



## RULES AND REGULATIONS

# GOVERNING THE DISCHARGE OF WATER AND WASTES INTO THE POTW

\*\*This sewer use ordinance and standard conditions shall be administered by:

The Lewiston-Auburn Water Pollution Control Authority.

**PROMULGATION STATEMENT (Inter Municipal Agreement)**

This document contains the Rules and Regulations Governing the Discharge of Wastes into the publicly owned treatment works (POTW) and administered by the Lewiston-Auburn Water Pollution Control Authority (the Authority).

The Authority (Superintendent) shall maintain an Industrial Pretreatment Program and will be responsible for issuing all wastewater discharge permits contributing to the collection system, inspections of Industrial Users, POTW required sampling and enforcement of the Rules and Regulations.

These Rules & Regulations set forth the requirements for all Users of the POTW and enables the City of Lewiston Sewer Division, Auburn Sewerage District and the Authority to comply with all applicable State and Federal laws including, but not limited to, the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403).

The City of Lewiston Sewer Division, Auburn Water and Sewer District and the Authority reserve the right to have or establish other programs and rules to effectively maintain all aspects of the POTW.



Mark A. Adams, Chairman  
Lewiston Auburn Water Pollution Control Authority  
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## **SECTION 1      GENERAL PROVISIONS**

### **1.1    Purpose and Policy**

These Rules and Regulations set forth requirements for Users of the Lewiston-Auburn Water Pollution Control Authority (hereinafter called the Authority) and the collection system which enables the Authority to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of these Rules and Regulations are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works (either collection system and/or the Authority's wastewater treatment plant) that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect the general public, Lewiston Sewer Division, Auburn Sewerage District and Authority personnel who may be affected by wastewater and sludge in the course of their employment;
- D. To protect and promote the beneficial reuse of the Authority's biosolids (wastewater treatment sludge);
- E. To promote reuse and recycling of industrial wastewater and sludge;
- F. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Authority; and
- G. To enable the Authority to comply with its Maine Pollutant Discharge Elimination System permit conditions, biosolids use and disposal requirements and any other Federal or State laws to which the Authority is subject.

These Rules and Regulations shall apply to all Users of the POTW. The Rules and Regulations authorize the issuance of wastewater discharge permits; provide for monitoring, compliance and enforcement activities; establish administrative review procedures; require User reporting; and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

### **1.2    Administration**

Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of these Rules and Regulations. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other Authority personnel.

### 1.3 Abbreviations

The following abbreviations, when used in these Rules and Regulations, shall have the designated meanings:

- BOD -Biochemical Oxygen Demand
- CFR -Code of Federal Regulations
- COD -Chemical Oxygen Demand
- CAS # -Chemical Abstracts Service Number
- DEP -Maine Department of Environmental Protection
- EPA -U.S. Environmental Protection Agency
- gpd -gallons per day
- mg/L -milligrams per Liter
- MEPDES -Maine Pollutant Discharge Elimination System
- POTW -Publicly Owned Treatment Works
- RCRA -Resource Conservation and Recovery Act
- SIC -Standard Industrial Classification
- TSS -Total Suspended Solids
- U.S.C. -United States Code

### 1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in these Rules and Regulations, shall have the meanings hereinafter designated.

- A. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*
- B. Approval Authority. Commissioner of the Maine Department of Environmental Protection.
- C. Authority. The Lewiston-Auburn Water Pollution Control Authority.

D. Authorized Representative/Signatory of the User.

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements ; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official elected or appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate another authorized representative/signatory if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Authority prior to or at the time of report submittal. If an authorization is no longer accurate because a different person has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraphs 1, 2 or 3 of this section must be submitted to the Authority prior to, or together with, reports to be signed by an authorized representative/signatory.

E. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/L).

F. Biomedical waste. Wastes identified by the Maine Department of Environmental Protection in Chapter 900 "Biomedical Waste Management Rules," Section 7. [Note: the following are NOT biomedical waste: urine and feces, septic tank waste, water and wastewater samples.]

G. Biosolids. Publicly owned wastewater treatment plant solids or residuals that may be beneficially reused in land application.

H. Bypass. The intentional diversion of wastes from any portion of a treatment facility.

- I. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- J. Composite Sample. A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample must be composited as a *flow proportional composite sample* collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots. If flow proportional sampling is not feasible, a *time composite sample* composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow shall be collected. A composite sample must be solely representative of the discharge from the regulated wastewater discharge /sampling point during a single 24 hour period. Automatic samplers should be set to collect at least 48 samples per 24 hour period for time proportional samples, or to collect at least 24 samples per 24 hour period for flow proportional samples. When manual collection is necessary, it should be scheduled for a minimum of 12 samples spread out evenly over the entire processing or sampling period. The manual sampling period shall not exceed a 24 hour period.
- K. Control Authority. The Lewiston Auburn Water Pollution Control Authority.
- L. Conventional Pollutants. As defined by Federal law, these include BOD, TSS, bacteria, oil and grease, Settleable Solids, temperature and pH [40 CFR 401.16].
- M. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- N. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- O. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- P. Existing Source. Any source of discharge that is not a “New Source.”
- Q. Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes. Unless allowed by a Categorical Standard or in a User permit to be collected by composite sample, the following pollutants shall be sampled as grab samples: phenols, sulfide, cyanide, pH, temperature, Oil & Grease, volatile organics and closed cup flashpoint.
- R. Hazardous waste. Hazardous waste or substance as defined under Maine Department of Environmental Protection Regulations, Chapter 850, and/or rules under the Federal Resource Conservation Recovery Act, 42 U.S.C. Section 9601, and specifically hazardous wastes as defined in Chapter 40 CFR Part 261. These are considered hazardous wastes in the State of Maine.



- S. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
- T. Instantaneous Maximum Concentration. The maximum concentration allowed in any single grab sample.
- U. Interference. A Discharge which either alone or in conjunction with a discharge or discharges from other sources, either,
- (1) Inhibits or disrupts the POTW, its treatment processes, operations or collection systems;
  - (2) Endangers the health and safety of sewer workers, wastewater treatment plant personnel, or the general public;
  - (3) Prevents the Authority's ability to use or dispose of its biosolids in compliance with any statutory or regulatory provisions or permits issued hereunder, or any more stringent State or local regulations. These include, but are not limited to: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act; or,
  - (4) Is a cause of a violation of the any requirement of the Authority's MePDES permit (including an increase in the magnitude or duration of a violation).
- V. Local Limit. Specific discharge limits developed and enforced by the Authority upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- W. Monthly Average. The arithmetic mean of the values for effluent samples collected during a calendar month or specified 30-day period.
- X. Monthly Average Limit. 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.
- Y. New Source.
- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
    - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
    - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, shall be considered; or

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program

(i) Any placement, assembly, or installation of facilities or equipment; or

(ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Z. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

AA. Non-Polar Oil & Grease or Oil & Grease, Non-Polar. Components of n-Hexane extractable material (HEM) that are not adsorbed by silica gel; i.e., non-polar material (NPM), using EPA Method 1664 or equivalent.

