

**PORTLAND WATER DISTRICT**

**Rules and Regulations for the Use of the Wastewater System**

**2005**

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**TABLE OF CONTENTS**

1. GENERAL PROVISIONS ..... 3

    1.1. PURPOSE AND SCOPE ..... 3

    1.2. Definitions ..... 4

2. CONNECTIONS TO THE SYSTEM ..... 8

    2.1. General ..... 9

    2.2. Physical Requirements for Connection ..... 9

    2.3. Request for Connection ..... 9

3. REGULATION OF WASTEWATER DISCHARGES ..... 10

    3.1. General Discharge Prohibitions ..... 10

    3.2. Specific Discharge Prohibitions ..... 10

    3.3. National Categorical Pretreatment Standards ..... 11

    3.4. Modification of National Categorical Pretreatment Standards ..... 11

    3.5. Local Discharge Limitations ..... 12

    3.6. State Requirements ..... 12

    3.7. District's Right of Revision ..... 12

    3.8. Dilution Prohibited in Absence of Treatment ..... 12

    3.9. Pretreatment ..... 12

    3.10. Records and Public Notification Procedures ..... 13

    3.11. Accidental Discharges ..... 13

    3.12. Slug Discharge ..... 13

4. CONTROL MECHANISM ..... 14

    4.1. Permit Requirements ..... 14

    4.2. Permit Application ..... 14

    4.3. Certification Statement ..... 15

    4.4. Pretreatment Permit Approval ..... 16

    4.5. Wastewater Discharge Permit Contents ..... 16

    4.6. Permit Issuance Process ..... 17

    4.7. Permit Modification ..... 17

    4.8. Permit Transfer ..... 18

    4.9. Permit Termination ..... 18

    4.10. Permit Reissuance ..... 19

    4.11. Continuation of Expired Permits ..... 19

    4.12. Special Agreements ..... 19

5. REPORTING REQUIREMENTS, MONITORING AND INSPECTIONS ..... 19

    5.1. Reporting Requirements ..... 19

    5.2. Monitoring and Analysis ..... 21

    5.3. Record Keeping Requirements ..... 22

    5.4. Monitoring Facilities ..... 22

    5.5. Inspection and Sampling ..... 23

    5.6. Confidentiality of Information ..... 23

6. ENFORCEMENT ..... 23

    6.1. Notice of Violation ..... 24

    6.2. Penalties ..... 24

7. TRUCKED-IN WASTEWATER REGULATION ..... 24

    7.1. General ..... 24

    7.2. Permits ..... 25

    7.3. Charges ..... 25

    7.4. Authorized Disposal Sites ..... 25

    7.5. Sanitation and Safety Standards ..... 26

    7.6. Quality of Wastes ..... 26

SCHEDULE A ..... 27

Technically Based Local Limits Westbrook POTW ..... 27

SCHEDULE B ..... **Error! Bookmark not defined.**

Technically Based Local Limits PORTLAND POTW ..... 28

SCHEDULE C ..... 29

Septage and Holding Tank Waste Acceptance Fees ..... 29

# **1. GENERAL PROVISIONS**

## **1.1. PURPOSE AND SCOPE**

Section 16 of the Portland Water District Charter states, in part, that "The Trustees shall, for the proper and reasonable operation of the wastewater and sewage system, adopt reasonable rules and regulations relative to the wastewater and sewage system, including without limitation, regulations as to the quantity and character of any sewage, drainage, or other wastes discharged into any sewage system connecting with the system of the District ". It is the purpose of these Rules and Regulations to fulfill this requirement as well as State and Federal requirements relative to the construction and operation of waste treatment facilities, and requirements relative to discharge of pollutants to receiving waters. It is intended that these Rules and Regulations conform with and supplement the District Charter, the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500) and its amendments, Maine statutes, the sewer ordinances of the Participating municipalities, and the District service agreements.

It is the intent of these Rules and Regulations to establish requirements for the compliance with the District's Industrial Pretreatment Program.

Further, it is the intent of these Rules and Regulations to insure the adequate and effective handling and treatment of wastewater received from participating municipalities, corporations and other persons.

The provisions of these Rules and Regulations shall apply to all sewers discharging to the Portland Water District Facility; the types of wastes or wastewaters prohibited from these sewers; the prohibited concentrations and strengths of wastewaters; and, the control of the quantity and characteristics of wastes and wastewaters received in these sewers.

## 1.2. Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in these Rules and Regulations, shall have the meanings hereinafter designated:

- a. Act . The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U S C §1251 et seq. , 86 Stat 816, Pub L 92-500 and the regulations promulgated there under, as amended from time to time.
- b. Authorized Representative. A duly authorized representative appointed by a User may be:
  - (1) a principal executive officer of at least the level of vice-president, if the User is a corporation;
  - (2) a general partner or proprietor if the User is partnership or sole proprietorship, respectively;
  - (3) a member of the governing board or executive officer of a governmental entity, if the User is a governmental facility; or,
  - (4) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the Industrial Discharge originates, or has overall responsibility for environmental matters for the User, provided however that the authorization is made in writing by the individual described above, and the written authorization is submitted to the District.
- c. Biochemical Oxygen Demand ("BOD"). The quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedures in five (5) days at 20° centigrade, expressed in terms of milligrams per liter (mg/L).
- d. Bypass. The diversion of wastewater from any portion of an Industrial User's treatment facility.
- e. Categorical Industrial User. An Industrial User subject to National Categorical Pretreatment Standards.
- f. Collector Sewer. Means a sewer which transmits wastewater from one or more individual service lines to a trunk or interceptor sewer and has no other common sewers tributary to it.
- g. Cooling Water. The water discharged from cooling devices such as air conditioning, cooling, or refrigeration-
- h. D E P. The Maine Department of Environmental Protection
- i. Direct Discharge. The discharge of treated or untreated wastewater directly to the Waters of the State.
- j. District. The Portland Water District, a quasi-municipal corporation organized under Maine law, and located at 225 Douglass Street, Portland, Maine 04104. Whenever approval of or correspondence with the District is referred to, it shall mean the General Manager of the District, or a duly designated representative, unless otherwise specified.
- k. District Charter. Chapter 84 of the Private and Special Laws of the State of Maine of 1975, an "Act to Codify the Charter of the Portland Water District", as from time to time amended.
- l. Director. The Director of the Water Management Division of the U S Environmental Protection Agency ("EPA") or this person's duly designated representative.
- m. Domestic Source. Any residence, building, structure, facility, or installation from which only sanitary sewage will normally be discharged to the Facility.
- n. Facility. See POTW - Publicly Owned Treatment Works.

