



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
COMMISSIONER

2021 SEP 29 PM 12:35

IN THE MATTER OF

<b>TOWN OF CAMDEN,</b>	)	
<b>PUBLICLY OWNED TREATMENT WORKS</b>	)	
<b>CAMDEN, KNOX COUNTY, MAINE</b>	)	<b>ADMINISTRATIVE CONSENT</b>
<b>PROTECTION AND IMPROVEMENT</b>	)	<b>AGREEMENT</b>
<b>OF WATERS</b>	)	<b>(38 M.R.S. § 347-A)</b>
<b>#2020-054-W</b>	)	

This Agreement by and among Town of Camden ("Camden"), the Maine Department of Environmental Protection, ("Department"), and the State of Maine Office of the Attorney General ("OAG"), as approved by the Maine Board of Environmental Protection ("Board"), is entered into pursuant to the laws concerning the Department's *Organization and Powers*, 38 M.R.S. § 347-A(1) and 341-D(6).

The parties agree as follows:

1. Camden is a municipal corporation organized and existing under the laws of the State of Maine. Camden operates a public wastewater treatment and collection system at 20 Lions Lane, Camden, Maine.
2. On July 29, 2008, the Department issued to Camden a combined Waste Discharge License No. W002520-6D-I-R and Maine Pollutant Discharge Elimination System ("MEPDES") Permit # ME0100137 ("the permit"). This combined permit was renewed on August 5, 2013, and January 1, 2019. It authorizes the discharge of 1.21 million gallons per day (MGD) of secondary treated municipal wastewater to Camden Harbor, Class SB waters, in Camden, Maine.
3. Throughout the periods addressed by this Agreement, Camden was subject to the following terms of the License:
  - a) Special Condition E of the permit, Authorized Discharges, states in relevant part:

*The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on January 12, 2018; 2) the terms and conditions of this permit; and 3) only from Outfall #001 and #001A. Discharges of wastewater from any other point source(s) are not authorized under this permit, and must be reported in accordance with Standard Condition D(1)(f), Twenty-four hour reporting, of this permit.*

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143

- b) Standard Condition B of the permit, Operation and Maintenance of Facilities, subsection (1)(a), states in relevant part:

**1. General facility requirements.**

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

- c) Special Condition A(1) of the permit, Effluent Limitations and Monitoring Requirements, states in relevant part:

**A.1 Effluent Limitations and Monitoring Requirements**

*Beginning upon issuance of this permit, the permittee is authorized to discharge secondary treated municipal wastewater from a publicly owned treatment works via **OUTFALL #001A** to Camden Harbor. Such discharges are limited and must be monitored by the permittee as specified below<sup>(1)</sup>.*

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
<b>Flow</b>	1.21 MGD	---	Report MGD	---	---	---	Continuous	Recorder
<b>BOD</b>	303 lbs./day	454 lbs./day	505 lbs./day	30 mg/L	45 mg/L	50 mg/L	1/Week	24 Hr. Composite
<b>BOD<sub>5</sub> Percent Removal<sup>(2)</sup></b>	---	---	---	85%	---	---	1/Month	Calculate
<b>Total Suspended Solids</b>	303 lbs./day	454 lbs./day	505 lbs./day	30 mg/L	45 mg/L	50 mg/L	1/Week	24 Hr. Composite
<b>TSS Percent Removal<sup>(2)</sup></b>	---	---	---	85%	---	---	1/Month	Calculate
<b>Fecal Coliform Bacteria<sup>(3)</sup></b>	---	---	---	15/100 ml	---	50/100 ml	1/Week	Grab

<sup>(2)</sup> Special Condition A, Footnote 2: “**Percent Removal** – The treatment facility must maintain a minimum of 85 percent removal of both total suspended solids and biochemical oxygen demand for all flows receiving secondary treatment. The percent removal must be based on monthly average influent and effluent concentration values.”

<sup>(3)</sup> Special Condition A, Footnote 3: “**Fecal coliform bacteria** – Limits apply on a seasonal basis (April 15 – October 31). The monthly fecal coliform average

*limitation is a **geometric mean** limitation and results must be calculated and reported as such.*

d) Title 38 M.R.S. § 413(1), Waste Discharge Licenses, states in relevant part:

*No person may directly or indirectly discharge or cause to be discharged any pollutant without first obtaining a license therefor from the department.*

4. Special Condition E, Standard Condition B(1)(a), and 38 M.R.S. § 413(1) require that all Camden's wastewater flows be collected and treated according to their license, which does not allow sanitary sewer overflows (SSO). From 2015 to 2021, Camden reported SSOs on the following dates as summarized in the table below.