BB. Oil & Grease, Polar. The difference between Total Oil & Grease by EPA Method 1664 or equivalent and Non-polar Oil & Grease (material).

CC. Pass Through. A discharge which exits the POTW into waters of the United States 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 Authority's MEPDES permit, including an increase in the magnitude or duration of a violation.

DD. Person. Any individual, partnership, co-partnership, joint venture, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

- EE. pH. A measure of the acidity or alkalinity of a material, liquid or solid, expressed in standard units. pH represents the negative logarithm of the hydrogen-ion activity in gram equivalents per Liter used in expressing both acidity and alkalinity on a scale whose values run from 0 (zero) to 14, with 7 representing neutrality, numbers less than 7 increasing acidity, and numbers greater than 7 increasing alkalinity.
- FF. Pollutant. The term pollutant includes, but is not limited to (1) Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, biomedical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, or agricultural wastes discharged into water and/or sewers; and, (2) certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).
- GG. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration may be obtained by physical, chemical, or biological processes, process changes, or by other means, except as prohibited (dilution of the concentration of the pollutants to meet applicable Pretreatment Standards).
- HH. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.
- II. Pretreatment Standards or Standards. Pretreatment Standards shall mean (1) National Pretreatment Standards, including prohibited discharge standards and Categorical Pretreatment Standards; and (2) local limits.
- JJ. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of these Rules and Regulations.
- KK. Publicly Owned Treatment Works or POTW. A “treatment works”, as defined by Section 212 of the Act (33 U.S.C. §1292). This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. In the case of these Rules and Regulations, Portions of the POTW are owned and operated by the City of Lewiston Sewer Division, the Auburn Sewerage District and the Authority.
- LL. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- MM. Sewage. DOMESTIC SEWAGE. Human excrement and gray water (household showers, dish washing operations, etc.).

NN. Significant Industrial User.

- (1) An Industrial User subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N; or
- (2) Any other Industrial User that:
  - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
  - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the Authority's wastewater treatment plant; or
  - (c) Is designated as such by the Authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- (3) Upon a finding that a User meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Authority may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

OO. Slug Load or Slug. Any pollutant released in a discharge at a flow rate or concentration which could either (1) cause a violation of the prohibited discharge standards in Section 2.1 of these Rules and Regulations; or (2) cause or contribute to Interference at the POTW or collection system.

PP. Standard Industrial Classification (SIC) Code. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Executive Office of the President, Office of Management and Budget.

QQ. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

RR. Superintendent. The person designated by the Authority's Board of Directors to supervise the operation of the Authority's wastewater treatment plant, and who is charged with certain duties and responsibilities by these Rules and Regulations, or a duly authorized representative.

SS. Total Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering through a glass-fiber filter disk (Whatman 934AH or equivalent).

TT. Upset. An exceptional incident in which there is unintentional and temporary non-compliance with Categorical Pretreatment Standards or permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.

- UU. User or Industrial User. A source of indirect discharge.
- VV. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, and which may be contributed to the POTW.
- WW. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- XX. Weekly Average. The arithmetic mean of the values for effluent samples collected over a period of seven consecutive days.

## **SECTION 2 GENERAL SEWER USE REQUIREMENTS**

### **2.1 Prohibited Discharge Standards**

- A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
  - (2) Wastewater having a pH less than 5.0 standard units, or more than 12.4 standard units, or otherwise causing corrosive structural damage to the POTW or equipment;
  - (3) Pollutants, including Total Suspended Solids and solid or viscous substances, in amounts or concentrations that will cause obstruction of the flow in the POTW or resulting in any other interference;
  - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause or have the potential to cause interference at the POTW;
  - (5) Wastewater having a temperature greater than 140 degrees Fahrenheit, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
  - (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause or have the potential to cause interference or pass through;

- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems. These include but are not limited to the Toxic and Reactive Gases and Vapors for which the Authority has set screening levels and local limits.
- (8) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 3.5 of these Rules and Regulations;
- (9) Noxious liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater that imparts color which cannot be removed by the Authority's treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Authority's MEPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations; and any radioactive wastes that cause the Authority to violate any wastewater discharge standard, or cause interference with the Authority's sludge utilization practices;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the City of Lewiston Sewer Division, the Auburn Sewerage District, or the Authority;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes, except when specifically authorized by the Superintendent in a wastewater discharge permit or discharge agreement;
- (14) Biomedical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit or discharge agreement;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a whole effluent toxicity or bioassay test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the Authority's wastewater treatment plant or effluent (discharge);
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations that may cause or contribute to interference or pass-through;
- (18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the public sewer system or wastewater treatment plant or at any point in the POTW, of more than ten percent (10 %), or any single reading over twenty percent (20%) of the Lower Explosive Limit of the meter;

(19) Wastewater containing toxic or reactive gases above the screening levels (concentrations) for toxicity either established or recommended by the EPA, unless the Industrial User has prepared a control and reduction plan for the toxic or reactive gases and vapors, and is implementing any corrective measures or other actions (e.g., continuous monitoring) required by the Authority; or

(20) Any waste or wastewater that meets the State of Maine definition of a hazardous waste, except when the Industrial User holds a current State of Maine permit or license for such discharge and the treatment of such discharge by the Authority will not require the Authority to obtain a hazardous waste treatment license or permit.

\*All Users must take reasonable measures to assure that pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

## **2.2 National Categorical Pretreatment Standards**

Users must comply with the Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

- A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the Superintendent may impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- C. A User may petition the EPA to obtain a variance from a Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.
- D. The Superintendent may grant to a User a net gross adjustment to a Categorical Standard in accordance with 40 CFR 403.15. The User shall be responsible for providing the Authority with all data necessary to demonstrate that environmental degradation will not result.
- E. The Superintendent reserves the right to establish equivalent mass limits on a case by case basis.

### 2.3 Local Limits

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing pollutants in excess of the following standards (limits):

#### A. Uniform Limitations

Based on its assessments, the Authority is implementing and enforcing uniform concentration technically based local limits for Industrial Users. The pollutants and limitations are as follows:

#### Local Limits on Conventional and Non-Conventional Pollutants:

<u>(a) Pollutant</u>	<u>Limit (maximum daily average) mg/L</u>
Total Arsenic	0.99
Total Cadmium	0.03
Total Chromium	4.28
Total Copper	1.22
Total Lead	0.59
Total Mercury	0.017
Total Nickel	0.75
Total Selenium	2.52
Total Silver	0.82
Total Zinc	2.95

  

<u>(b) Pollutant</u>	<u>Limit (daily maximum)</u>
Total Cyanide	0.73 mg/L
Non-Polar Oil & Grease	100 mg/L
Temperature	140 degrees Fahrenheit

  

<u>(c) Pollutant</u>	<u>Limit</u>
pH	maximum per day: 12.4 s.u. minimum per day: 5.0 s.u.
Closed Cup Flashpoint	not less than 140 degrees Fahrenheit



## B. Specific Limits for Industrial Users

- (1) The Authority may impose upon an Industrial User a specific limit on a pollutant not listed as having a uniform concentration limit in Section 2.3, when, in its opinion, a specific limit is warranted to either prevent interference with the operation of the collection system or wastewater treatment works, or to protect the Authority's solids utilization and disposal practices, or to prevent pass-through of pollutants into the receiving water.

