

Technical Memorandum

Date: 20 August 2020

To: Sherwood McKenney, District Engineer
Waste Management Disposal Services of Maine, Inc. (WMDSM)

From: Nicholas J. Yafrate, P.E.
Scott M. Luetlich, P.E.
Geosyntec Consultants (Geosyntec)

Subject: Response to MEDEP Comments
Phase 14 Solid Waste Permit Application - Volumes V and VI
Crossroads Landfill, Norridgewock, Maine

The purpose of this memorandum is to provide responses to comments (RTCs) from the Maine Department of Environmental Protection (MEDEP) after their review of Volume V, Operations Manual and Volume VI, Draft Construction Bid Documents of the Phase 14 Solid Waste Permit Application, dated October 2019. MEDEP's review comments were presented in a memorandum transmitted as an attachment to an email from Kathleen Tarbuck to WMDSM on 10 August 2020. Clarifications to some of the review comments were provided during a telephone call between Mr. Yafrate and Ms. Tarbuck on 17 August 2020.

MEDEP's comments are presented below in *italics* followed by responses to each.

1. Application, Volume V

The comments refer to the sections noted in the Site Operations Manual, submitted in Appendix A of Application, Volume V for the secure landfill.

A. Section I, Part A, General. Section 11.1 Litter Control. Page 6. The Site Operations Manual states that "WMDSM will periodically police roadsides around the Crossroads Facility to maintain cleanliness of the site." Additional information and clarification should be provided in this section addressing the litter control, such as litter control fences utilized at the site and any routine litter maintenance scheduled and performed

by facility personnel or contracted entities. Alternatively, Section II of the Site Operations Manual can be referenced; i.e. Section II, Part A page 14 includes detail on litter control for the secure landfill.

Response to Comment 1A. WMDSM will modify Section I, Part A to read as follows:

“WMDSM will manage litter at the Crossroads Facility through an established litter maintenance program. Facility personnel and/or contracted third party entities will pick up litter at the perimeter of the active landfill(s), at areas on-site beyond the active landfill perimeter (as necessary), along the site access road, and adjacent to US Route 2 within a few miles of the facility entrance. Additionally, the landfill operators will attempt to promptly cover potential litter at the landfill active face to minimize windblown transport. Lastly, litter control fences will be erected at the perimeter of the landfill prior to waste disposal to minimize the release of windblown litter. Further discussion regarding litter control fences is provided in Section II, Part A.”

B. Section II, Part A, Secure Landfill.

1) Section 2.5 Cover Material Requirements. Page 5. The Site Operations Manual notes utilizing cover to minimize odor, but it does not include an odor management plan. The Department’s regulation Landfill Siting, Design, and Operation 06-096 C.M.R. ch. 401, §4(C)(8)(a)(iv) states “[u]nless the material proposed as an alternative daily cover has no odor or potential to create a nuisance odor, the submittal must include an odor management plan that includes provisions for the prevention and control of nuisance odor during routine operations, and a process for responding to any odor complaints received.” The Site Operations Manual should address this requirement: characterizing the odor potential of the alternative daily cover and/or the inclusion of an odor management plan

Response to Comment 1B.1) WMDSM’s list of approved Alternative Daily Cover (ADC) materials is presented in Section 2.5.2, as follows: reinforced synthetic tarps, unsalable woodwaste fines (tailings) from the Woodwaste Facility, ground utility poles, ground Construction/Demolition Debris (CDD), Pioneer Plastics by-product, approved fly-as and bottom-ash, approved auto shredder residues, mill felt, and urban fill soils.

These materials do not have significant potential to create airborne odors. However, the following sentence will be inserted into Section II-Part A (§2.5.2) of the Site Operations Manual:

“For new ADC materials not already on the list above and that have potential to create airborne odors, a characterization of the odor potential will be conducted by WMDSM prior to using the materials as ADC. Additionally, the Department will be notified of new ADC materials in order to observe and approve prior to continued use.”

