



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

MEMORANDUM

TO: THE BOARD OF ENVIRONMENTAL PROTECTION

FROM: Charles Rossoll, Bureau of Land and Water Quality, Augusta Office

SUBJECT: ADMINISTRATIVE CONSENT AGREEMENT, Town of Farmington

DATE: April 15, 2010

Statute and Rule Reference: Maine State Law 38 M.R.S.A. § 414(5) prohibits violation of the terms and conditions of a waste discharge license issued by the Department. The Town of Farmington's wastewater discharge is authorized by Maine Pollutant Discharge Elimination System (MEPDES) permit number ME0101249. Special Condition J of this permit authorizes the addition of 20,000 gallons of septage per month into the wastewater treatment process.

Location: Town of Farmington, 153 Farmington Falls Road, Farmington, Maine 04938

Description: As reported in the facility's "Monthly Report of Operation", the Town of Farmington added 38,100 gallons of septage during the month of July 2008 to the wastewater treatment process. This is a violation of the 20,000 gallons per month limit authorized by Farmington's MEPDES permit (ME0101249) and 38 M.R.S.A. § 414(5) ("Unlawful to violate license").

Environmental Issues: The addition of excess septage to the wastewater treatment process during July 2008 caused an increased flow of secondary treated effluent to be discharged to the Sandy River, Class B. However, this increased discharge did not result in any known violations of Farmington's effluent limitations, specified in their MEPDES permit (ME0101249).

Department Recommendation: The Department recommends acceptance of this Administrative Consent Agreement as proposed stipulating a monetary penalty of one thousand five hundred and thirty dollars (\$1,530.00). As of this date, the Department has confirmed that the Town of Farmington has performed the following corrective actions, as requested:

- Laboratory personnel are be responsible for monitoring the septage discharged to wastewater treatment facility (WWTF).
- The wastewater superintendent notifies haulers when monthly septage volumes approach permitted limits.
- Signage has been installed instructing septage haulers to notify WWTF personnel when they deliver and discharge septage.

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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHNI ELIAS BALDACCI

DAVID P. LITTELL

GOVERNOR

COMMISSIONER

IN THE MATTER OF:

TOWN OF FARMINGTON)	ADMINISTRATIVE CONSENT
FARMINGTON, MAINE)	AGREEMENT
PROTECTION AND IMPROVEMENT)	(38 M.R.S.A. § 347-A)
OF WATERS)	
EIS DOCKET NUMBER 2009-001-W)	

This Agreement, by and among the Town of Farmington, the Maine Department of Environmental Protection (“Department”), and the Maine Office of the Attorney General is entered into pursuant to the laws concerning the Department’s *Organization and Powers*, 38 M.R.S.A. § 347-A(1).

THE PARTIES AGREE AS FOLLOWS:

1. The Town of Farmington is a municipal corporation which is organized and exists under the laws of the State of Maine, and operates a public wastewater collection/treatment system serving the inhabitants of the Town of Farmington.
2. The Town of Farmington is subject to Maine Pollutant Discharge Elimination System (MEPDES) Permit number ME0101249, issued by the Department on October 13, 2006 for the discharge of secondary treated sanitary wastewater to the Sandy River, Class B, subject to a series of standard and special conditions.
3. Under the October 2006 permit, Special Condition J authorizes the addition of up to 20,000 gallons of septage per month into the wastewater treatment process. The “Monthly Report of Operation” for July 2008 submitted by the Town of Farmington reported that 38,100 gallons of septage had been added to the treatment process during that month. This action is a violation of Special Condition J of the Town’s waste discharge license and 38 M.R.S.A. § 414(5).
4. On March 29, 2009 the Department issued a Notice of Violation (NOV) to the Town of Farmington for the violation described in Paragraph 3 of this Agreement, in accordance with 38 M.R.S.A. § 347-A(1)(B).
5. Pursuant to the NOV, the Department requested that the Town of Farmington perform the following corrective actions:
 - Submit to the Department a plan, description and schedule for implementation of measures that will be taken to ensure compliance with the conditions of Farmington’s MEPDES Permit. Specifically, the measures should focus on how the facility will comply with the daily and monthly limits for the volume of septage added to its wastewater treatment process.

TOWN OF FARMINGTON)
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(38 M.R.S.A. § 347-A)

As of the date of this Agreement, the Town of Farmington has responded to the NOV, and has proposed the following measures to improve its septage management program:

- Laboratory personnel will be responsible for monitoring the septage discharged to the wastewater treatment facility (WWTF). The personnel are located near the septage discharge location at the WWTF.
- The wastewater superintendent will notify haulers when monthly septage volumes approach permitted limits.
- Signage will be installed instructing septage haulers to notify WWTF personnel when they deliver and discharge septage.

6. Pursuant to 38 M.R.S.A. §§ 341-D(6)(C) and 347-A(1)(A)(1), administrative consent agreements must be approved by the Board of Environmental Protection ("Board"), which is part of the Department.
7. This Agreement shall become effective only if it is approved by the Board and the Office of the Attorney General.
8. To resolve the violations referred to in Paragraph 3 of this Agreement, the Town of Farmington agrees to:
 - A. Pay to the *Treasurer, State of Maine*, immediately upon signing this Agreement, a civil monetary penalty in the amount of one thousand five hundred and thirty dollars (\$1,530.00);
 - B. Immediately comply with the requirements of MEPDES Permit ME0101249, issued on October 13, 2006, particularly regarding the disposal of septage waste, as detailed in Special Condition J; and
 - C. No later than September 1, 2009, implement the actions requested in Paragraph 5 in order to ensure compliance with the terms and conditions of its discharge permit.
9. The Department and Office of the Attorney General grant a release of their causes of action against the Town of Farmington for the specific violation listed in Paragraph 3 of this Agreement on the express condition that all actions listed in Paragraph 8 of this Agreement are completed in accordance with the express terms and conditions of this Agreement. The release shall not become effective until all requirements of this Agreement are satisfied.

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10. Non-compliance with this Agreement voids the release set forth in Paragraph 9 of this Agreement and may lead to an enforcement action pursuant to 38 M.R.S.A. §§ 347-A(1)(A), 347-A(5), or 348, as well as pursuit of other remedies.
11. Actions taken pursuant to this Agreement shall be completed in accordance with the requirements of all applicable local, state, and federal laws, rules, laws, and orders including but not limited to licensing requirements.
12. The provisions of this Agreement shall apply to, and be binding on, the parties and their officers, agents, servants, employees, successors, and assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreement.

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of 3 pages:

TOWN OF FARMINGTON

BY: Richard P. Davis DATE: 8/5/09
TITLE: Town Manager

MAINE BOARD OF ENVIRONMENTAL PROTECTION

BY: _____ DATE: _____
SUSAN M. LESSARD, CHAIR

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: _____ DATE: _____
JANET McCLINTOCK, ASSISTANT ATTORNEY GENERAL