Specific limits on pollutants shall be implemented and enforced by the Authority on an Industrial User by either a legal agreement with the Industrial User or by an administrative order issued by the Authority's Board of Directors.

## C. Demonstration of Compliance with Local Limits

- (1) The Authority's local limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. Industrial Users must demonstrate compliance with local limits.

(a) Except for toxic and reactive gases and vapors, in cases where the analytical result for a pollutant is reported as "trace" or "below detection limit" the pollutant will be considered to be present in the same amount as the analytical detection limit reported (as corrected for any sample dilution), unless the Industrial User has provided satisfactory evidence to the Authority that a matrix interference or other matrix problem exists.

(b) To provide satisfactory evidence of matrix interference or matrix problems, the Industrial User must employ an independent contract laboratory that must follow procedures and provisions of the EPA's Guidance on Evaluation, Resolution, and Documentation of Analytical Problems Associated with Compliance Monitoring, EPA 821-B-93-001. In cases of a documented matrix interference or matrix problem, the Authority will consider a pollutant, that is tested with a result reported as "trace" or "below detection limit," to be present at the method detection limit (or minimum detection level in cases where the method does not provide for a method detection limit) specified in the analytical method used.

(c) The Superintendent may require an Industrial User to make reasonable efforts to eliminate the cause of a matrix interference.

## 2.4 Alternate Limits

A. The Superintendent may impose mass limitations in addition to, or in place of, concentration-based local limits or Pretreatment Standards.

B. The Superintendent may impose allocated limits, unique to a Significant Industrial User, in place of or in addition to the concentration limits listed in Section 2.3, when the Industrial User will contribute more than 10% of the Authority's design flow, as specified in the Authority's MEPDES permit, or will contribute more than 10% of the maximum headworks loading, as determined by the Superintendent, of any pollutant, including but not limited to BOD, TSS and flow. The Superintendent may also require the Industrial User to provide or contribute to an analysis of the Authority's loading and treatment capacities relative to the pollutant being limited.

C. In cases where the EPA has not approved a technically based local limit on a pollutant and the Superintendent finds that a local limit on that pollutant is necessary to prevent interference or pass-through, or protect the Authority's biosolids utilization or disposal practices, the Superintendent may impose an interim limit for that pollutant in any wastewater discharge permit.

D. The Superintendent may devise and include best management practice (BMP) limits in permits. BMP limits may be required by a Categorical Pretreatment Standard, State or local law. The Superintendent may devise BMP alternative limits in lieu of a specific local limit. Best Management Practice limits shall be enforceable as Federal, State and local Pretreatment Standards and Requirements.

## **2.5 Authority's Right of Revision**

A. The Authority may revise or amend these Rules and Regulations, including but not limited to pollutants limits established in this document or in specific wastewater discharge permits, after due notice is published in a newspaper available in each Municipality served by the Authority, and opportunity is given for public comment and public hearing.

B. The Authority may, at the request of any User adversely affected by such revision or amendment, provide the User with a reasonable opportunity to alter its discharge or its facilities so as to bring itself into compliance. Such opportunity may be governed by a compliance schedule or other administrative order issued by the Superintendent.

## **2.6 Dilution**

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Superintendent may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

## **2.7 Promotion of Pollution Prevention and Water Conservation**

Any User who decreases the use of process water either by recycling, reclamation or other Authority approved pollution prevention means may petition the Authority for a mass limit in lieu of a concentration limit. If the Superintendent finds that the decrease in water use is significant and approves the application, the Authority will calculate a pollutant specific mass limitation based on the User's average annual flow for the year preceding the water conservation implementation, and the approved local limit in force. The Superintendent may re-consider the effective term of the mass limit whenever the User's existing wastewater discharge permit is renewed, and any significant increase in water usage by the User may be considered reason for revocation of the mass limit. This provision applies only to local limits and DOES NOT APPLY to Categorical Standards or other standards.

## SECTION 3     **PRETREATMENT OF WASTEWATER**

### **3.1 Pretreatment Facilities**

Users shall provide wastewater treatment as necessary to comply with these Rules and Regulations and shall achieve compliance with all Categorical Pretreatment Standards, local limits, and the prohibitions set out in Section 2.1 of these Rules and Regulations within the time limitations specified by the EPA, DEP or the Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Authority under the provisions of these Rules and Regulations.

### **3.2 Additional Pretreatment Measures**

- A. Whenever deemed necessary, the Superintendent may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the sewer system and treatment plant, and determine the User's compliance with the requirements of these Rules and Regulations.
- B. The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable control structure to facilitate observation of the discharge, collection of representative wastewater samples, and/or measurement of wastewater flow and pollutants. The Superintendent may additionally require the construction of a storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization. Any control structures shall be designed and constructed to allow safe and unimpeded access by the Authority's inspectors, and shall be maintained to be safe and accessible at all times.
- C. Users with the potential to discharge toxic and/or flammable substances, vapors or gases, may be required by the Superintendent to install and maintain an approved gas detection meter.
- D. Grease, oil and sand interceptors shall be provided by the User/Industrial User when in the opinion of the Superintendent they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil, or sand. All interception units shall be of a type and capacity approved by the Superintendent and shall be located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired in accordance with the manufactures recommendation or the requirements set forth by the Superintendent (when deemed necessary by the Authority) by the User at their expense.

### **3.3 Accidental Discharge/Slug Control Plans**

The Superintendent or the Pretreatment Coordinator shall evaluate, at least once per permit cycle, whether or not each Significant Industrial User needs an accidental discharge/slug control plan. The Superintendent may require any User to develop, submit for approval, and implement such a plan. An accidental discharge/slug control plan shall be designed in accordance with EPA guidance and address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Superintendent or Pretreatment Coordinator of any accidental or slug discharge, as required by Section 6.7 of these Rules and Regulations; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building and/or usage of secondary containment structures or equipment, grounding of explosive material containers, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- E. A provision to notify the Authority immediately of any changes at the facility affecting the potential for a slug discharge.

### **3.4 Discharge of Toxic and Reactive Gases and Vapors**

Pollutants or any discharge which results in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems shall not be discharged or otherwise introduced into the POTW.

When the Superintendent has identified a specific Industrial User as an actual or potential source of a discharge of toxic and reactive gases and vapors, the Superintendent may place requirements in the User's control mechanism (e.g., permit or administrative order) to specifically address that discharge.