- 2) *Section 4.1 Purpose. Page 14. This section appears to be missing the narrative. The sentence for this section may have been erroneously been inserted in the header of section 4.2.*

Response to Comment 1B.2) The statement of purpose was inadvertently inserted into the header for §4.2. As such, §4.1 will be corrected to include the following sentence:

“WMDSM records the approximate location of each Special Waste load within the landfill so that the Special Waste may be found as/if necessary.”

C. Section III. Leachate Management Plan.

- 1) *Section 6.3 Disposal. Page 16. This section should be updated to include the most current leachate treatment agreements.*

Response to Comment 1C.1)

Section 6.3 of the Leachate Management Plan, Disposal (page 16) will be updated to include the most current leachate treatment agreements at the time the Site Operations Manual is submitted to MEDEP. It is noted that the AMSD Industrial Wastewater Discharge Permit was executed on December 18, 2019 and is attached hereto. Once an updated agreement with SAPPI is finalized it will be provided to MEDEP as well. (See also WMDSM’s Response to Comment 13 in the 31 March 2020 memorandum titled Response to MEDEP Comments Phase 14 Solid Waste Permit Application – Volume 1).

- 2) *Section 7.3 Action Leakage Rates and Response Action Plan. Page 17. This section references the leachate flow measurements included in Appendix III- E; however, it appears that the reference should be Appendix III-C.*

Response to Comment 1C.2) The reference in Section 7.3 to detailed description of leachate flow measurements in Appendix III-E was a typographical error. The reference will be corrected to read Appendix III-C.

- D. Section VI. Stability Monitoring Plan. Section 2.1 Key Personnel. Page 2. The phone numbers in the table for the Department contacts should be updated to the following: Linda Butler (207) 592-5329 and Kathy Tarbuck (207) 458-9074.*

Response to Comment 1D The names and phone numbers of the MEDEP personnel in the Stability Monitoring Plan, Section 2.1 Key Personnel, will be updated to Ms. Butler and Ms. Tarbuck with the appropriate phone numbers.

E. General Comments:

1) *Phase 14 Updates. As stated in the Application, Vol. V, the following sections of the Sites Operations Manual shall be updated prior to Phase 14 construction and operations per the requirements of the Department's regulation Landfill Siting, Design, and Operation 06-096 C.M.R. ch. 401,*

Response to Comment 1E.1) The updated sections of the Site Operations Manual will be submitted to MEDEP no less than 60 days before operations commence in the first cell of Phase 14.

2) *Additional Updates. In conjunction with the Phase 14 updates, additional updates should be made to the Site Operating Manual including, but not limited to: items associated with construction and operation of Phase 8C" (leachate management, SWPPP, landfill gas, stability monitoring, etc.) and closure of Phase 11 (various section narratives and post closure monitoring and maintenance).*

Response to Comment 1E.2) WMDSM agrees that, in addition to the updates for the Phase 14 landfill, the Site Operations Manual will also be updated to include the recently constructed Phase 8C" PM landfill cell and final closure of Phase 11. It is noted that substantive information pertaining to the Phase 8C" PM Secure Landfill and Phase 11 Final Closure has been submitted to MEDEP within the Crossroads Landfill Annual Reports and other documentation/reports. Nonetheless, as MEDEP requested, the updated sections of the Site Operations Manual will be submitted no less than 60 days before operations begin in the first cell of Phase 14.

3) *Additional Department Comment. The Department may have further review comments when the updated Sites Operations Manual is submitted.*

Response to Comment 1E.3) Understood. No further response required.

2. Application, Volume VI

A. Appendix VI(a) Quality Assurance Manual (QAM) – Cell Construction.

1) *Section 1.5 Site and Project Meetings. Pages 6 and 7. The Department should be notified of the time and location of pre-construction and weekly meetings.*

Response to Comment 2A.1) Agreed. The following sentence will be added to the end of the first paragraph of the Cell Construction QAM, Section 1.5.1 Preconstruction Meeting:

“MEDEP will be pre-notified of the time and location of the preconstruction meeting.”

The following sentence will be inserted into the first paragraph of Section 1.5.2 Progress Meetings:

“MEDEP will be pre-notified of the time and location of the progress meetings.”

- 2) *Section 7 Wick Drains/Underdrains. Page 18. Although this section includes wick drain requirements, it is understood that there are no wick drains proposed for Phase 14.*

Response to Comment 2A.2) Agreed. No further response required.