- o. Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and produce, and from the handling, storage and sale of food and produce.
- p. Hauler. Persons, firms, or corporations transporting wastewater, septage, holding water, or Industrial Waste to the District POTW for disposal.
- q. Holding Tank Waste. Any waste derived from the temporary storage of sanitary waste including those derived from sinks and sanitary plumbing fixtures. Holding Tank Wastes are expected to exhibit pollutant concentrations similar to that of typical domestic wastewater.
- r. Indirect Discharge or "Discharge". The discharge or the introduction into the Facility of pollutants from any source, other than a Domestic Source, regulated under section 307(b), (c) or (d) of the Act.
- s. Industrial User. A source of Indirect Discharge or any source which discharges Industrial Waste to the Facility.
- t. Industrial Waste. Any liquid, gaseous, or solid waste substance, or a combination thereof, results from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resources.
- u. Interference. A discharge which, alone or in conjunction with discharges from other sources which inhibit or disrupt the Facility, its treatment processes or operations, or its sludge processes, use or disposal, and which is a cause of a violation of any requirement of the District's MePDES Permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal by the Facility in accordance with applicable federal, state, or local statutes and regulations or permits issued there under, as set forth in 40 C F R §403 3(i).
- v. MePDES Maine Pollution Discharge Elimination System or permit issued by the State of Maine for discharges from a wastewater treatment facility.
- w. mg/L milligrams per liter
- x. Municipal Sewer or Collector System. A sewer or system of sewers directly controlled by or which is the responsibility of the Municipality.
- y. NAICS. The North American Industry Classification System. A system of classifying industries by the nature of their process. Replaced the Standard Industrial Classification system.
- z. National Categorical Pretreatment Standard. Any regulations containing pollutant discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the ACT, which apply to a specific category of Industrial Users and which are found in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.
- aa. National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act which applies to Industrial Users, including prohibited discharge limits established pursuant to 40 C F R §403.5.
- ab. New Source. Any building, structure, facility, or installation as described in 40 C F R §403 (k)(1) 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.
- ac. Non-Categorical Significant Industry. An industry which meets the definition of a Significant Industrial User, but is not a categorical industry.

ad. Non-Significant Industry. An industry which does not meet the definition of a Significant Industrial User, but is permitted by the District because it has a possibility of discharging incompatible pollutants in excess of local discharge limits or is required to have a spill control plan.

ae. Participating Municipality or Municipality. Those municipalities for which the District is authorized to provide wastewater facilities; namely, the Cities of Portland and Westbrook, and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Scarborough, Standish and Windham.

af. Pass Through. The discharge of pollutants through the Facility into Waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the District's NPDES Permit (including an increase in the magnitude or duration of a violation).

ag. Person. Any individual, firm, company, association, corporation, trust or government authority partnership, public or private corporation or authority, association, trust, estate, governmental entity, agency or political subdivision of a municipality, the State of Maine, or the United States, or any other legal entity, or their legal representative, agent, or assign. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

ah. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in a solution expressed as standard units.

ai. Pollutant. Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, in whatever form and whether originating at a point or non-point source, which is or may be discharged, drained, or otherwise introduced into the Facility, or Waters of the State.

aj. Pollution. The man-made or man induced alteration of the chemical, physical, biological or radiological integrity of water.

ak. POTW Publicly Owned Treatment Works ("Facility"). The treatment works, as defined by Section 212 of the Act, operated by the District. This definition includes any devices and systems used in the storage, treatment, recycling, disposal, and reclamation of wastewater and sewage consisting of domestic, commercial, municipal, and industrial wastes of a liquid nature. It also includes those sewers, pipes, and other conveyances which convey wastewater to the Facility. For the purposes of these Rules and Regulations, POTW shall also include any sewers that convey wastewaters to the treatment works from Persons who are, by permit, contract, or agreement with the District, Users of the Facility.

al. POTW Treatment Plant. That portion of the Facility designed to provide treatment (including recycling and reclamation) of wastewater, municipal sewage, industrial waste, septage and holding water.

am. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Facility. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 C F R §403.6(d).

an. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Categorical Pretreatment Standard, imposed on a User by the District through its permit process as defined in 4.1 of these Rules and Regulations.

ao. R C R A Resource Conservation and Recovery Act

ap. Sanitary Sewage. Liquid and water-carried human and domestic wastes from residences, commercial buildings, industrial plants and institutions, exclusive of ground, storm and surface water and exclusive of industrial wastes.

- aq. Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- ar. Septage. Any waste, refuse, effluent, sludge or other material derived from a septic tank, cesspool, vault privy, or similar source which concentrates wastes or to which chemical have been added. Per this definition, portables are considered to be septage.
- as. Septic Tank Pumpage "Septage". Any solid or liquid wastes removed from septic tanks, cesspools, seepage pits, grease traps or privies.
- at. Service Agreement. A contract between the District and a Person ,as defined in [ag] above for the handling and treatment of wastewater from such Person.
- au. Sewer. A pipe or conduit that carries wastewater.
- av. Sewerage system. Any device, equipment, or works used in the transportation, pumping, storage, treatment recycling, reclamation, and disposal of sewage and industrial wastes.
- aw. Shall is mandatory; May is permissive.
- ax. Significant Industrial User. Any Industrial User subject to Categorical Pretreatment Standards, and any other Industrial User that discharges an average of 25,000 gallons per day or more of process wastewater to the Facility (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant; or is designated as such by the District on the basis that the Industrial User has a reasonable potential for adversely affecting the Facility's operation or for violating any Pretreatment Standard or Requirement; provided, however, that upon a finding that an Industrial User meeting the foregoing criteria has no reasonable potential for violating any Pretreatment Standard or Requirement or for adversely affecting the Facility's operation, the District may at any time, upon its own initiative or in response to a petition received from an Industrial User, and in accordance with 40 C F R 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.
- ay. Significant Noncompliance. A violation which meets one or more of the following criteria:
- (1) Chronic violations of wastewater discharge limits, to include those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
  - (2) Technical Review Criteria (TRC) violations, to include those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC-1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).
  - (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the District 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);
  - (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Section 6.1 of the Rules and Regulations; to halt or prevent such a discharge;
  - (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in the Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
  - (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self- monitoring reports, and reports on compliance with compliance schedules;
  - (7) Failure to accurately report noncompliance;

(8) Any other violation or group of violations which the District determines will adversely affect the operation or implementation of the pretreatment program.

az. Sludge (Biosolids). Waste containing varying amounts of solid contaminants removed from water, sanitary sewage, wastewater or industrial wastes by physical, chemical and biological treatment.

ba. Slug. Any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill, non-customary batch discharge, or any discharge of wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation or which may adversely affect the sewerage system.

bb. Solids Disposal Operations. The method or methods the District employs to utilize or dispose of the by-product solids sludge resulting from the treatment of wastewater.

bc. Staff or District Staff. The staff of the Portland Water District.

bd. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting there from.

be. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

bf. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under section 307(a)(1) of the Act, or other statutes, regulations or ordinances.

bg. Trustees. The Board of Trustees of the Portland Water District.

bh. User. Any Domestic Source or Industrial User which discharges wastewater to the Facility.

bi. Vehicle Registration. Document issued by the District to Haulers for a specified vehicle. A certificate of liability insurance must be submitted and payment of fee made prior to issuance or approval of registration.

bj. Wastewater. The liquid and water-carried industrial, non-domestic or domestic wastes, including sewage, industrial waste, other wastes, or any combination thereof, from dwellings or facilities.

bk. Wastewater Discharge Permit or Permit. The document issued by the District as set forth in Section 4.1 of these Regulations.

bl. Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, border upon or are within the jurisdiction of the State of Maine.

bm. Other Waste. Any waste delivered by truck that does not satisfy the definition of Septage or Holding Tank Wastes. Other Wastes may include commercial wastes that include materials other than sanitary wastes.