The Superintendent may impose specific permit conditions, which may include best management practices, on a User when an Authority review of a discharge application or an Authority inspection reveals practices or conditions at a User's facility which indicate a potential to discharge toxic and reactive gases and vapors at known toxic concentrations (e.g., permissible exposure limits) or potentially exceeding the screening levels listed in this section in Table 1. The Superintendent may impose permit conditions as recommended in the United States Environmental Protection Agency "Guidance to Protect POTW Workers from Toxic and Reactive Gases and Vapors," including, but not limited to:

1. Management practices - Industrial User management plans to control industrial discharges of reactive gases and vapors, toxic pollutants and to mitigate unsafe conditions, including but not limited to, installation of air monitoring devices and alarm systems;

2. Data collection studies - monitoring and reporting requirements in the Industrial User's permit in addition to routine monitoring requirements. A requirement for a data collection study where problems such as worker health effects are identified may include studies of both the User's wastestream and the sewer air space at the point of connection to the sewer line;
3. Facility permit specific discharge limits - a discharge limit developed using site specific data supplied by the User and other data needed as necessary, including the toxic and reactive gas and vapor screening levels listed in this section, and the permissible exposure limits (PEL) established by the Occupational Safety and Health Administration (OSHA);
4. Hazard identification - requirements for the User to implement processes and procedures to identify potentially hazardous tasks and situations to which POTW workers could be exposed during daily work activities, either on the Industrial User's site or in the public sewer system. Hazard identification requirements may include, but are not limited to, installation of gas/vapor specific air monitoring devices at the point of connection to the public sewer line, and worker exposure studies for POTW employees;
5. Worker training - identification of safe working procedures for POTW employees who might be exposed to the User's reactive or gas/vapor discharges and periodic chemical specific training by a certified trainer for POTW employees.

Table 1 TRGV Screening Levels

POLLUTANT (COMPOUND)	CAS #	SCREENING LEVEL (mg/L)
Acrylonitrile	107-13-1	1.19
Aldrin	309-00-2	0.38
Benzene	71-43-2	0.14
Bis(2-chloromethyl) ether	542-88-1	0.0005
Bromoform	75-25-2	0.24
Bromomethane	74-83-9	0.002
Carbon disulfide	75-15-0	0.06
Carbon tetrachloride	56-23-5	0.03
Chlordane	57-74-9	1.27
Chlorobenzene	108-90-7	2.31
Chloroethane	75-00-3	0.42
Chloroform	67-66-3	0.41
Chloromethane	74-87-3	0.07
1,2 Dichlorobenzene	95-50-1	3.75
1,4 Dichlorobenzene	106-46-7	3.55
Dichlorodifluoromethane	75-71-8	0.04
1,1 Dichloroethane	75-34-3	4.58
trans 1,2 dichloroethylene	156-60-5	0.28
1,2 Dichloropropane	78-87-5	3.62
1,3 Dichloropropene	542-75-6	0.08
Dieldrin	60-57-1	13.0
Diethyl phthalate	84-66-2	107
4,6 Dinitro-o-cresol	497-56-3	10.78
Dinitrotoluene	121-14-2	7.21
Endrin	72-20-8	4.9
Ethyl benzene	100-41-4	1.59
Ethylene dichloride	107-06-2	1.05

POLLUTANT (COMPOUND)	CAS #	SCREENING LEVEL (mg/L)
Formaldehyde	50-00-0	0.06
Heptachlor	76-44-8	0.003
Hexachlor-1,3-butadiene	87-68-3	0.0002
Hexachloroethane	67-72-1	0.093
Hexachlorocyclopentadiene	77-47-4	658
Methyl chloride	74-87-3	0.06
Methyl ethyl ketone	78-93-3	249
Methylene chloride	75-09-2	2.06
Naphthalene	91-20-3	2.65
Nitrobenzene	98-95-3	9.41
Pentachlorophenol	87-86-5	4.37
Phenol	108-95-2	1024
1,1,2,2-Tetrachloroethane	79-34-5	0.44
Tetrachloroethylene	127-18-4	0.53
Toluene	108-88-3	1.36
Toxaphene	8001-35-2	0.003
1,2,4-Trichlorobenzene	120-82-1	0.39
1,1,1-Trichloroethane	71-55-6	1.55
1,1,2-Trichloroethane	79-00-5	1.15
Trichloroethylene	79-01-6	0.71
Trichlorofluoromethane	75-69-4	1.23
Vinyl chloride	75-01-4	0.0003
Vinylidene chloride	75-35-4	0.003
Arochlor 1242	53469-21-9	0.01
Arochlor 1254	11097-69-1	0.005

\*Note: In case of discrepancy between CAS# and pollutant name, choose the pollutant named.

### **3.5 Hauled Wastewater/Temporary Discharges**

- A. Septic tank, holding tank or any other hauled waste may be introduced into the POTW only at locations designated by the Superintendent, subject to the conditions and terms established by the Authority. Such waste shall not violate Section 2 of these Rules and Regulations or any other requirements established by the Authority. The Superintendent may require either Users or waste haulers to obtain wastewater discharge permits under these Rules and Regulations or other permitting programs that may be created by the Authority.
- B. The Superintendent may either require any generator of hauled industrial waste to obtain a wastewater discharge permit, temporary discharge permit or refuse to accept the hauled industrial waste. The discharge of hauled industrial waste is subject to the conditions and terms established by the Authority.
- C. Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may require the collection of samples for each hauled load to ensure compliance with applicable standards or may require the industrial waste hauler to provide a wastewater analysis of any load prior to discharge.
- D. Waste haulers must provide a waste tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

## **SECTION 4 WASTEWATER DISCHARGE PERMIT APPLICATION**

### **4.1 Wastewater Analysis**

Whenever required by the Superintendent, a User must submit information on the nature and characteristics of its wastewater within ninety days of the first notice. The Superintendent is authorized to prepare a form for this purpose and may periodically require Users to update this information.

### **4.2 Wastewater Discharge Permit Requirement**

- A. No Significant Industrial User shall discharge wastewater into the POTW without obtaining a wastewater discharge permit from the Superintendent, as provided for in Sections 4.3 of these Rules and Regulations.
- B. The Superintendent may require any User or Significant Industrial User to obtain a wastewater discharge permit as necessary to carry out the purposes of these Rules and Regulations or any other policy or regulations the Authority may have.



- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of these Rules and Regulations and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 and 11 of these Rules and Regulations. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards and Requirements and with any other Federal, State, and local laws.

### **4.3 Wastewater Discharge Permitting for New Connections**

Any User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, completed in accordance with Section 4.4 of these Rules and Regulations, must be filed at least ninety days prior to the date upon which any discharge will begin or recommence.