- B. *Appendix VI(b) Quality Assurance Manual (QAM) – Final Closure Construction, Section 1.5 Site and Project Meetings. Pages 4 and 5. The Department should be notified of the time and location of pre-construction and weekly meetings.*

Response to Comment 2B) Agreed. The following sentence will be added to the end of the first paragraph of the Final Closure Construction QAM, Section 1.5.1 Preconstruction Meeting:

“MEDEP will be pre-notified of the time and location of the preconstruction meeting.”

- C. *Appendix VI(c) Technical Specifications - Cell Construction*

- 1) *Section 02170. Wick Drain and Underdrain. This specification includes wick drain construction, along with reference to the Asbestos Landfill (i.e, page 02170-2 “subgrade preparation and common Borrow placement over exterior portion of the Asbestos Landfill may be feasible for stormwater/erosion and sedimentation control purposes”). It is understood that there are no wick drains proposed and the Asbestos Landfill is not part of this project.*

Response to Comment 2C.1) Agreed. Wick drains are not proposed for the Phase 14 project. The reference to the Asbestos Landfill on page 02170-2 was a holdover from the recent construction of Phase 8C” PM which included wick drains and a piggyback tie-in with the Asbestos Landfill; this reference will be removed from the specifications that are issued for Phase 14 cell construction. It is noted that even though wick drains are not part

of the Phase 14 cell construction, Specification 02170, *Wick Drains and Underdrain*, will remain in the Phase 14 Specifications to avoid ripple effect changes in other related documents such as the QAM. The wick drain specification, however, will be marked as an “Inactive Section” for Phase 14.

- 2) *Section 02240. Soil Barrier Layer. Section 3.01(F), page 02240-4. References is made to potential utilization of the existing silt clay layer on the Asbestos Landfill. The Asbestos Landfill is not part of this project and references to it should be removed.*

Response to Comment 2C.2) Agreed. These references specific to potential utilization of the existing silt clay on the Asbestos landfill were holdovers from the recent construction of Phase 8C” PM which included a piggyback tie-in with the Asbestos Landfill, and will be removed from the Specifications that are issued for Phase 14 cell construction.

- 3) *Section 02530. Geosynthetic Clay Liner. Section 1.04 Moisture Content testing is listed as ASTM D2216 and Grab Strength is listed as ASTM D4632. According to GRI GCL3, the updated methods are ASTM D5993 for Moisture Content and ASTM D6768 for Tensile Strength. The correct methods should be verified and utilized, as appropriate.*

Response to Comment 2C.3) Agreed. The most up-to-date test standards will be referenced in Specification Section 02530 that is issued for Phase 14 construction.

- D. *General Comment. Phase 14 Updates. As stated in the Application, Vol. VI, the Quality Assurance Manuals and Technical Specifications for Phase 14 will be submitted for Department approval prior to the construction of each cell. The Department may have further review comments when the construction documents are submitted.*

Response to Comment 2D) Understood. No further response required.

* * * * *

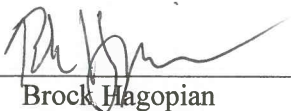
ATTACHMENT:

Anson-Madison Sanitary District Industrial Wastewater Discharge Permit, dated 18 Dec 2019

**ANSON-MADISON SANITARY DISTRICT
INDUSTRIAL WASTEWATER DISCHARGE PERMIT**

Issued to Waste Management Disposal Services of Maine, Inc. ("WM") (the "Permittee") owner and operator of Crossroads Landfill ("Facility"), located at 357 Mercer Road, Norridgewock, ME. The Permittee is hereby authorized to discharge leachate from the Facility into the Anson-Madison Sanitary District ("AMSD") Wastewater Treatment Plant ("WWTP") in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this permit. All Discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of this permit.

This permit shall be effective for a one (1)-year period beginning on 1/1/2020 and expiring at midnight on 12/31/2020.