## 2. CONNECTIONS TO THE SYSTEM

## **2.1. General**

The interceptor sewers of the District are for the primary purpose of receiving wastewater from the collection systems of the Participating Municipalities at points mutually agreeable to the District and the Participating Municipalities, and transporting such wastewaters to appropriate wastewater treatment facilities. The use of the District wastewater system shall be controlled by the District, and any modifications or connections to the system or other construction work within the right-of-way of the system will be allowed only after written approval of the District.

In general, new connections to the system will be allowed only from collector sewers of Participating Municipalities. Storm drains or sewers carrying only surface water, groundwater, subsurface drainage, or uncontaminated cooling water shall not be connected. The number of connections to be authorized for a Participating Municipality shall be kept to a minimum. The connection of minor collector lines or individual service lines to a District interceptor sewer will not be permitted as normal practice, but may be allowed as an exception as herein provided with the consent of the Participating Municipality.

In cases where the total flow capacity in an interceptor is dedicated to one or more Participating Municipalities, the District may consider possible future connections or additional flow capacity which it or other Participating Municipalities may wish to make to the interceptor. In such cases, allocations of capacity in the system between two or more municipalities may be adjusted so that the total flow does not exceed the total design capacity of that portion of the system. Such flow allocation shall be established and amended by service agreement with the Participating Municipalities, in accordance with the provisions of the District Charter.

## **2.2. Physical Requirements for Connection**

All work performed in making a new connection to the District system shall be in accordance with District and municipal standards. Such costs of connection incurred by the District will be borne by the person, firm or corporation requesting connection.

Connections will be allowed only to gravity sewer of the District system and shall normally be made at a manhole. If it is not feasible to connect to its existing manhole, a new manhole may be required. New manholes constructed by the District for purposes of connection will be considered a cost of connection and shall become the property of the District.

A person, firm, or corporation joining, may be required to make provisions for possible future metering and sampling by the District as part of the conditions to connect.

The final determination of feasibility and type of connection shall be made by the District based upon information provided by the Person, firm, or corporation requesting connection, and upon information obtained independently by the District.

## **2.3. Request for Connection**

Persons other than Participating Municipalities requesting connection to the District system must receive approval for such connection from the Municipality in which the connection is made, according to that Municipality's and the District's standard procedures for approving connections to the sewer system. Such approval is required before the District will approve the request for connection. Approval shall be in writing and shall be copied to the District.

A Participating Municipality wishing to make a new connection to the system or having approved a connection by a Person other than the Municipality shall submit a request in writing to the District for approval of the connection. The request shall include the following:

A map of the general area showing the boundaries of the ultimate area to be served by the connection and the point of connection to the District's interceptor.

The estimated average and peak quantity of flow, expressed in million gallons per day (mgd) at the proposed time of connection, plus the estimated flow versus time curve projected to the ultimate development of the area.

The estimated quality of flow expressed in biochemical oxygen demand BOD and suspended solids (SS) plus any additional pertinent information regarding the quality of flow expected, particularly from industrial sources.

Plans or preliminary sketches showing the details of the proposed connection to the interceptor, including size of connecting pipe and method of connection.

### **3. REGULATION OF WASTEWATER DISCHARGES**

#### **3.1. General Discharge Prohibitions**

No Person may introduce into a POTW any pollutant(s) which may cause Pass Through or Interference. These general prohibitions and the specific prohibitions in Section 3.2 of these Rules and Regulations apply to each Person introducing pollutants into the Facility whether or not the Person is subject to other National Pretreatment Standards or any national, state, or local Pretreatment Requirements.

#### **3.2. Specific Discharge Prohibitions**

In addition to the Prohibitions described in Section 3.1 above, the following discharges to the Facility are specifically prohibited:

Any gasoline, benzene, naphtha, fuel, oil, or other flammable or explosive liquid, solid, or gas

Any wastewater containing toxic objectionable pollutants in sufficient quantity or concentration, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the Facility, or to exceed the limitations set forth in a National Categorical Pretreatment Standard found in 40CFR Chapter I, Subchapter N, Parts 405-471, the Local Discharge Limitations prescribed herein in Section 3.5, or a Wastewater Discharge Permit issued pursuant to these Rules and Regulations. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act and as listed at 40 C F R Part 403, App B.

Any wastewaters which may cause corrosive structural damage to the Facility including, but not limited to, all wastewaters with a pH lower than 5.0 or greater than 8.3 with a caustic (hydroxide) alkalinity greater than 1000 .

Any wastes or wastewaters having solid or viscous material which could cause an obstruction to flow in the Facility or in any way could interfere with the treatment process, including as examples of such materials, but without limiting the generality of the foregoing, significant proportions of ashes, wax, paraffin, cinders, sand, mud, straw, shavings, metal, glass, rags, lint, feathers, tars, plastics, wood and sawdust, hair and fleshings, entrails, lime slurries, beer and distillery slops, grain processing wastes, grinding compounds, acetylene generation sludge, chemical residues, acid residues, food processing bulk solids, snow, ice, and whole or ground seafood shells, whole blood, unground garbage, paper dishes, cups, whole or ground milk containers, and all other solid objects, material, refuse, and debris not normally contained in sanitary sewage.

Any waste which, either singly or by interaction with other wastes may result in the presence of toxic vapors, gases, or fumes within the POTW in a quantity that may cause worker health or safety problems, or are sufficient to prevent entry into the sewers for maintenance and repair.

Any substance which may cause the Facility's effluent or any other product of the Facility such as biosolids, sludges, or scums, to be unsuitable for disposal in a permitted landfill or for reclamation and reuse, or to interfere with the reclamation and reuse process. In no case shall a substance discharged to the Facility cause the Facility to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; or with any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, or Maine D E P "Rules for Agronomic Utilization of Residuals – MRSA Title 38, Section 1304, Chapter 419.