### **4.4 Wastewater Discharge Permit Application Contents**

All Users required to obtain a wastewater discharge permit must submit a permit application. The Superintendent may require any User to submit as part of an application the following information:

- A. All information required in a baseline monitoring report for an industrial category for which the EPA has established Categorical Standards;
- B. A description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- C. Number and type of employees and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Amount of process wastewater generated for each industrial process conducted at the facility (including each categorical process where applicable);
- G. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge. Such plans must be certified as accurate by a Professional Engineer licensed by the State of Maine;
- H. The average daily flow, maximum daily flow, and minimum daily flow being discharged, or expected to be discharged, to the POTW from each connection to the public sewer;
- I. Time and duration of any batch discharges;
- J. The name, address, and telephone number of the person authorized to make reports to the Authority on behalf of the User as defined in section 1.4(D) of these Rules and Regulations;

- K. A pollutant characterization of each regulated discharge, including but not limited to a summary of the results of any sampling and analysis on the effluent (discharge), or any individual process discharge; and
- L. Any other information as may be deemed necessary by the Superintendent to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and may be returned to the User for revision.

#### ***4.5 Application Signatories and Certification***

All wastewater discharge permit applications and User reports must be certified and signed by an authorized representative/signatory of the User and contain the following Certification Statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

#### ***4.6 Wastewater Discharge Permit Decisions***

The Superintendent will evaluate the data furnished by the User and may require additional information. Within ninety (90) days of receipt of a complete wastewater discharge permit application, the Superintendent will determine whether or not to issue a wastewater discharge permit. The Superintendent may deny any application for a wastewater discharge permit. The User, in addition to any other rights it may have by law, may appeal the Superintendent's decision to the Authority's Board of Directors.

### **SECTION 5 WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS**

#### ***5.1 Wastewater Discharge Permit Duration***

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Superintendent. Each wastewater discharge permit will indicate a specific date upon which it will expire.

## 5.2 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate biosolids and residuals management and disposal, and protect against damage to the POTW.

- A. A wastewater discharge permit must contain:
- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;
  - (2) A statement that the wastewater discharge permit is nontransferable without prior notification to, and approval of, the Authority in accordance with Section 5.5 of these Rules and Regulations, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  - (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
  - (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type (grab sample or composite sample) based on Federal, State, and/or local law;
  - (5) A statement of applicable administrative, civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
  - (6) Requirements to control Slug Discharge, if determined by the Superintendent to be necessary.
- B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  - (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including but not limited to a provision that such facilities are safely accessible;
- (6) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the wastewater discharge permit;
- (7) Requirements for Best Management Practice limits;
- (8) Other conditions as deemed appropriate by the Superintendent to ensure compliance with these Rules and Regulations, Federal and State laws, rules and regulations.

### **5.3 Wastewater Discharge Permit Appeals**

Any person, including the User, may petition the Authority and its Superintendent to reconsider the terms of a wastewater discharge permit within ninety (90) days of notice of its issuance.

- A. The Authority may consider any failure to submit a timely petition for review as a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the Superintendent fails to act within ninety (90) days, a request for reconsideration shall be deemed to be denied. Such a denial may be appealed to the Authority's Board who shall meet to consider the appeal within sixty (60) days of the notice of appeal. A Board decision not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

### **5.4 Wastewater Discharge Permit Modification**

The Superintendent may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

- B. To address significant or substantial alterations or additions to the User's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the sewage collection system, the wastewater treatment plant, sewer workers and Authority personnel, the Authority's biosolids or residuals, or the receiving waters;
- E. Information indicating that the permitted discharge is likely to contribute to or cause a violation of any terms or conditions of the Authority's Federal or State wastewater discharge permits;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

### ***5.5 Wastewater Discharge Permit Transfer***

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Superintendent and the Superintendent approves the wastewater discharge permit transfer. Notice to the Superintendent must include a written certification by the new owner or operator that:

- A. The new owner and/or operator has no immediate intent to change the facility's operations or processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Affirms or otherwise verifies that the new owner and/or operator assents to, and assumes full responsibility for, complying with all provisions of the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

## **5.6 Wastewater Discharge Permit Revocation**

The Superintendent may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to provide prior notification to the Superintendent of a significant or substantial change in the characteristics of a wastewater discharge;
- B. Failure to provide prior notification of changed conditions pursuant to Section 6.6 of these Rules and Regulations;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with any sampling or monitoring equipment;
- F. Refusing to allow authorized Authority personnel timely access to the facility premises and records;
- G. Failure to comply with effluent limitations;
- H. Failure to pay administrative penalties or fines;
- I. Failure to meet compliance schedule dates or conditions;
- J. Failure to complete a wastewater discharge permit renewal application;
- K. Failure to provide advance notice of the transfer of business ownership or operation of a permitted facility; or
- L. Violation of any Pretreatment Standard or Requirement, or any term of the wastewater discharge permit or these Rules and Regulations.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular User are void upon the issuance of a new wastewater discharge permit to that User, the new permit superseding the previous permit.

## **5.7 Wastewater Discharge Permit Reissuance**

A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.4 of these Rules and Regulations. The application must be submitted a minimum of 90 days prior to the expiration of the User's existing wastewater discharge permit, but not sooner than 180 days prior to the expiration date.

## **5. 8 Regulation of Waste Received from Other Jurisdictions**

The Auburn Sewerage District and the City of Lewiston (Sewer Division of Public Works) shall indemnify, save and hold harmless the Authority against and from all claims, losses, damages and expenses including attorneys' fees, and any penalties or fines which may be imposed by any court of competent jurisdiction or administrative body with the authority to levy penalties or fines which arise from any discharge into the sewer lines of the Auburn Sewerage District or the City of Lewiston and which originate outside the City limits of either Auburn or Lewiston. Said indemnification shall include any cases of interference with the Authority's treatment processes or operations, pass through, introduction of prohibited discharges into the Authority's treatment works, damage to the equipment of the Authority or which result in any violation of the Authority's MEPDES permit.

In addition, the Auburn Sewerage District and the City of Lewiston Division of Water and Sewer shall notify the Authority of any and all Users of the sewer system currently owned by the Auburn Sewerage District or the City of Lewiston which serve persons or businesses outside of the City limits of Auburn or Lewiston prior to any discharge into the sewer systems serving the Authority's treatment works.

## **SECTION 6 REPORTING REQUIREMENTS**

### **6.1 Reports Required to Demonstrate Compliance**

All reports submitted for the Industrial Pretreatment Program, or any other program the Authority has in place, must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. The Superintendent shall require the frequency of monitoring and reporting necessary to assess and assure compliance by Industrial Users with local limits and other applicable Pretreatment Standards and Requirements on a case by case basis.

### **6.2 Baseline Monitoring Reports**

- A. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the Authority shall submit to the Superintendent a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Superintendent a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable Categorical Standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth as follows:

- (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
- (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such User. This description shall include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
- (5) Measurement of Pollutants.
  - (a) The User shall identify the Pretreatment Standards applicable to each regulated process.
  - (b) The User shall take one or more representative composite samples, the minimum number to be determined by the Superintendent, and the number of grab samples specified in 40 CFR 403.12(g)(4), to compile the data necessary to comply with the baseline monitoring report requirements. The User shall submit the results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. Each sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.11 of these Rules and Regulations.
  - (c) Sampling must be performed in accordance with procedures set out in Section 6.12 of these Rules and Regulations.
- (6) Compliance Certification. A statement, reviewed by the User's authorized representative and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
- (7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.3 of these Rules and Regulations.