By: 

Brock Hagopian
Chairman, Board of Trustees
Anson-Madison Sanitary District

Issued this 18 day of 12, 2019

PART I – APPLICABLE EFFLUENT LIMITATIONS

- A. During the effective period of this permit the Permittee is authorized to discharge leachate to the AMSD WWTP from WM Crossroads Landfill in Norridgewock. Any other discharge is prohibited.
- B. During the effective period of this permit, the discharge from Permittee's Facilities shall not exceed the following effluent limitations.

| | |
|--|--------|
| Daily Maximum Flow (gallons) | 56,000 |
| Average BOD (mg/L) for any 3 consecutive monitoring events | 100 |
| Average TSS (mg/L) for any 3 consecutive monitoring events | 500 |

- C. The Permittee shall not discharge wastewater to the WWTP:

Having a pH lower than 5.5 or higher than 9.5;

Containing any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases, and any material having a flash point of less than 140 F;

Containing any grease or oils of petroleum origin, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous between 32 and 140 F;

Containing any grease or oils that cause a visible sheen on any process tank, basin, or final effluent from the WWTP. The Permittee shall be responsible for all costs associated with any oil or grease cleanup caused by the Permittee;

Containing any sand, shavings, metal, glass, rags, plastics, woods, or any other substance capable of causing obstructions or interference with the operation of the treatment facility which, alone or in conjunction with a discharge or discharges from other sources, both inhibits or disrupts the WWTP, its treatment processes or operations, or its sludge processes, use or disposal, and therefore is a cause of, or contribution to, a violation of any requirement of the WWTP's MEPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with applicable statutory provisions and regulations or permits issued thereunder, or, which exits the WWTP into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of, or contribution to, a violation of any requirement of the WWTP's MEPDES permit (including an increase in the magnitude or duration of a violation);

That is a cause of, or contribution to, a violation of any requirement of the WWTP's MEPDES permit (including an increase in the magnitude or duration of a violation).

- D. The Permittee shall not discharge wastewater to the WWTP that does not comply with the requirements of 40 C.F.R. 403.5 (1998), the State of Maine Rule 06-096 CMR DEP Chapter 528, and/or the Bylaws and Rules and Regulations of AMSD.
- E. AMSD reserves the right to refuse acceptance of wastewater delivery from the Permittee for due cause including but not limited to wastewater parameter non-compliance or AMSD WWTP system status.
- F. Wastewater deliveries will be suspended during high-flow events if combined influent flow levels exceed a 6.0 MGD. Wastewater delivery acceptance will be resumed when levels recede below

6.0 MGD and high influent flow conditions have passed, provided approval is received from AMSD staff.

PART II – MONITORING REQUIREMENTS

- A. At the time of this Permit, discharge monitoring as described in this Section shall apply to the leachate from Permittee's existing facilities that is delivered to AMSD. Expansion of Permittee's facilities shall be cause for re-opening of this permit as defined in Part IV, Section 8.
- B. Except as otherwise provided in this Section, for the effective period of this permit Permittee shall reimburse AMSD for monitoring of the Permittee's wastewater from wastewater hauling trucks and/or holding tanks at Permittee's facility for the parameters listed in Table II-B on the following page. AMSD will provide at least 48 hour prior notification of any testing or monitoring to be conducted by AMSD and Permittee shall be entitled to be present for such testing or monitoring event. At Permittee's request and expense, AMSD shall provide split samples of testing or monitoring to Permittee for any testing or monitoring event conducted by AMSD under this Permit.
- C. If necessary, for the effective period of this permit, Permittee shall reimburse AMSD for monitoring of the Permittee's wastewater from wastewater hauling trucks and/or holding tanks at Permittee's facility for screening level testing including: Whole Effluent Toxicity (WET) Testing, Analytical Chemistry Testing, and/or Priority Pollutant Testing. If necessary, such testing will be performed concurrently with AMSD's Waste Discharge License required testing at the Permittee's expense.
- D. AMSD reserves the right to change monitoring requirements, locations, frequency, parameters, and add parameters if the District experiences stricter or different regulatory requirements, process upsets, toxicity analysis failures, or indication in the process or by lab result that a certain pollutant or constituent may be present in the discharge from Permittee. Any and all additional monitoring shall be at the Permittee's expense. AMSD shall provide at least thirty (30) day prior written notification of any such changes listed above to Permittee.
- E. For any individual parameter listed above, after eight (8) consecutive analyses that show none of the parameters in question present in the wastewater from Permittee, Permittee may petition AMSD to reduce or suspend further analysis.
- F. All handling and preservation of collected samples and laboratory analyses of samples shall be performed in accordance with 40 CFR, Part 136 and amendments thereto unless specified otherwise in the monitoring conditions of this permit.
- G. All sample collection, handling, and preservation and analysis shall be performed by AMSD or AMSD-contracted laboratory at the expense of the Permittee unless specified otherwise in the monitoring conditions of this permit.