Any pollutants, including oxygen demanding pollutants (BOD, etc. ) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference to the Facility or Pass Through to the Waters of the State.

Any wastewater load (slug) having a flow rate or containing concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

Any wastewaters with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

Any wastewater having a temperature which may inhibit biological activity in the Facility resulting in interference, but in no case wastewater with a temperature at the introduction into the Facility which exceeds 40 degrees Centigrade (104 degrees Fahrenheit).

Any wastewater containing any radioactive wastes or isotopes with such half-life or concentration as may exceed limits necessary to comply with applicable state or federal regulation.

Any sludges or deposited solids resulting from an industrial pretreatment process.

Any waste which may create a fire or explosion hazard in the Facility, including, but not limited to, waste streams with a closed cup flash point of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21.

Any petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause Interference or Pass Through.

### **3.3. National Categorical Pretreatment Standards**

Upon the promulgation of National Categorical Pretreatment Standards for a particular industrial subcategory found in 40 CFR, Chapter I, Subchapter N, Parts 405-471 and hereby incorporated in these Rules and Regulations, the Pretreatment Standard, if more stringent than limitations imposed under these Rules and Regulations, shall immediately supersede, for Users in that subcategory, the limitations imposed under these Rules and Regulations. The District shall notify all affected Users of the applicable requirements under the Act; and subtitles C and D of the Resource Conservation and Recovery Act.

### **3.4. Modification of National Categorical Pretreatment Standards**

Pursuant to 40 C F R §403.7, where the Facility achieves consistent removal of pollutants limited by a National Categorical Pretreatment Standard, the District may apply to the Division for modification of the discharge limits for a specific pollutant covered in the relevant National Categorical Pretreatment Standards in order to reflect the Facility's ability to remove said pollutant. The District may modify

pollutant discharge limits contained in a National Categorical Pretreatment Standard only if the requirements of 40 C F R §403. 7 are fulfilled and prior written approval from the Division is obtained.

### **3.5. Local Discharge Limitations**

No person shall discharge wastewater containing any pollutant specified in Schedule A or Schedule B, annexed hereto and incorporated herein by reference, in excess of the limitations for each of said pollutants as specified in said Schedule A (Westbrook POTW discharge limitations) or Schedule B (Portland POTW discharge limitations). Compliance with the provisions of this Section 3.5 shall be assessed on the basis of samples of the person's wastewater discharge collected at each point of connection between the person's building, structure, facility or installation and the Facility. If a National Categorical Pretreatment 405-471 and hereby incorporated in these Rules and Regulations establishes limitations for Users in a particular industrial subcategory which are more stringent than the limitations specified in Schedule A, or Schedule B where applicable, those more stringent limitations shall immediately apply to those Users subject to that National Categorical Pretreatment Standard. Compliance with National Categorical Pretreatment Standard limitations shall be determined in accordance with the requirements set forth at 40 C F R §403 12(b)(5).

### **3.6. State Requirements**

Requirements and limitations on discharges set by the Maine Department of Environmental Protection ("DEP") shall apply in any case where they are more stringent than federal requirements and limitations or those contained in these Rules and Regulations.

### **3.7. District's Right of Revision**

The District reserves the right to establish by amendment to these Rules and Regulations more stringent limitations or requirements on discharges to the Facility if deemed necessary to comply with the objectives presented in Section 1.1 of these Rules and Regulations or as may be imposed by Federal or State authorities.

### **3.8. Dilution Prohibited in Absence of Treatment**

Except where expressly authorized to do so by an applicable National Categorical Pretreatment Standard or Pretreatment Requirement, no User shall ever increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance either with the limitations contained in any National Categorical Pretreatment Standard or Pretreatment Requirement, or in any other pollutant-specific discharge limitation developed by the District or the Division.

### **3.9. Pretreatment**

Each User shall provide necessary wastewater treatment as required to comply with these Rules and Regulations, including the Local Discharge Limitations set forth in Schedule A and Schedule B hereto, and shall achieve compliance with all applicable National Categorical Pretreatment Standards within the time limitations specified by said Standards. Any facilities required to pretreat wastewater to a level which will achieve compliance with these Rules and Regulations shall be provided, operated and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review and shall be acceptable to the District before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent which complies with the

provisions of these Rules and Regulations or from liability for non-compliance with Pretreatment Standards or Pretreatment Requirements and these Rules and Regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the District prior to the User's initiation of the changes.

### **3.10. Records and Public Notification Procedures**

All records relating to compliance with applicable Pretreatment Standards and Pretreatment Requirements as defined in 40 C F R §403.3 (j) and (r) shall be made available to officials of the EPA, DEP, or District upon request. In addition, pursuant to the public participation requirements of 40 C F R Part 25, the District shall annually publish in the largest daily newspaper of general circulation in the municipality in which the POTW is located, a list of the Users which, at any time during the preceding twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards or Pretreatment Requirements. For purposes of this provision, an Industrial User is in Significant Noncompliance if its violation meets one or more of the criteria set forth in Section 1.2 aw of the Rules & Regulations.

### **3.11. Accidental Discharges**

**Plans and Procedures:** Each Industrial User shall provide protection from accidental discharge of prohibited materials or other substances regulated by these Rules and Regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Industrial User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review and shall be approved by the District.

No Industrial User shall be permitted to introduce pollutants into the Facility until accidental discharge procedures have been approved by the District. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the Industrial User's facility as necessary to meet the requirements of these Rules and Regulations, or from any other violation of these Rules and Regulations.

In the case of an accidental discharge, the Industrial User shall immediately notify the District of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and any and all corrective actions.

**Written Notice:** Within five (5) days following an accidental discharge, the Industrial User shall submit to the District a detailed written report describing the cause of the discharge and the measures which have been and shall be taken by the User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the Facility, fish kills, or any other damage to persons, animals or property; nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by these Regulations or other applicable law.

**Notice to Employees:** A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall ensure that all employees who may cause or suffer such a discharge to occur, or who may know or have reason to know thereof, are advised of the emergency notification procedures.

### **3.12. Slug Discharge**

At least once every two years, the District shall evaluate whether each Significant Industrial User needs a plan to control slug discharges. The Significant Industrial User shall comply with the provisions of any such slug control plan which the District determines to be necessary, including but not limited to:

a description of discharge practices, including non-routine batch discharges;

a description of stored chemicals;

procedures for immediately notifying the Facility of slug discharges, including any discharge that would violate a prohibition under 40 CFR §403.5(b), with procedures for follow-up written notification; and,

if necessary, procedures to prevent adverse impact from accidental spills, including those procedures set forth in 40 CFR §403.8(f)(2)(v)(D).