(8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.5 of these Rules and Regulations.

### **6.3 Compliance Schedule Progress Reports**

The following conditions shall apply to any compliance schedule required by Section 6.2(B)(7) of these Rules and Regulations:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

### **6.4 Reports on Compliance with a Categorical Pretreatment Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a new source within 90 days following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and requirements shall submit to the Superintendent a report containing the information described in Section 6.2(B)(1-6) of these Rules and Regulations. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.5 of these Rules and Regulations.

### **6.5 Periodic Reports on Compliance**

- A. All Users must provide information, with all costs associated to be borne by the User, on the amount and type of pollutants present in their discharges to the Authority, at least as frequently as required by the Superintendent.

- B. All Significant Industrial Users shall at a frequency determined by the Superintendent, but in no case less than twice per year, for the periods ending in June and December, shall submit a report indicating the nature and concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 4.5 of these Rules and Regulations.
- C. The User must assure that wastewater samples are representative of the User's discharge.
- D. The User must provide any wastewater monitoring and flow measurement facilities required by the Superintendent for assessing compliance, and shall properly operate, keep clean, calibrate as recommended by the manufacturer, and maintain good working order of these facilities at all times.

The failure of a User to keep any monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

- E. If a User subject to the reporting requirements in this section monitors any pollutant more frequently than required by the Superintendent during the reporting period covered by the report, using the procedures prescribed in Section 6.11 and 6.12 of these Rules and Regulations, the results of this monitoring shall be included in the report.
- F. Any results of analysis showing that an Industrial User is or will be in non-compliance with applicable Pretreatment Standards must be submitted by the Industrial User to the Authority within fourteen days of receipt.
- G. If a User has a permit where a local limit or categorical limit requires compliance with a best management practice (BMP) or pollution prevention alternative limit, the User must submit documentation necessary to determine the compliance status of the User as required by the Superintendent or the Pretreatment Standard.

## **6.6 Reports of Significant Changes in Process or Discharge**

Each User must promptly notify the Superintendent, in writing, of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater.

- A. The Superintendent may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.4 of these Rules and Regulations.
- B. The Superintendent may issue a wastewater discharge permit under Section 4.6 of these Rules and Regulations or modify an existing wastewater discharge permit under Section 5.4 of these Rules and Regulations in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases or decreases of 20% (twenty percent) or greater, a 20% (twenty percent) increase in the concentration or mass of BOD, TSS or other pollutants, and the discharge of any previously unreported pollutant.

## **6.7 Reports of Spills, Slug Discharges or Potential Problems**

- A. Each Significant Industrial User must notify the Authority immediately of any changes at its facility affecting the potential for a slug discharge, as required by State and Federal Pretreatment Regulations.
- B. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, the User shall immediately telephone or email and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- C. Within five (5) days following a spill or slug discharge, the User shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to these Rules and Regulations.
- D. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph B, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

## **6.8 Reports from Other Users**

All Industrial Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Authority as the Superintendent may require. Such instances may include, but are not limited to, an application for permission of a temporary (in most cases, 180 days or less) discharge of wastewater, or a report of analysis for wastewater pollutants.

## **6.9 User's Notice of Violation / Repeat Sampling and Reporting**

If any sampling performed by a User indicates a violation, the User must notify the Superintendent, by telephone, within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation. The User is not required to re-sample when the User monitors at the User's facility at a prescribed frequency of at least once per month. If the Authority collects samples at the User's discharge between the time of the User's initial sampling and the day that the User receives the results of the initial sampling, and the Authority's results show the User is compliance with the Pretreatment Standards, the Superintendent may excuse the User from repeating the sampling and analysis. If the Authority has assumed responsibility for monitoring at an Industrial User site in lieu of Industrial User self-monitoring, the Industrial User shall be responsible to assure that re-sampling after every violation is performed within 30 days of the notice of violation, and that a report of the results of analysis is submitted to the Authority within 30 days of each notice.

## **6.10 Notification of the Discharge of a Hazardous Waste**

A. Any User who commences the discharge of hazardous waste shall notify the Superintendent, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste. Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All written notifications must take place no later than one hundred and eighty (180) days after the discharge commences and the Superintendent must be notified by telephone or email within twenty four (24) hours. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.6 of these Rules and Regulations. The notification requirement in this section does not apply to pollutants already reported by Users subject to Categorical Pretreatment Standards.

B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Superintendent, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

D. In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

E. It is the responsibility of the User to obtain any necessary Federal and/or State permit required to either generate or discharge hazardous wastes to the public sewer system (pursuant to the domestic sewage exclusions in Federal and State regulations).

F. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these Rules and Regulations, a permit issued hereunder, or any applicable Federal or State law. Certain discharges of hazardous wastes to the Authority may be subject to abbreviated license requirements found in Maine Department of Environmental Protection (Maine DEP) Regulations Chapter 856 Section 11. Under Maine DEP Regulations Chapter 850, Section 3(A)(4)(ii), a domestic sewage and certain mixtures of domestic sewage and non-

segregable hazardous waste are exempted from the Maine DEP definition of hazardous waste when they are discharged to a sewer, but any discharge of these wastes to the sewer may be reportable under this Section 6.10.

### **6.11 Analytical Requirements**

- A. Unless otherwise specified in the Industrial User's wastewater permit by the Superintendent, the minimum sampling and analysis required in a wastewater discharge permit must be performed by or under the direction of an independent laboratory, certified in the State of Maine for analysis of all wastewater pollutants being analyzed. The Superintendent, at his or her discretion, reserves the right to determine which pollutants shall be sampled and analyzed on a case by case basis.
- B. The Superintendent may, on a case by case basis, allow an Industrial User to either sample and/or analyze its own discharge, provided that the Industrial User certifies that qualified persons obtained the samples and/or the Industrial User's laboratory is certified by the State of Maine for examination of each wastewater pollutant for which the allowance is made. Notwithstanding any allowance for Industrial User sampling and /or analysis, the Superintendent may at any time require an Industrial User to obtain independent sampling and analysis of its discharge for the purpose of determining whether or not an Industrial User is in compliance with any Pretreatment Standard or is contributing to pass-through or interference at the POTW.
- C. To verify that qualified persons properly gathered and evaluated the analytical information submitted, the Superintendent may require documentation of competence, including but not limited to quality control and assurance information, participation in a United States Environmental Protection performance evaluation study (e.g., WP study), split sampling with another certified laboratory or a laboratory audit.
- D. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report (e.g., periodic compliance, or baseline monitoring report) shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.
- E. In cases where more than one analytical method is approved by the EPA, the Superintendent may require the Industrial User to use a specific EPA approved method.