SSO Date	Volume in gallons from Sea Street pump station	Volume in gallons from Bayview pump station	Volume in gallons from other sources
4/4/2015		unknown	
7/1/2015			Force main leak, unknown
9/30/2015	43,500	287,400	Manholes, unknown
1/10/2016	6,000		
2/16-17/2016	33,400		
2/25/2016	4,400		
11/29/2016	46,533		
12/1/2016	93,461	251,188	
12/29/2016	64,023	18,202	
1/24-25/2017	39,922		
4/6/2017	41,813		
4/3/2017			Manhole, 25-50/unknown
5/26/2017	7,873		
11/29/2017			Manhole, 25-50/unknown
1/12-13/2018	363,922		
1/23/2018	11,090		
1/24/2018			Other pump station, 20
4/17/2018	75,414		
4/26/2018	51,739		
11/13/2018	188,552	105,746	
12/21/2018	95,082		
1/24/2019	204,062	112,855	
2/25/2019	17,723		Manhole, 400
6/20/2019	60,381		
12/10/2019	62,831		
12/13/2019	267,823	213,114	

1/26/2020	189,331		
3/15/2020			Manhole, 20-30
4/13/2020	375,454	95,681	
3/28/2021	55,715		Manhole, unknown
<b>Total SSO volume</b>	<b>2,400,044</b>	<b>1,084,186</b>	<b>unknown</b>

Camden's SSOs are caused by excess inflow and infiltration into the collection system. The majority of Camden's SSOs occur at the Sea Street and Bayview pump stations. The estimated total volume of untreated wastewater discharged into Camden Harbor between April 2015 and March 2021 is approximately 3.5 million gallons.

**By discharging untreated wastewater from collection system pump station emergency bypasses, manholes, and any locations other than their permitted outfalls, Camden violated Special Condition E, Standard Condition B(1)(a), and 38 M.R.S. § 413(1) in each of the instances described above in the table in this paragraph 4.**

5. Special Condition A(1) requires that all secondary treated municipal wastewater discharges are limited and monitored as specified in the permit. From 2015 through 2021, Camden reported discharges in violation of Special Condition A(1) at outfall #001A as summarized in the tables below:

**Flow Violations Table** (Measured as a monthly average; permit limit is 1.21 million gallons per day (MGD)).

<b>Date</b>	<b>Self-Reported Value (MGD)</b>
4/30/15	1.484
2/29/16	1.232
4/30/17	1.242
5/31/17	1.245
2/28/18	1.267
4/30/18	1.397
11/30/18	1.506
4/30/19	1.345
3/30/20	1.235
4/30/20	1.608
12/31/20	1.368

**Other Effluent Violations Table:** fecal coliform bacteria, total suspended solids (TSS), TSS percent removal, biochemical oxygen demand (BOD), and BOD<sub>5</sub> percent removal

Date	Parameter	Measurement Frequency	Permit Limit	Self-Reported value
7/31/14	Fecal Coliform Bacteria	Monthly Average	15/100 ml	17/100 ml
12/31/14	TSS Percent Removal	Monthly Average	85%	81%
12/31/14	BOD <sub>5</sub> Percent Removal	Monthly Average	85%	81%
1/31/15	Total Suspended Solids	Weekly Average	45 mg/L	47 mg/L
1/31/18	BOD	Weekly Average	45 mg/L	49 mg/L

By failing to meet the effluent discharge limits on each of the dates and in each of the ways described in the Flow Violations and Other Effluent Violations Tables above in this paragraph 5, Camden violated Special Condition A(1) of their permit.