## 4. CONTROL MECHANISM

### 4.1. Permit Requirements

It shall be unlawful for any Significant Industrial Use to discharge wastewater directly or indirectly into the Facility without first obtaining a Wastewater Discharge Permit from the District. Any violation of the terms and conditions of the Permit shall be deemed a violation of these Rules and Regulations. Obtaining a Permit does not relieve the Industrial User of its obligation to obtain other permits required by Federal, State or local law.

The District may require that any Industrial User, including Haulers, obtain a Permit as necessary to carry out the purpose of these Rules and Regulations.

New Industrial Users located beyond the District's wastewater service area shall submit a permit application, in accordance with Section 4.2 below, to the District 60 days prior to discharging into the sewer collection system. Upon review and approval of such application, the District may enter into a contract with the User which requires the User to subject itself to and abide by these Rules and Regulations, including all permitting, compliance monitoring, reporting, and enforcement provisions herein.

Any Significant Industrial User proposing to begin or recommence discharging non-domestic wastes into the Facility must obtain a Permit prior to beginning or recommencing such discharge. An application for this Permit must be filed at least 60 days prior to the anticipated start-up date.

### 4.2. Permit Application

In order to be considered for a Permit, all Industrial Users required to have a Permit must submit the following information on an application form approved by the District:

Name, address and location (if different from the address)

Standard Industrial Classification (SIC) code of both the industry as a whole and any processes for which National Categorical Standards have been promulgated.

Wastewater constituents and characteristics including any pollutants in the discharge which are limited by any Federal, State, or local standards. Sampling and analysis will be undertaken in accordance with 40 CFR Part 136.

Time and duration of the discharge

Daily maximum, daily average, and monthly average wastewater flow rates identified separately by regulated discharge streams, including daily, monthly and seasonal variations, if any.

Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally be discharged.

The site plans, floor plans, mechanical plans, plumbing plans, and details to show all sewers, floor drains and appurtenances by size, location and elevation.

Each product produced by type, amount, process or processes and rate of production where production based National Categorical Standards may apply.

Type and amount of raw materials processed (average and maximum per day) where production based National Categorical Pretreatment Standards may apply.

Number and type of employees and hours of operation, and proposed or actual hours of operation of the pretreatment system.

Whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the Industrial User to meet all applicable Federal, State and local standards. If additional pretreatment and/or O&M will be required to meet the standards, then the Industrial User shall indicate the shortest time schedule necessary to accomplish installation or adoption of such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:

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 Industrial User to meet the applicable pretreatment standard (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation and conducting routine operation). No increment referred to in (1) above shall exceed nine months, nor shall the total compliance period exceed eighteen months.

No later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the District 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. In no event shall more than nine months elapse between such progress reports to the District.

A list of any environmental control permits held by or for the Facility.

Any other information as may be deemed by the District to be necessary to evaluate the Permit application.

### **4.3. Certification Statement**

All applications must contain the following certification statement and be signed by an authorized representative:

"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  
".

#### **4.4. Pretreatment Permit Approval**

The District will evaluate the data furnished by the Industrial User and may require additional information. After evaluation of the data furnished, the District may issue a Permit subject to terms and conditions provided herein.

#### **4.5. Wastewater Discharge Permit Contents**

Wastewater Discharge Permits shall include such conditions as are reasonably deemed necessary by the District to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant effluent, protect worker health and safety, facilitate treatment plant sludge management and disposal, protect ambient air quality, and protect against damage to the Facility. Permits may contain, but need not be limited to, the following:

Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

Limits on the average and/or maximum concentration mass, or other measure of identified wastewater constituents or properties, including those determined in accordance with the limits specified in Schedule A or Schedule B, whichever applies.

Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc. designed to reduce, eliminate or prevent the introduction of pollutants into the Facility.

Development and implementation of spill control plans or other special conditions including additional management practices necessary to adequately prevent accidental discharges

The unit charge or schedule of any applicable user charges and fees for the management of the wastewater discharged to the Facility.

Requirements for installation and maintenance of inspection and sampling facilities.

Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.

Compliance schedules (but in no event may a compliance deadline in a permit be later than a National Categorical Pretreatment compliance deadline).

Requirements for submission of technical reports or discharge reports.

Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the District and affording the District access thereto.

Requirements for notification of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater being introduced into the Facility.

Requirements for the notification of any change in the manufacturing and/or pretreatment process used by the Industrial User.

Requirements for notification of excessive, accidental, or slug discharges.

Other conditions as deemed appropriate by the District to ensure compliance with these Rules and Regulations, and State and Federal laws, rules, and regulations.

A statement that compliance with the Permit does not relieve the Industrial User of responsibility for compliance with all applicable Federal Pretreatment Standards, including those which become effective during the term of the Permit.

A statement of Permit duration in accordance with Section 4.5 hereof, and in no case more than three (3) years;

A statement of Permit transferability in accordance with Section 4.7 hereof;

A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule, in accordance with Section 6 hereof.

#### **4.6. Permit Issuance Process**

**Permit Duration:** Permits shall be issued for a specified time period, not to exceed three (3) years. A Permit may be issued for a period less than three (3) years at the discretion of the District.

**Permit Appeals:** Upon receipt of the Permit, the Industrial User may petition to appeal the terms of the permit. Such petition shall be made in writing to the Trustees within fourteen (14) days from receipt of the Permit.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the appeal.

(2) In its petition, the appealing party must indicate the Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the Permit.

(3) The effectiveness of the Permit shall not be stayed pending reconsideration by the Trustees. If, after considering the petition and any arguments put forth by the District, the Trustees determine that reconsideration is proper, it shall remand the Permit back to the District for reissuance. Those Permit provisions being reconsidered by the Trustees shall be stayed pending reissuance.

(4) Trustees decision not to reconsider a final Permit shall be considered final administrative action for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of the final District action must do so by filing a complaint with the Superior Court for Cumberland County within thirty (30) days of the Trustees' decision.

#### **4.7. Permit Modification**

The District may modify the Permit for good cause including, but not limited to, the following:

To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.

Material or substantial alterations or additions to the Industrial User's operation processes, or discharge volume or character which were not considered in drafting the original Permit.

A change in any condition in either the Industrial User or the Facility that requires either a temporary or permanent reduction or elimination of the permitted discharge.

Information indicating that the permitted discharge poses a threat to the Facility, treatment plant personnel or the receiving waters.

Violation of any terms or conditions of the Permit

Misrepresentation or failure to disclose fully all relevant facts in the Permit application or in any required reporting.

Revision of or a grant of variance from National Categorical Standards pursuant to 40 CFR §403.13.

To correct typographical or other errors in the Permit.

To reflect transfer of the facility ownership and/or operation to a new User or,

Upon a written request of the Industrial User, provided such request does not create a violation of any applicable requirements, standards, laws or rules and regulations.