TABLE II-B

| Parameter | Units | Note | Frequency | Type |
|----------------------------------|-------------|-------|----------------|--------------------|
| Flow | (gallons) | (2) | per haul | 8,000 gallon truck |
| pH | (SU) | (3) | 1x/haul day | Grab |
| Temperature | (degrees F) | (3) | 1x/haul day | Grab |
| Total Dissolved Solids | (mg/l) | (1) | three times/yr | Grab |
| Total Phosphorous | (mg/l) | (1) | three times/yr | Grab |
| Nitrite | (mg/l) | (1) | three times/yr | Grab |
| Nitrate | (mg/l) | (1) | three times/yr | Grab |
| Heptachlor | (µg/l) | (1) | three times/yr | Grab |
| Total Residual Chlorine | (mg/l) | (1) | three times/yr | Grab |
| Aluminum | (mg/l) | (1) | three times/yr | Grab |
| Cyanide | (mg/l) | (1) | three times/yr | Grab |
| Hardness | (mg/l) | (1) | three times/yr | Grab |
| Oil & Grease | (mg/l) | (5) | three times/yr | Grab |
| Total Suspended Solids | (mg/l) | (5) | three times/yr | Grab |
| Biochemical Oxygen Demand (mg/l) | | (5) | three times/yr | Grab |
| Ammonia Nitrogen | (mg/l) | (5) | three times/yr | Grab |
| Cadmium | (mg/l) | (5) | three times/yr | Grab |
| Chromium | (mg/l) | (5) | three times/yr | Grab |
| Copper | (mg/l) | (5) | three times/yr | Grab |
| Lead | (mg/l) | (5) | three times/yr | Grab |
| Nickel | (mg/l) | (5) | three times/yr | Grab |
| Zinc | (mg/l) | (5) | three times/yr | Grab |
| Arsenic | (mg/l) | (5) | three times/yr | Grab |
| Barium | (mg/l) | (5) | three times/yr | Grab |
| Selenium | (mg/l) | (5) | three times/yr | Grab |
| Silver | (mg/l) | (5) | three times/yr | Grab |
| Cobalt | (mg/l) | (5) | three times/yr | Grab |
| Chemical Oxygen Demand | (mg/l) | (5) | three times/yr | Grab |
| <i>E. Coli</i> | (cfu/0.1L) | (5) | three times/yr | Grab |
| Thallium | (mg/l) | (5) | three times/yr | Grab |
| Low-Level Mercury | (ng/l) | (4,5) | one time/yr | Grab |
| Acetone | (mg/l) | (5) | three times/yr | Grab |
| Benzene | (mg/l) | (5) | three times/yr | Grab |
| 2-Hexanone | (mg/l) | (5) | three times/yr | Grab |
| Methyl Ethyl Ketone | (mg/l) | (5) | three times/yr | Grab |
| Methyl Isobutyl Ketone | (mg/l) | (5) | three times/yr | Grab |
| Methylene Chloride | (mg/l) | (5) | three times/yr | Grab |
| Toluene | (mg/l) | (5) | three times/yr | Grab |
| Total Xylenes | (mg/l) | (5) | three times/yr | Grab |
| a-Terpineol | (mg/l) | (5) | three times/yr | Grab |
| Benzoic Acid | (mg/l) | (5) | three times/yr | Grab |
| Benzyl Alcohol | (mg/l) | (5) | three times/yr | Grab |
| 2-Methylphenol | (mg/l) | (5) | three times/yr | Grab |
| 4-Methylphenol | (mg/l) | (5) | three times/yr | Grab |
| Fluoranthene | (mg/l) | (5) | three times/yr | Grab |
| 2-Methylnaphthalene | (mg/l) | (5) | three times/yr | Grab |
| Naphthalene | (mg/l) | (5) | three times/yr | Grab |
| Phenanthrene | (mg/l) | (5) | three times/yr | Grab |
| Phenol | (mg/l) | (5) | three times/yr | Grab |
| Pyrene | (mg/l) | (5) | three times/yr | Grab |