## **6.12 Sample Collection**

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period and as follows:

A. Except as indicated in Section B and C, below, the User must collect wastewater samples using 24-hour flow proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the Authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Authority, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.2 and 6.4 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required by paragraphs Section 6.5 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

## **6.13 Timing / Meeting Deadlines**

A. When reports are required by the Superintendent, they will be deemed to have been submitted on the date stamped "received" by the Authority or upon the date that a United States Postal Service return receipt for that report is signed by a representative of the Authority, whichever is earlier. The Authority shall provide an Industrial User with a dated receipt for the report if requested when a report is delivered by hand. Reports will not be accepted by facsimile machine but will be accepted by email provided the Certification Statements are dated and hand signed and the reports are submitted complete, in chronological order, and in PDF form as one PDF per report (e.g., one PDF report shall include the cover letter, certification statement, flow report and lab reports in order of each day of the biannual sampling and testing period). The report and signature must also be clear and easily read (not blurry or lacking density).

B. Twenty-four hour notification and other verbal information required by the Authority may be submitted either in person, by telephone call or by electronic media (e.g., facsimile machine or email) to the Authority's authorized representative (e.g., Superintendent or Pretreatment/Safety Coordinator). Verbal reports or information shall be deemed to have been submitted on the date recorded by the Authority's representative.

## **6.14 Record Keeping**

Users subject to the reporting requirements of these Rules and Regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these Rules and Regulations and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. Users must also maintain records of compliance with Best Management Practice permit limits and requirements. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Authority, or where the User has been specifically notified of a longer retention period by the Superintendent.

## **SECTION 7 COMPLIANCE MONITORING**

### **7.1 Right of Entry for Inspection and Sampling**

The Authority's authorized personnel (e.g., Superintendent or Pretreatment Inspector) shall have the right to enter the premises of any User to determine whether or not the User is complying with all requirements of these Rules and Regulations and any wastewater discharge permit or order issued hereunder. The Authority's inspectors will endeavor to contact the Industrial User's authorized representative whenever possible prior to entry for inspections. Users shall allow the Authority's authorized personnel ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Authority's authorized personnel will be permitted to enter without delay for the purposes of performing specific responsibilities reasonably necessary for the effective administration of the Industrial Pretreatment Program.
- B. The Authority's authorized personnel shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The Superintendent may require the User to install pollutant measurement, sampling and monitoring equipment as necessary to determine compliance with these Rules and Regulations and/or the User's permit conditions. The facility's pollutant measurement, sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality (pollutants) shall be calibrated by a qualified technician at least as often as suggested by the manufacturer of the equipment to ensure their accuracy. The Superintendent may set a minimum frequency for sampling and monitoring equipment calibration in the Industrial User's wastewater discharge permit.

- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing the Authority's authorized personnel access to the User's premises shall be a violation of these Rules and Regulations.

## **7.2 Search Warrants**

If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of these Rules and Regulations, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Authority designed to verify compliance with these Rules and Regulations or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Authority may seek issuance of a search warrant from the Eighth District Court in Lewiston.

## **SECTION 8 CONFIDENTIAL INFORMATION**

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Authority's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State or Federal law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES/MePDES Program or Pretreatment Program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

## **SECTION 9 PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE**

In accordance with 40 CFR Part 403.8[f][2][viii], the Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the Authority, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Non-Compliance with applicable Pretreatment Standards and Requirements. The Authority shall determine a User's Significant Non-Compliance at the frequency (e.g., "rolling quarters") required by the Pretreatment Program Control Authority (e.g., EPA). The term Significant Non-Compliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent



or more of wastewater measurements taken during a 6 -month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l).

B. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the wastewater measurements taken for the same pollutant parameter during a 6 month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standards, periodic self-monitoring reports and reports on compliance with compliance schedules;

G. Failure to accurately report non-compliance; or

H. Any other violation(s), which may include a violation of a permit condition or requirement for Best Management Practices, which the Superintendent determines will adversely affect the POTW operation, receiving waters or implementation of the local Pretreatment Program.

## **SECTION 10 ADMINISTRATIVE ENFORCEMENT REMEDIES**

When the Superintendent finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may take appropriate enforcement action, as outlined in the Authority's Enforcement Response Plan.

Nothing in this section shall limit the authority of the Superintendent or the Authority to take emergency action, or be a bar against, or a prerequisite for, taking or seeking other enforcement action against the User.

## **10.1 Notification of Violation**

The Superintendent may serve upon an Industrial User a written Notice of Violation for each violation of Pretreatment Standards and Requirements. Within thirty (30) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Superintendent. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation.

Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

## **10.2 Consent Orders**

The Superintendent may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User found in non-compliance with the Authority's Rules and Regulations, the User's wastewater discharge permit conditions, or other Pretreatment Standards and Requirements. Such documents will include specific action to be taken by the User to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of these Rules and Regulations and shall be judicially enforceable.

## **10.3 Show Cause Hearing**

The Superintendent may order a User that has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. The Authority shall provide notice to the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least thirty (30) days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

## **10.4 Compliance Orders**

When the Superintendent finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued. Compliance orders also may contain other requirements to address the non-compliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation,

including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

### **10.5 Cease and Desist Orders**

When the Superintendent finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Superintendent may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

### **10.6 Administrative Penalties**

- A. When the Superintendent finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit, order issued hereunder or any other Pretreatment Standard or Requirement, the Superintendent may assess such User an administrative penalty in an amount not to exceed one thousand dollars (\$1,000.00) per day per violation or incident. Such penalties shall be assessed on a per violation per day basis. In the case of monthly or other long term average discharge limits, a penalty may be assessed for each day during the period of violation.
- B. The Superintendent may seek a lien against the User's property for unpaid charges and penalties which are more than sixty days past due.
- C. Users desiring to dispute such penalties must file a written request for the Superintendent to reconsider the penalty along with full payment of the penalty amount within thirty days of being invoiced for the penalty. Where a request has merit, the Superintendent may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Superintendent may assess the User for the costs of preparing administrative enforcement actions, such as notices and orders, in addition to any penalty.
- D. Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the User, except as provided for in the Authority's Charter.

## **10.7 Emergency Suspensions**

- A. The Superintendent may immediately suspend a User's permitted discharge for a period of up to thirty days, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or may cause an imminent or substantial endangerment to the health or welfare of persons.
- B. The Superintendent may also immediately suspend a User's permitted discharge, after reasonable notice and opportunity to respond has been made to the User's authorized representative, any discharge that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.
  - (1) Any User notified of a suspension of its permitted discharge shall immediately stop or eliminate its discharge of wastes to the POTW. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the User to recommence its permitted discharge when the User has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of these Rules and Regulations are initiated against the User.
  - (2) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of these Rules and Regulations.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

## **10.8 Termination of Discharge**

In addition to the provisions in Section 5.6 of these Rules and Regulations, any User who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or

E. Violation of the Pretreatment Standards in Section 2 of these Rules and Regulations.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of these Rules and Regulations why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to or a prerequisite for taking any other action against the User.