The filing of a request by the Industrial User for a Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Permit condition.

#### **4.8. Permit Transfer**

Permits may be reassigned or transferred to a new owner and/or operator whether by merger, sale of assets or otherwise, with prior written approval of the District with the following stipulations:

The Industrial User must give at least thirty (45) days advance notice of the proposed transfer to the District.

The notice must include a written certification by the new owner which:

- (1) States that the new owner has no immediate intent to change the facility's operations and processes.
- (2) Identifies the specific date on which the transfer is to occur.
- (3) Acknowledges full responsibility for complying with the existing permit.
- (4) Describes the new User, and gives the same information about the User as prescribed in 4.2.

#### **4.9. Permit Termination**

Permits may be terminated in accordance with the District Charter for any of the following reasons:

Falsifying self-monitoring requests

Tampering with monitoring equipment

Refusing to allow timely access to the facility premises and records

Failure to meet effluent limitations

Failure to pay fines

Failure to pay sewer charges

Failure to meet compliance schedules

Any Pass-Through or Interference

Any other activity which may threaten the Facility, the District's employees or the public.

#### **4.10. Permit Reissuance**

The User shall apply for Permit reissuance by submitting a complete Permit application a minimum of sixty (60) days prior to the expiration of the User's existing Permit.

#### **4.11. Continuation of Expired Permits**

An expired Permit will continue to be effective and enforceable until the Permit is reissued if:

The Industrial User has submitted a complete Permit application at least sixty (60) days prior to the expiration date of the Industrial User's existing Permit.

The failure to reissue the Permit prior to expiration of the previous Permit is not due to any act or failure to act on the part of the Industrial User.

#### **4.12. Special Agreements**

Nothing in these Rules and Regulations shall be construed as preventing any special agreement or arrangement between the District and any Industrial User whereby wastewater of unusual strength or character is accepted into the Facility and specially treated and subject to any payments or user charges as may be applicable or specially arranged. However, no discharge which violates these Rules and Regulations will be allowed under the terms of such special agreements. If, in the opinion of the District, the wastewater may have the potential to cause or result in any of the following circumstances, no such special agreement will be granted:

Pass Through or Interference

Threaten the Facility, the District employees or the public

## **5. REPORTING REQUIREMENTS, MONITORING AND INSPECTIONS**

### **5.1. Reporting Requirements**

**Baseline Report:** Within 180 days following the effective date of a National Categorical Pretreatment Standard, an existing Industrial User subject to said Standard and currently discharging to or scheduled to discharge to the Facility shall submit to the District a report as prescribed under 40 C F R §403.12(b), which shall include the information required under Section 4.2(1), (2), (3), (5), (6), (11) and (12) of these Regulations. This report shall be signed by an Authorized Representative of the User and contain the certification statement in Section 4.3 of these Rules and Regulations. The report shall also contain a statement certified by a qualified professional engineer 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 for the Industrial User to meet the Pretreatment Standards and Requirements.

At least ninety (90) days prior to commencement of discharge, New Sources and sources that become Industrial Users subsequent to the promulgation of an applicable National Categorical Standard, shall be required to submit to the District a report which contains the information required in Section 4.2

(1), (2), (3), (5), (6) and (11) of these Rules and Regulations. Reports by New Sources shall include information on the method of pretreatment the New Source intends to use to meet applicable Pretreatment Standards. The report shall be signed by an Authorized Representatives of the User and shall contain the certification statement in Section 4.3 of these Rules and Regulations.

**Compliance Schedule Progress Reports:** If the report described in paragraph 5.1(a) above states that additional pretreatment and/or Operation and Maintenance (O&M) will be required to meet the Pretreatment Standards and Requirements, the Industrial User shall submit to the District a compliance schedule as described in paragraph 4.2a(11) hereof. Not later than fourteen days following each date in the compliance schedule and the final date for compliance, the Industrial User shall submit a progress report to the District as prescribed under 40 C F R §403.12(c) in writing stating, at a minimum, whether or not the Industrial User complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the District. The report shall be signed by an Authorize Representatives of the User and shall contain the certification statement in Section 4.3 of these Rules and Regulations.

**Compliance Deadline Report:** Within ninety (90) days following the date for final compliance with an applicable Pretreatment Standards or Requirements or, in the case of a New Source, following commencement of the introduction of wastewater into the Facility, any User subject to Pretreatment Standards or Requirements shall submit to the District a report in writing as prescribed under 40 C F R §403 12(d) indicating the nature and concentration of all pollutants in the discharge which are limited by Pretreatment Standards or Requirements, and the average and maximum daily flow of the wastewater containing such pollutants. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This report shall be signed by an Authorized Representative of the User and be certified by a qualified professional engineer. The District may require such follow-up reports as deemed necessary to monitor the actions taken by the User to come into compliance with the applicable Pretreatment Standards or Requirements. The report shall also contain the certification statement in Section 4.3 of these Rules and Regulations.

**Periodic Continued Compliance Reports:** Any User subject to a Pretreatment Standard or Requirement, after the compliance date for such Pretreatment Standard or Requirement, or, in the case of a New Source, after commencement of the discharge into the Facility, shall submit semi annually to the District-unless required more frequently in the applicable Pretreatment Standard or Requirement or by the District, a report in writing as prescribed under 40 C F R §403.12(e) containing the results of sampling and analysis of the discharge, indicating the average and maximum daily flows and nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standard or Pretreatment Requirement. At the discretion of the District and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc. , the District may agree to alter the months during which the above reports are to be submitted. The reports required under this Section 5.1 shall be signed by an Authorized Representative of the Industrial User, and shall contain the certification described in Section 4.3 of these Rules and Regulations.

**Non-Categorical Significant Industries - Reporting of self-monitoring results shall be at a frequency determined by the District and designated in the industry's Wastewater Discharge Permit, but in no case shall the frequency be less than once every six months.**

**Non-Significant Industries (N-S-I) - Reporting of self- monitoring results shall be at a frequency determined by the District and designated in the N-S-I's Wastewater Discharge Permit.**

**Notification of Changed Discharge - All Industrial Users shall notify the District in advance of any substantial change in the volume or character of pollutants in their discharge.**

**Elimination or change of Discharge - The Industrial User shall notify the District in writing 45 days prior to the permanent elimination of a discharge or any modifications in the waste collection, treatment and**

disposal facilities, changes in operational procedures, or other significant activities which alter the volume, nature or frequency of the discharge as specified in the Users Permit application.

Notifications of Potential Problems - All Industrial Users shall notify the District immediately of all discharges that could cause problems to the Facility, including any slug loadings by an Industrial User.