Numbers listed in Table II-B are defined as follows:

- (1) Samples are collected from the wastewater (leachate) delivery trucks or from the Permittee's leachate tank or tanks, located at the Permittee's facilities, as determined by AMSD each monitoring period.
- (2) Flows are totaled by counting the number of 8,000 gallon truckloads hauled. Daily flow shall be reported to AMSD by Permittee on a monthly basis, at the address listed in Part III-C of this permit.
- (3) AMSD staff will test Permittee wastewater for pH range compliance prior to accepting discharge. Temperature will also be noted.
- (4) Mercury samples are collected from the wastewater (leachate) delivery trucks or from the Permittee's leachate tank or tanks, located at the Permittee's facilities, as determined by AMSD each monitoring period. Mercury will be analyzed using EPA Method 1631: Measurement of Mercury in Water.
- (5) These parameters may be submitted by the Permittee to AMSD provided the testing is performed using approved wastewater methods.

Definitions of sample types can be found in Part IV, Section 1 of this permit.

PART III – ADDITIONAL/SPECIAL MONITORING REQUIREMENTS

A. Accidental Discharge:

The Permittee shall notify AMSD at 207-696-3246 immediately upon the occurrence (or suspected occurrence) of an accidental discharge of substances that may cause pass through, interference, or upset as defined in Part IV, Section 1 of this permit. After normal business hours, AMSD's on-call individual shall be called at 207-851-4745. The notification shall include location of discharge, date and time thereof, type of waste, including the concentration and volume, and corrective action taken. Within five days following an accidental discharge, the Permittee shall submit to AMSD a detailed written report. The report shall specify:

- (1) Description and cause of the upset, slug load, or accidental discharge. The report shall also include location of discharge, type, concentration, and volume of discharged material.
- (2) Duration of upset or accidental discharge, including exact dates and times and the time by which normal operations are reasonably expected to resume.
- (3) All steps taken to reduce, eliminate, and prevent recurrence of an upset, slug load, accidental discharge, or other conditions of concern.

B. AMSD reserves the right to repeat sampling and analysis of any constituent at any time it deems necessary to ensure validity of results and/or avoid potential upset conditions.

C. All reports required by the permit shall be submitted to AMSD at the following address, or such other person and address as AMSD may designate.

**AMSD
52 Main Street, Suite 1
Madison, ME 04950**

PART IV – STANDARD CONDITIONS

SECTION 1 – DEFINITIONS

Terms used in this permit shall be as defined herein; terms not defined herein shall have their customary dictionary meaning.

- A. Grab sample, for monitoring requirements, is defined as an individual sample, which is taken from a waste stream on a one-time basis.
- B. Discharge means the introduction of pollutants into the WWTP from any non-domestic source regulated under Section 357(b), (c) or (d) of the Federal Water Pollution Control Act. 33 U.S.C. § 1251 et seq.
- C. Pass-Through means a discharge which exits the WWTP into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWTP MEPDES permit (including an increase in the magnitude or duration of a violation).
- D. Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - (1) Inhibits or disrupts the WWTP, its treatment processes or operation, or its sludge processes, use or disposal; and
 - (2) Therefore is a cause of a violation of any requirement of the WWTP's MEPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or more stringent State or local regulations) Section 405 of the Clean Water Act, the Solid Waste Disposal Act (including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of said Act), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- E. Upset means an exceptional incident in which there is temporary discharge outside of typical, reasonable, or licensed parameter limits.

SECTION 2 – GENERAL CONDITIONS

A. Duty to Comply:

The Permittee must comply with all conditions of this permit. Failure to comply with the requirements of these regulations may be grounds for administrative action, or judicial enforcement proceedings including civil or criminal penalties, injunctive relief, termination of sewer service, or summary abatements.