6. Each of the violations identified in paragraphs 4 and 5 above is also a violation of 38 M.R.S. § 414(5) which requires that a permittee comply with all aspects of their permit.
7. On October 10, 2018, in accordance with 38 M.R.S. § 347-A(1)(B), the Department issued a Notice of Violation to Camden regarding the violations identified in paragraph 4 above. The parties agree that this Agreement constitutes a legally sufficient Notice of Violation pursuant to 38 M.R.S. § 347-A(1)(B) for any violations specifically cited in this Agreement but not previously noticed and that Camden has been adequately noticed for all violations described herein.
8. This Agreement is not effective until it is approved by the Board and the OAG.
9. To resolve the violations referred to in paragraphs 4 through 6 of this Agreement, Camden agrees to do each of the following to the satisfaction of the Department:
  - A. Pay a civil monetary penalty in the amount of twenty-five thousand five hundred eleven dollars (\$25,511.00) with all but ten thousand dollars (\$10,000.00) suspended as follows:
    - I. Upon signing this Agreement, Camden shall provide ten thousand dollars (\$10,000.00) to *Maine Coast Heritage Trust* for the completion of the Aldermere Farm Supplemental Environmental Project ("SEP"). For purposes of this Agreement, the SEP is more fully described in Appendix A.
      - a) Any public statement, oral or written, in print, film, or other media, made by Camden making reference to the SEP described above shall include the following language: "This project was undertaken in

connection with the settlement of an enforcement action taken by the Maine Department of Environmental Protection for violations of *Maine's Protection and Improvement of Waters law.*”; and

- b) Any payments made by Camden pursuant to the SEP described above are not tax deductible and are ineligible for certification as tax exempt pollution control facilities pursuant to 36 M.R.S. §§ 105, 211; and

II. Civil penalties in the amount of fifteen thousand five hundred eleven dollars (\$15,511.00) will be temporarily suspended upon the execution of this Agreement and will be permanently waived contingent upon the timely completion of all requirements set forth in subparagraphs 9(A – D), as determined by the Department in its sole discretion. If the Department, in its sole discretion, determines that Camden has failed to timely comply with any requirement set forth in subparagraphs 9(A – D) to the Department’s satisfaction, including any deadlines established pursuant to those subparagraphs, then the full amount of the civil monetary penalty immediately becomes due and payable to the *Treasurer, State of Maine*, upon request in addition to all other enforcement options available under law to the Department and the OAG with all defenses waived by Camden; and

- B. Within 120 days of the effective date of this Agreement, submit to the Department for review and approval a complete capacity, management, operations, and maintenance (“CMOM”) self-assessment checklist of the collection system, specifically identifying data gaps, missing information, or missing supporting documents; and
- C. Within 240 days of the effective date of this Agreement, develop and submit to the Department for review and approval an updated and complete collection system CMOM plan that addresses deficiencies, fills data gaps, and supplies missing information or documents identified in the self-assessment process described in subparagraph 9(B); and
- D. Within 240 days of the effective date of this Agreement, submit to the Department for review and approval a plan and schedule to eliminate collection system SSOs that result from inflow and infiltration, including the Sea Street force main rerouting project. The Department understands that the plan and schedule described in this paragraph may be subject to change as more information is gathered. Any changes to the plan and schedule must be submitted to the Department for review and approval; and
- E. Immediately upon demand by the Department, pay to the *Treasurer, State of Maine* the amount of one hundred dollars (\$100.00) per day per violation for violating any provision of this Agreement, including but not limited to failure to complete the requirements set forth in subparagraphs 9(B – D) in a timely manner

as determined by the Department in its sole discretion.

10. The Department and OAG grant a release of their causes of action against Camden for the specific violations listed in paragraph 4 through 6 of this Agreement, on the express condition that all actions called for in paragraph 9 of this Agreement are completed in accordance with the express terms and conditions of this Agreement to the satisfaction of the Department and the OAG. The release shall not become effective until all requirements of this Agreement are satisfied, as determined by the Department and the OAG in their sole discretion.
11. Any non-compliance with any term or condition of this Agreement, as determined by the Department or the OAG in their sole discretion, voids the release set forth in Paragraph 10 of this Agreement and may lead to an enforcement action pursuant to 38 M.R.S. §§ 347-A(1)(A), 347-A(5), or 348, as well as pursuit of other remedies.
12. Actions taken pursuant to this Agreement shall be completed in accordance with the requirements of all applicable local, state, and federal laws, rules, and orders including but not limited to licensing requirements.
13. 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.
14. By signing and executing this Agreement, Camden knowingly, voluntarily, intentionally, permanently, and irrevocably waives any and all defenses related to the enforcement of this Agreement, including enforcement by the Department or the OAG.

IN WITNESS, WHEREOF the parties have executed the Agreement consisting of seven (7) pages.

TOWN OF CAMDEN

BY: 

DATE: 9/21/2021

AUDRA CALER, TOWN MANAGER

MAINE BOARD OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

CHAIR / PRESIDING OFFICER

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

LAURA JENSEN, ASSISTANT ATTORNEY GENERAL

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