Notification of Hazardous Waste Discharge:

An Industrial User shall notify the District, the EPA Regional Waste Management Division Director and the Director of DEP's Division of Solid and Hazardous Waste, in writing, of any discharge into the Facility of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C F R Part 261. Such notification shall include the name of the hazardous waste as set forth in 40 C F R Part 261, or 38MRSA, Section 1301 et seq. , the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the Facility, the notification shall also 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 waste stream discharged during the calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months.

All existing Industrial Users must file such notifications by February 19, 1991. All Industrial Users who commence discharging after August 23, 1990 shall file the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic waste. Any notification under this Section 5.1 j need be submitted only once for each hazardous waste discharged. However, all Industrial Users must notify the District in advance, in accordance with Section 5.1 j of these Rules and Regulations, of any change in their wastewater discharge. The notification requirement set forth herein does not apply to any pollutants already reported under the self- monitoring requirements set forth in Section 5.1 a, b, c, d and e above. Any such notification shall in no way remove the liability of the User for any damages caused by introduction of such hazardous waste.

Industrial Users are exempt from the requirements of Section 5.1 j above during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C F R §§261.30(d) and 261.33(e) Discharge of more than fifteen kilograms of non-acute hazardous waste as specified in 40 C F R §§261.30(d) and 261. 33(e) requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste, the Industrial User must notify the District, the EPA Regional Waste Management Division Director, and the Director of DEP's Division of Solid and Hazardous Waste of the discharge of such substance within ninety (90) days of the effective date of such regulations.

In the case of any notification made under this Section 5.1 i, an Industrial 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.

## **5.2. Monitoring and Analysis**

The reports required in Section 5.1 and such other reports as the District may require under these Rules and Regulations, shall contain the results of all sampling and analysis of the Industrial User's discharge, whether or not conducted more frequently than required by the District, including the flow and the nature and concentration of pollutants contained therein which are limited by applicable Pretreatment Standards and Requirements. The sampling and analysis may be performed by the District in lieu of the Industrial

User, in which event the Industrial User will not be required to submit the compliance certification set forth in Section 4.3 above. In addition, where the District collects all of the information required for the report, including analytical results and flow data, the Industrial User is not required to submit the report or compliance certification required therein.

If the Industrial User's sampling indicates a violation, the User must notify the District within 24 hours of becoming aware of such violation. The User must also repeat the sampling and analysis and submit the results of the repeat analysis to the District within thirty (30) days after becoming aware of the violation. The Industrial User is not required to resample, however, if the District performs sampling at the Industrial User between the time when the Industrial User performs its initial sampling and the time when said User receives the results of the sampling.

The frequency of monitoring shall be prescribed in the Wastewater Discharge Permit and, for Industrial Users subject to National Categorical Pretreatment Standards, shall not be less frequent than prescribed in Section 5.1 d. All analyses shall be performed in accordance with procedures established by the EPA pursuant to section 304(h) of the Act and contained in 40 C F R Part 136 and amendments thereto, or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA. Where 40 C F R Part 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the District or other parties, approved by the EPA.

### **5.3. Record Keeping Requirements**

An Industrial User subject to the reporting requirements set forth in Section 5.1 shall maintain records of all information resulting from any monitoring activities required there under. Such records shall include, for all samples:

The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;

The dates analyses were performed;

Who performed the analyses;

The analytical techniques/methods used;

The results of such analyses; and

The results of any quality control procedures which may be required by the District

The Industrial User shall keep copies of all such records and reports of monitoring activities and results for a minimum of three (3) years, and shall make such records available for inspection and copying by EPA, DEP, and the District with or without notice. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of the Facility pretreatment program, or when requested by the District, D E P or EPA.

### **5.4. Monitoring Facilities**

The District may require each Industrial User to provide and operate, at the Industrial User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the Industrial User's premises, but the District may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not

be obstructed by landscaping or parked vehicles and with the authorization of the appropriate Municipal official.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the Industrial User.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the District's Requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification to the Industrial User by the District.

### **5.5. Inspection and Sampling**

The District may inspect the facilities of any Industrial User to ascertain whether the purpose and requirements of these Rules and Regulations are being met. Persons or occupants of premises where wastewater is created or discharged shall allow the District or its representative ready access at all times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or the performance of any of their duties. The District, D E P , and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations. Where a User has security measures in force which would 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, personnel from the District, D E P and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

### **5.6. Confidentiality of Information**

In accordance with 40 C F R §403.14 and I MRSA §401 et seq., any information and data concerning an Industrial User which is contained in or obtained from reports, questionnaires, Permit applications, Permits, monitoring programs, and inspections shall be available to the public and governmental agencies without restriction, unless the User specifically claims, and is able to demonstrate to the satisfaction of the District, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User in accordance with applicable law. Any such claim of confidentiality must be asserted at the time of submission in the manner prescribed on the application form or instructions and the words "CONFIDENTIAL BUSINESS INFORMATION" must be stamped or written on each page containing such information. If no claim is made, the District may make the information available to the public without further notice.

Notwithstanding any claim of confidentiality, any information and data provided to the District which is effluent data, as defined at 40 C F R §2.302 (including, but not limited to, wastewater constituents and characteristics), shall be available to the public without restriction. All other information and data shall be available to the public at least to the extent provided by 40 C F R §2.302.

Information accepted by the District as confidential shall not be made available for inspection by the public, except as provided by 40 C F R §2.302 and MRSA §401 et seq., but shall be made available upon written request to governmental agencies for uses related to these Rules and Regulations, the National Pollutant Discharge Elimination System (NPDES) Permit, D E P permit, and the industrial pretreatment program; provided, however, that such portions of a report shall be available for use by the State or any state agency, the District, or by the United States or EPA in criminal or civil judicial or administrative enforcement proceedings involving the user.

## **6. ENFORCEMENT**

## **6.1. Notice of Violation**

When the District finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit condition or order issued hereunder, the District may serve upon that User a written Notice of Violation. Within 10 days of the receipt of this 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 District.

When the District finds that a User has violated the discharge limitations as set forth in the User's permit, the District will serve upon that User a written Notice of Violation. Within 5 days of the receipt of this notice, the User shall submit to the District a written report with corrective and preventive action taken to prevent recurrence.

Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation. Submission of this plan or report in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violations.

If the User fails to respond to the Notice of Violation within the specified times noted above, or fails to provide the required information specified in the Notice of Violation, the District will require the municipality(s) to take whatever measures necessary to correct or alleviate the violation. The District staff will be made available to assist in developing or implementing corrective measures, if requested by the municipality.