B. Permit Action:

This permit may be modified, revoked, reissued or terminated by AMSD Board of Trustees with at least thirty (30) working days' written notice to Permittee for any of the following reasons:

- (1) Violation of any terms or conditions of this permit;

- (2) Obtaining this permit by misrepresentation;
- (3) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Reliable information indicating that the permitted discharge poses a threat to human health or welfare;

C. Property and Contract Rights:

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights.

D. Severability:

The provisions of this permit are severable, and if any provision or provisions of this permit are held invalid, the remainder of the permit shall not be affected.

E. Limitation on Transfer:

This permit is not transferable to any other owner without the prior written approval of AMSD. Request for discharge permit must be submitted by the new owner within thirty (30) days prior to transfer of ownership.

F. Dilution:

The Permittee shall not in any way attempt to dilute a discharge as a means of misrepresentation of discharge parameters, or to achieve compliance with the limitations contained in this permit.

SECTION 3 – OPERATION & MAINTENANCE OF POLLUTION CONTROLS

A. Proper Operation & Maintenance:

The Permittee shall at all times properly operate and maintain all systems of treatment and control which are used by the Permittee to achieve compliance with the conditions of this permit.

SECTION 4 – MONITORING AND RECORDS

A. Representative Sampling:

Samples and measurements shall be representative of the volume and nature of the monitored discharge. The sampling shall be done on a day of representative process operations. “Three times/year” sampling shall occur on a trimester basis in order to collect data representative of each third of a 1-year period.

All samples shall be taken at the monitoring point or points specified in this permit.

B. Inspection and Entry:

The Permittee shall allow AMSD Staff, or an authorized representative bearing proper credentials and identification, timely access to enter the Permittee's premises where a regulated facility or activity is located or where records must be kept under the conditions of this permit. The AMSD representative shall be given access at reasonable times to:

- (1) Inspect and photocopy any records that must be kept under the conditions of this permit;
- (2) Inspect facilities, equipment, practices, or operations regulated or required under this permit;
- (3) Sample or monitor, for the purpose of assuring permit compliance, any waste streams entering the sewer system or that could be discharged to AMSD's WWTP; and/or
- (4) Inspect any production, manufacturing, fabricating, or storage area where pollutants, regulated under this permit, could be discharged to the sewer system or AMSD's WWTP.

C. Retention of Records:

The Permittee shall retain the records of all monitoring information, including copies of all reports required by this permit, for a period of at least five (5) years from the date of the sample, measurement, or report.

D. Record Contents:

Records of sampling information shall include:

- (1) The date, exact place, time and methods of sampling or measurement, and sample preservation;
- (2) Who performed the sampling or measurements;
- (3) The date(s) analyses were performed;
- (4) Who performed the analyses;
- (5) The analytical techniques or methods used; and
- (6) The results of such analyses.

E. Signatory Requirements:

All reports and information submitted to AMSD shall be signed and certified as indicated below.

- (1) All permit applications or correspondence, reports and self-monitoring reports required by this license shall be signed by a principal executive officer or duly authorized employee responsible for overall operation of the Permittee.
- (2) Certification. Any person signing a document required by this permit shall make the following certification:

"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."

F. Falsifying Information:

Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate, may result in punishment under

criminal law proceedings as well as being subjected to civil penalties and injunctive relief, as the same may be permitted by law. Falsifying information may result in termination of this agreement.

SECTION 5 – ADDITIONAL REPORTING REQUIREMENTS

A. Planned Changes:

The Permittee shall give written notice to AMSD ninety (90) days prior to any planned facility expansion, production increase, or process equipment modifications which result in a new or substantially increased discharge or a change in the nature of the discharge, together with an estimate of the extent of the increase or change.

B. Duty to Provide Information:

The Permittee shall furnish to AMSD within a reasonable time, any information requested by AMSD to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit.

