANK
SLUDGE STABILIZATION TANK
EFFLUENT POUSHING
SPLITTER BOX #2
VALVE MH-2
DISTRIBUTION BOXES
SAND FILTERS
#1
#2
#3
#4
#5
#6
MH-T2
DISINFECTION
CONTACT TANK
EFFLUENT PUMP STATION
PROCESS FLOW DIAGRAM
SABATTUS WWTF
FIGURE: I-1
WOODARD & CURRAN INC.

ATTACHMENT C

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

MEPDES#_____Facility Name_____

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

COMMENTS:

Name (printed): _____

Signature:_____Date: _____

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

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

Scheduled Toxicity Testing for the next calendar year

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

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

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

ATTACHMENT D

FACILITY WET EVALUATION REPORT

Facility: SABATTUS SANITARY DISTRICT **Permit Number:** ME0101842 **Report Date:** 6/6/2025

Receiving Water: SABATTUS RIVER **Rapidmix:** Y

Diluition Factors: 1/4 Acute: N/A Acute: 21.000 Chronic: 21

Effluent Limits: Acute (%): 4.762 Chronic (%): 4.762 **Date range for Evaluation: From** 06/Jun/2020 **To:** 06/Jun/2025

Test Type: **A_NOEL**

Test Species: **TROUT**

Test Date	Result (%)	Status
07/13/2020	100.000	OK
10/19/2022	100.000	OK
03/04/2024	100.000	OK

Species Summary:

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

Test Type: **C_NOEL**

Test Species: **TROUT**

Test Date	Result (%)	Status
07/13/2020	100.000	OK
10/19/2022	100.000	OK
03/04/2024	25.000	OK

Species Summary:

Test Number: 3 **RP:** 3.000 **Min Result (%):** 25.000 **RP factor (%):** 8.333 **Status:** OK

Test Type: **A_NOEL**

Test Species: **WATER FLEA**

Test Date	Result (%)	Status
07/13/2020	100.000	OK
10/19/2022	100.000	OK
03/04/2024	100.000	OK

Species Summary:

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

Test Type: **C_NOEL**

Test Species: **WATER FLEA**

Test Date	Result (%)	Status

07/13/2020	100.000	OK
10/19/2022	100.000	OK
03/04/2024	100.000	OK

Species Summary:

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

ATTACHMENT E

PRIORITY POLLUTANT DATA SUMMARY

Date Range: 06/Jun/2020 - 06/Jun/2025

Facility Name: **SABATTUS SANITARY DISTRICT** NPDES: **ME0101842**

Test Date	Monthly (Flow MGD)	Daily (Flow MGD)	Total Test Number	Test # By Group M	V	BN	P	O	A	Clean	Hg
07/13/2020	NR	NR	18	9	0	0	0	9	0	F	0
11/18/2020	0.09	0.08	17	9	0	0	0	8	0	F	0
10/19/2022	0.10	0.13	19	9	0	0	0	10	0	F	0
03/04/2024	0.14	0.14	19	9	0	0	0	10	0	F	0
04/29/2025	0.10	0.01	133	13	28	46	25	10	11	F	0

Key:

A = Acid O = Others P = Pesticides

BN = Base Neutral M = Metals V = Volatiles

ATTACHMENT F


Phelan St
Main St
Spring St
Sabattus
Houle St
SABATTUS RIVER - STATION 629
A
M
Middle Rd
Sabattus Rd
Ball Park Rd
Lorelie Dr
Craig Ln
Lisbon Rd
Jordan Bridge Rd
SABATTUS RIVER - STATION 630
A
Sabattus River
M

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

Contents

A. GENERAL PROVISIONS

1. General compliance

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

2. Other materials.

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

(a) They are not

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

(ii) Known to be hazardous or toxic by the licensee.

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

3. Duty to comply.

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

(a) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act, and 38 MRSA, §420 or Chapter 530.5 for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

(b) Any person who violates any provision of the laws administered by the Department, including without limitation, a violation of the terms of any order, rule license, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

4. Duty to provide information

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

5. Permit actions

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

6. Reopener clause

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

7. Oil and hazardous substances

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

8. Property rights

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

9. Confidentiality

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

10. Duty to reapply

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

11. Other laws

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

12. Inspection and entry

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

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

B. OPERATION AND MAINTENACE OF FACILITIES

1. General facility requirements.

(a) The permittee shall collect all waste flows designated by the Department as requiring treatment and discharge them into an approved waste treatment facility in such a manner as to maximize removal of pollutants unless authorization to the contrary is obtained from the Department.

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

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

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

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

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

2. Proper operation and maintenance

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

3. Need to halt or reduce activity not a defense

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

4. Duty to mitigate

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

5. Bypasses

(a) Definitions

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

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

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

(c) Notice.

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

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

(d) Prohibition of bypass.

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

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under paragraph (c) of this section.

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

6. Upsets

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

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

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

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

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

C. MONITORING AND RECORDS

1. General Requirements

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

2. Representative sampling.

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

3. Monitoring and records

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

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

(c) Records of monitoring information shall include:

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

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

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

D. REPORTING REQUIREMENTS

1. Reporting requirements.

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

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

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

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

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

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

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

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

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

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

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

(f) Twenty-four hour reporting.

(i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

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

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

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

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

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

2. Signatory requirement

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

3. Availability of reports

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

4. Existing manufacturing, commercial, mining, and silvicultural dischargers

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

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

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

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

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

5. Publicly owned treatment works

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

(i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA or Chapter 528 if it were directly discharging those pollutants.

(ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

(iii) For purposes of this paragraph, adequate notice shall include information on (A) the quality and quantity of effluent introduced into the POTW, and (B) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

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

E. OTHER REQUIREMENTS

1. Emergency action - power failure

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

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

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

2. Spill prevention

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

3. Removed substances

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

4. Connection to municipal sewer

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

F. DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

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

Maximum daily discharge limitation means the highest allowable daily discharge.

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

(a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or

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

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

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

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

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

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

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

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

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

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

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

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

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

DEP INFORMATION SHEET
Appeals to the Board of Environmental Protection

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

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

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

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

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

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

How to Submit an Appeal to the Board

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

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

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

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

Required Appeal contents

A written appeal must contain the information specified in Chapter 2, section 23(B) or section 24(B), as applicable, at the time the appeal is submitted. **Please carefully review these sections of Chapter 2** 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 or 207-287-2811 or the Board Executive Analyst at bill.hinkel@maine.gov or 207-314-1458, or for judicial appeals contact the court clerk's office in which the appeal will be filed.

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