If the municipality fails to act within a reasonable period of time to correct such deleterious acts, or otherwise fails to act responsibly in protecting the Facility, the District may directly impose requirements to correct deleterious acts or violations of these Rules and Regulations on persons, firms, or corporations causing or contributing to such violations. In such cases any action required by the District such as, but not limited to, pretreatment of prohibited wastes or flow equalization facilities, will be done entirely at the cost of the Industrial User and subject to review and approval of the District. The District staff may, if determined necessary by the District and after attempting to notify the municipality and bearing proper identification, enter all premises connected to the District or municipal system, at reasonable hours all times for the purpose of inspection, measurement, sampling and testing to determine the quantity and character of wastes and wastewaters discharged or otherwise enforce these Rules and Regulations, including the inspection and copying of reports and records relating to the industrial pretreatment program.

Further, the District may, by complaint to the Superior Court, restrain or enjoin any person, firm, corporation or municipality from committing any act which may damage or impair the Facility or which is prohibited by any rule or regulation of the District.

## **6.2. Penalties**

Any User of the wastewater system who violates any provision of the laws administered by the District pertaining to pretreatment standards and requirements, including without limitation a violation of the terms or conditions of any rule or regulation of the District pertaining to pretreatment standards and requirements, is subject to a civil penalty payable to the District of not less than \$1,000 nor more than \$2,000 for each day of that violation. The District may recover the civil penalty by civil action in the District Court or Superior court.

# **7. TRUCKED-IN WASTEWATER REGULATION**

## **7.1. General**

Discharge of liquid or solid wastes wastewater from tank trucks into the interceptor sewer system of the District by Persons is prohibited. Municipalities and industries must have a service contract or permit to

discharge to the POTW. Haulers must obtain a permit, as defined herein, to discharge to the POTW. Discharge of wastes under such a permit will be allowed only at authorized points at POTW.

### 7.2. **Permits**

#### a) Permit Application

No Person or company shall discharge wastewater into the POTW until a permit has been obtained in accordance with these Rules and Regulations and associated Policies and Procedures. A separate permit must be obtained for each vehicle used to discharge wastewater to the POTW. Each permit application will include the license plate number of the vehicle for which it is issued and cannot be transferred to another vehicle. Application forms may be obtained from the District.

#### b) Permit Application Fee

Each applicant for a permit shall be charged an initial fee as included in Schedule C. This payment must accompany the initial application form.

#### c) Liability insurance

Each applicant for a Vehicle Registration shall provide evidence of vehicle insurance to the District in the form of a "certificate of insurance". Such insurance shall conform to the requirements of the District Policy or Procedures relating to the form and limit of insurance to be carried by vendors to the District.

#### d) Permit Renewal

Permits will be renewed annually.

#### e) Permit Revocation

Any permit issued in accordance with these Rules and Regulations and associated Policies or Procedures will be subject to revocation by the District for any infraction violation of these Rules and Regulations and Policies and Procedures.

### 7.3. **Charges**

The unit charge to the Hauler for discharging wastewater to the POTW shall be a fee established annually by the Trustees and included in Schedule C.

### 7.4. **Authorized Disposal Sites**

#### a) Site Limitations

Only those disposal sites which have been authorized by the District and which are specifically authorized in these Rules and Regulations and Policies and Procedures shall be used for the disposal of wastewater under the permit granted by these Rules and Regulations.

The District may establish rules, e.g. including hours of operation, to control disposal to POTW as necessary.

#### b) Approved Site Locations:

Westbrook Wastewater Treatment Plant  
Park Road, Westbrook

East End Wastewater Treatment Plant  
500 Marginal Way, Portland

### **7.5. Sanitation and Safety Standards**

Each Hauler who discharges wastewater to the POTW shall be responsible for the cleanliness and safety practices at the points of disposal. It shall be the Hauler's responsibility to have available the proper tools to discharge at the POTW in a safe and proper manner. It shall be the responsibility of the Hauler to discharge wastes at the POTW in such a manner as to keep the area clean and free from spills or other debris. Any spills shall be promptly cleaned up. The Hauler is also responsible for keeping his vehicle and related facilities clean and in good repair while being used for disposal to the POTW. These sanitary and safety practices shall be carried out in a manner acceptable to the District and to appropriate health departments. Failure to comply with these sanitation and safety standards shall be grounds for revocation of the vehicle registration.

### **7.6. Quality of Wastes**

Wastewater discharged to the Facility under a permit shall conform to the requirements and limitations of these Rules and Regulations. It shall be the responsibility of each Hauler to be familiar with the provisions of these Rules and Regulations. The District reserves the right to sample and analyze the contents of any vehicle utilizing the POTW for the discharge of wastewater. The purpose of such sampling and analysis will be to determine conformance with the above mentioned portions of the District Rules and Regulations. It shall be the responsibility of the Hauler's driver to provide any necessary assistance to District personnel in obtaining such samples.

7.7.

7.8. Technically Based Local Limits Westbrook POTW

7.9. SCHEDULE A

<u>Parameter</u>	<u>Daily Maximum Discharge Limit (mg/l)</u>
BOD	1401
TSS	2824
Arsenic	0.013
Cadmium	0.0132
Chromium	2.35
Copper	0.68
Cyanide	0.52
Lead	0.33
Mercury	0.0037
Nickel	0.29
Silver	0.12
Zinc	1.06

*The Control Authority may grant a variance to an industrial user discharging into the sewer system when the industrial user provides sufficient historical documentation to support such request. The Control Authority must determine that allowing such a variance will not:*

- a) result in an increase of the Maximum Allowable Industrial Headworks Loading*
- b) result in a non permitted discharge from the POTW*
- c) adversely affect the treatment of wastewater*
- d) adversely impact the sanitary sewer system*
- e) be in violation of any applicable local, state or federal law or regulation*

*Should such variances be authorized, any industrial user receiving the variance will impact the total available loadings to other industrial facilities within the treatment system.*

*The Control Authority will be required to assess the effectiveness of any variances. Modifications to local, state or federal requirements or wastewater characteristic changes within the wastewater system would also require the reevaluation of any variances.*

**7.10. Technically Based Local Limits PORTLAND POTW**

**7.11. SCHEDULE B**

<u>Parameter</u>	<u>(Daily Maximum) Discharge Limits</u>
BOD	10,000
TSS	5,000
Arsenic	2.0
Cadmium	0.024
Chromium	4.83
Copper	2.48
Cyanide	0.71
Lead	2.10
Mercury	0.014
Nickel	1.27
Silver	1.19
Zinc	5.16

**7.12. Septage and Holding Tank Waste Acceptance Fees**

**7.13. SCHEDULE C**

Effective 2005

- Septage - \$110.00 per 1,000 gallons
- Holding Tank Waste - \$16.00 per load and \$5.00 per 1,000 gallons
- Permit Application Fee - \$25.00 with initial application (annual renewal at no cost)

The Administrative Fee assessed to Non Member Communities and to Member Communities that do not receive an annual wastewater assessment is \$50.00 per 1,000 gallons.