SECTION 6 – ENFORCEMENT

A. AMSD has all enforcement authority available to it under State statute, its Bylaws and its Rules and Regulations.

B. AMSD may halt the Permittee's discharge at any time of noncompliance with any items of Part I of this permit.

C. In addition or as an alternative to Sections 6A and B above, AMSD may halt the Permittee's discharge under the following circumstances:

- (1) The person in responsible charge of the AMSD's WWTP becomes aware that the Permittee's discharge has the potential to cause loss of life, personal injury and/or severe property damage;
- (2) The person in responsible charge of the AMSD's WWTP communicates with the Chairman of the Board of Trustees of AMSD or the Chairman's designee and the person in responsible charge of Permittee's operations, whose name(s) Permittee shall provide to AMSD upon issuance of this permit; and
- (3) During said communication, at least two of the three persons – the person in responsible charge of the AMSD's WWTP, the Chairman of the Board of Trustees of AMSD or designee, and the person in responsible charge of Permittee's operations – agree that Permittee's discharge has the potential to cause loss of life, personal injury and/or severe property damage.

D. All reasonable expenses incurred by AMSD including fines assessed by State or federal regulatory agencies, as a result of and caused by the Permittee's noncompliance with the Effluent Discharge Limits in Part I hereunder shall be reimbursed by the Permittee. Such expenses may include operation and maintenance, engineering and legal costs incurred by AMSD in the processing, treatment, discharge and/or disposal of wastewater or residual solids resulting from exceedance of the Effluent Discharge Limits hereunder (the "event necessitating the expenses"). AMSD shall provide the Permittee with a preliminary itemization of time and materials and other costs proposed to be incurred thereby by AMSD within ten (10) days of the event necessitating the expenses. Surcharges shall be invoiced to the Permittee within sixty (60) days following AMSD's receipt of all invoices for

expenses associated with the event necessitating the expenses. Except as otherwise provided in this permit, the amount of a surcharge shall not exceed the actual cost incurred by AMSD for handling the additional flow and loadings resulting from the Permit exceedance. The filing of a request by the Permittee for a permit modification, revocation and re-issuance, or termination or a notification of planned changes or anticipated noncompliance does not automatically stay any permit condition.

- E. Nothing in this permit shall be construed to relieve the Permittee or any person, partnership, corporation or any other legal entity from civil and/or criminal penalties for noncompliance under local, State or federal laws unless specifically allowed for in any compliance schedule that may be established under Section 7 and/or 8 below.

SECTION 7 – PERMIT RENEWAL

If the Permittee wishes to continue to discharge after the expiration date of this permit, it must file written request for re-issuance of this permit at least thirty (30) days prior to the expiration date. If the Permittee makes timely request for re-issuance of the permit, but AMSD does not reissue a permit prior to the expiration date, the Permittee shall have the right to continue to discharge to AMSD under the terms and conditions of the expired permit until the effective date of a new final permit. If the new final permit contains any modified terms and conditions, the permittee shall have a reasonable time schedule for compliance with any changes or new conditions in the reissued permit, so long as said reasonable time for compliance does not result in Interference or Pass-Through, or cause the AMSD's WWTP to violate its MEPDES permit.

SECTION 8 – PERMIT REOPENER

If, during the permit term, a modification or change in the permit terms or conditions is necessary in order to enable AMSD to comply with its permit conditions, or to avoid Pass-Through or Interference with AMSD operations, AMSD may reopen and amend the terms and conditions of this permit. AMSD shall provide Permittee at least thirty (30) working days written notice prior to the effective date of any proposed changes in the permit, offering the Permittee an opportunity for comment on the proposed changes. Any changes or new conditions in the reissued permit shall include a reasonable time schedule for compliance, so long as said reasonable time for compliance does not result in Interference or Pass-Through, or cause AMSD's WWTP to violate its MEPDES permit or solids disposal regulations. Permit may be reopened for reasons including but not limited to:

- (1) Upon the request of the Permittee, provided such request does not create a violation of any existing applicable requirements, standards, laws or rules or regulations;
- (2) Any new or substantially increased discharge or change in the nature of the discharge, which is not covered in this permit, including any facility expansion; and
- (3) To incorporate any existing, new or revised federal, State or local pretreatment standards or requirements which AMSD is required to incorporate into this permit by any federal or State agency.

END OF PERMIT