## **SECTION 11 JUDICIAL ENFORCEMENT REMEDIES**

### ***11.1 Injunctive Relief***

When the Superintendent finds that a User has violated or continues to violate any provision of these Rules and Regulations, a wastewater discharge permit, order issued hereunder or any other Pretreatment Standard or Requirement the Authority may petition the Eighth District Court in Lewiston through the Authority's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order or other requirement imposed by these Rules and Regulations on activities of the User. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against or a prerequisite for taking any other action against a User.

### ***11.2 Civil Penalties***

A. A User who has violated or continues to violate any provision of these Rules and Regulations, a wastewater discharge permit, order issued hereunder or any other Pretreatment Standard or Requirement shall be liable to the Authority for a maximum civil penalty of the maximum allowable under State law but not less than \$1,500 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties may accrue for each day during the period of the violation.

B. The Authority may recover reasonable attorneys' fees, court costs, other expenses associated with enforcement activities including sampling and monitoring expenses and the cost of any actual damages incurred by the Authority.

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances including, but not limited to the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against or a prerequisite for taking any other action against a User.

### ***11.3 Criminal Prosecution***

In addition to other actions available to the Authority, the Authority may seek criminal prosecution of any person or User, as allowed under Maine law, including but not limited to, provisions in the

Authority's Charter and these Rules and Regulations.

A. A User who willfully or negligently violates any provision of these Rules and Regulations, an individual wastewater discharge permit, or a temporary permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than the maximum fine allowed under State law per violation, per day, but not less than \$2,000 per violation, per day, or imprisonment for not more than the maximum years allowed under State law, or both.

B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a [misdemeanor] and be subject to a penalty of the maximum fine allowable under State law, or be subject to imprisonment for not more than the maximum years allowed under State law, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to these Rules and Regulations, individual wastewater discharge permit, or temporary permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than the maximum fine allowable under State law per violation, per day, or imprisonment for not more than the maximum years allowed by State law, or both.

D. In the event of a second conviction, a User shall be punished by a fine of not more than the maximum fine allowable under State law per violation, per day but not less than \$2,500 per violation, per day, or Imprisonment for not more than the maximum years allowed by State law, or both.

#### **11.4 Remedies Nonexclusive**

The remedies provided for in these Rules and Regulations are not exclusive. The Superintendent may take any, all or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the Authority's Enforcement Response Plan. However, the Superintendent may take other action against any User when the circumstances warrant.

Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant User except where prohibited by law.

## **SECTION 12 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

### **12.1 Upset**

- A. For the purposes of this section, upset means an exceptional incident in which there is unintentional and temporary non-compliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities and lack of preventive maintenance or careless or improper operation.

- B. An upset shall constitute an affirmative defense to an action brought for non-compliance with Categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.
- C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and the User can identify the cause(s) of the upset;
  - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - (3) The User has submitted the following information to the Authority within twenty-four (24) hours of becoming aware of the upset. [If this information is provided orally, a written submission must be provided within five (5) days]:
    - (a) A description of the discharge and cause of non-compliance;
    - (b) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
    - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Per Federal regulation (40 CFR 403.16(e)), in the usual exercise of prosecutorial execution, the United States Environmental Protection Agency (EPA) enforcement personnel should review any claims that non-compliance was caused by an Upset. No determinations made in the course of the review constitute final EPA action subject to judicial review. (Categorical) Industrial Users will have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for non-compliance with Categorical Pretreatment Standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other causes, the primary source of power of the treatment facility is reduced, lost, or fails.

## **12.2 Prohibited Discharge Standards**

A User shall have an affirmative defense to an enforcement action brought against it alleging a violation of the general prohibitions in Section 2.1(A) of these Rules and Regulations, or the specific prohibitions in Sections 2.1 (B)(3) through (7) and Sections 2.1 (B)(9)-(20) of these Rules and Regulations, when the User can demonstrate that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference; and

A. A local limit designed to prevent Pass Through and/or Interference, as the case may be, exists for each pollutant in the User's discharge that caused Pass Through or Interference, and the User was in compliance with each such local limit directly prior to and during the Pass Through or Interference; or

B. No local limit exists for the pollutants that caused Pass Through or Interference, and the User's discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the User's prior discharge activity when the Authority was regularly in compliance with its MEPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

## **SECTION 13      BYPASS**

A. For the purpose of this section

(1) Bypass means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

(2) 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 be reasonably 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 violating Pretreatment Standards or Requirements. An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

C. Notice of Bypass Required

(1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, if possible at least ten days before the date of the bypass.

(2) A User shall submit oral notices of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Superintendent within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass 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 bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D. Prohibition of bypass.

(1) Bypass is prohibited, and the Superintendent may take enforcement action against an Industrial User for bypass, unless;



- (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (ii) There were no feasible alternatives to 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 preventative maintenance; and
  - (iii) The Industrial User submitted notices as required under paragraph (C) of this section.
- (2) The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

## **SECTION 14        CHARGES & FEES**

### **14.1 Pretreatment Program Charges and Fees**

The Authority may adopt reasonable fees for the reimbursement of costs associated with implementation of the Authority's Pretreatment Program which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports submitted by Users;
- C. Fees for reviewing slug and spill discharge plans and procedures;
- D. Fees for costs associated with responding to an accidental or slug discharge;
- E. Fees associated with the filing of appeals; and
- F. Other fees as the Authority may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by these Rules and Regulations and are separate from all other fees, fines and penalties chargeable by the Auburn Sewerage District, the City of Lewiston Sewer Division or the Authority.

### **14.2 Temporary Permit Fees**

The Authority may adopt reasonable fees for the reimbursement of costs associated with administering temporary permits for discharges of industrial wastewater either from a facility not normally connected to the public sewer system and/or a facility that intends to discharge industrial wastewater over a time period typically not exceeding six months. Temporary permitting fees may include but are not limited to the following:

- A. Fees for temporary wastewater discharge permit applications including the cost of processing such applications; and
- B. Fees for monitoring, inspection and surveillance procedures including the cost of collection and analyzing a User's discharge and reviewing monitoring reports submitted by Users.

### **14.3 Surcharge Programs**

The Authority may share and distribute to the Auburn Sewerage District and the City of Lewiston Sewer Division information on Industrial User flow and pollutant loadings to the wastewater treatment plant for the purpose of implementation of surcharge programs or other sewer use fee assessments which may include but are not limited to the following:

- A. Fees for discharges of Biochemical Oxygen demand (BOD) and Total Suspended Solids (TSS) above preset limits; and
- B. Fees associated with the addition of nutrients necessary for biological treatment of pollutants at the wastewater treatment plant.

## **SECTION 15 SEVERABILITY**

If any provision of these Rules and Regulations is invalidated by any court of competent jurisdiction, the remaining provisions shall not in any way be affected and shall continue in full force and effect.

## **SECTION 16 IMPLEMENTATION SCHEDULE**

### **16.1 Effective Date**

These Rules and Regulations shall be in full force and effect immediately following passage, approval, and publication, as provided by law.

Effective Date: May 22, 2019

Modification Effective Date: August 4, 2020