STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

MEMORANDUM

TO: THE BOARD OF ENVIRONMENTAL PROTECTION

FROM: JOHN GLOWA, BUREAU OF LAND & WATER QUALITY

SUBJECT: ADMINISTRATIVE CONSENT AGREEMENT, PARIS UTILITY DISTRICT

DATE: November 5, 2009

****

Statute, Rule and/or License References: The Paris Utility District (PUD) has a waste discharge license ME0100951/W000632-5L-G-R for the discharge of 0.65 million gallons per day of secondary treated wastewater to the Little Androscoggin River. Title 38 M.R.S.A. § 414(5) makes it unlawful to violate the terms or conditions of a license.

Location: South Paris, Maine

Description: PUD is a quasi-municipal entity that owns and operates a secondary wastewater treatment facility. PUD has repeatedly violated many of its waste discharge license conditions, most notably those involving whole effluent toxicity and copper discharge limits.

Environmental Issues: PUD is discharging copper at levels that exceed current and future proposed Ambient Water Quality Criteria (AWQC) limits. PUD intends to seek site specific limits that they hope would be higher than AWQC limits and that could be met with the current wastewater treatment facility upgrade as planned. In addition, PUD will implement a corrosion control program for its public water system and a monitoring program to evaluate the amounts and fates of copper in influent sources and treated effluent.

Department Recommendation: The Department recommends acceptance of this Administrative Consent Agreement as proposed. The Agreement stipulates a $93,030 monetary penalty with $30,000 due and payable in eight equal payments. The balance of $63,030 shall be suspended but shall become immediately due and payable should PUD fail to comply with any of the agreed upon corrective actions.

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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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BOARD ORDER

IN THE MATTER OF

PARIS UTILITY DISTRICT	)	ADMINISTRATIVE CONSENT
SOUTH PARIS	)	AGREEMENT
MAINE	)	(38 M.R.S.A. § 347-A)

This Agreement by and among Paris Utility District, ("PUD"), the Maine Department of Environmental Protection ("Department"), and the State of Maine, Office of 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. PUD is a quasi-municipal entity established in 1967 by emergency preamble by the Maine State Legislature that provides sewer and water services in Paris, Maine, and which operates a wastewater treatment facility located at 7 C.N. Brown Way in South Paris, Maine.

2. PUD has a Waste Discharge License ME0100951/W000632-5L-G-R issued by the Department on August 21, 2001, for the discharge of 0.65 million gallons per day (MGD) of secondary treated wastewater from PUD's wastewater treatment facility to the Little Androscoggin River, Class C, in South Paris, Maine. On July 10, 2002, the Department issued permit modification ME0100951/W000632-5L-H-M. This modification of Special Condition J, *Schedule of Compliance* for copper, added six compliance milestones and extended the effective date for copper limits from February 22, 2002 to December 31, 2004. At PUD's request, on October 25, 2002, the Department issued an administrative permit modification of ME0100951/W000632-5L-H-M. This modification of Special Condition J, *Schedule of Compliance* for copper, extended each of the six compliance milestones by six months and extended the effective date for copper limits six months to June 30, 2005.

3. The violations described herein occurred at PUD's wastewater treatment facility during the period August 21, 2001 through June 30, 2009.

4. The Department has regulatory authority over the activities described hereinafter. 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 (the "Board"), which is part of the Department.

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Reporting Violations

5. Special Condition J of the August 21, 2001 Waste Discharge License as modified on October 25, 2002 required PUD to write progress reports "that summarize the efforts undertaken for the previous six months and the next six months to come into compliance with or justify modifying the monthly average mass and concentration limitations established for copper in the 8/21/01 permit." The first progress report was due on June 30, 2003 with reports due every six months thereafter. PUD violated this license condition as follows:

Date Due	Date Received	# of Days Late
06/30/03	10/24/03	116
12/31/03	04/30/04	119
06/30/04	10/28/04	120
12/31/04	Not Received	

On February 1, 2005, PUD was required to submit "a final report to the Department to comply with or justify modifying the monthly average mass and concentration limitations established for copper." PUD did not submit this report. Instead, PUD submitted another letter to the Department dated January 19, 2005, requesting a third extension of Schedule J to again postpone implementation of copper limits. The Department did not act on this request and this matter was subsequently referred for enforcement action.

6. Special Condition M of the August 21, 2001 Waste Discharge License requires PUD to conduct a Toxicity Reduction Evaluation (TRE) with the submittal of progress reports to the Department by June 30 and December 31 of each calendar year that summarize the efforts undertaken for the previous six months to identify, mitigate and/or eliminate the toxicity associated with copper, lead and the water flea. PUD submitted four of the reports from 27-40 days late and failed to even submit five reports. There were no reports received in the Department for 2006 and 2007.

Effluent Violations

7. Special Condition A.1 of the August 21, 2001 Waste Discharge License limits the discharge of Biochemical Oxygen Demand (BOD). PUD violated the BOD concentration limits as follows:

Month/Year	Monthly Avg. 30 mg/l	Weekly Avg. 45 mg/l	Daily Max 50 mg/l
January 2003	31 mg/l		
February 2003	31 mg/l		
September 2004		79 mg/l	132 mg/l
January 2005	40 mg/l	94 mg/l	150 mg/l
February 2005	36 mg/l		
March 2005	36 mg/l	47 mg/l	52 mg/l

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June 2005		77 mg/l	145 mg/l
November 2005			65 mg/l
December 2005		53 mg/l	59 mg/l
January 2006			55 mg/l
June 2006	54 mg/l	190 mg/l	367 mg/l
December 2008	36 mg/l	49 mg/l	52 mg/l
January 2009	34 mg/l		

PUD violated the BOD mass limits during the period September 1 to May 31 as follows:

Mo/Yr	**Monthly Avg. 163 lb/day**	**Weekly Avg. 244 lb/day**	**Daily Max 271 lb/day**
September 2003			274 lb/day
December 2003		324 lb/day	602 lb/day
September 2004			322 lb/day
January 2005			390 lb/day
November 2005			589 lb/day
January 2006			275 lb/day
June 2006	265 lb/day	946 lb/day	1,847 lb/day
April 2007	180 lb/day	396 lb/day	509 lb/day
April 2008			289 lb/day

PUD violated the BOD mass limits during the period June 1 to August 31 as follows:

Mo/Yr	**Monthly Avg 113 lb/day**	**Weekly Avg. 169 lb/day**	**Daily Max 188 lb/day**
June 2005	138 lb/day	504 lb/day	964 lb/day

8. Special Condition A.1 of the August 21, 2001 Waste Discharge License requires a minimum BOD percent removal of 85%. In January 2005, PUD's BOD percent removal rate was 84%. In March 2005, PUD's BOD percent removal rate was 82%.

9. Special Condition A.1 of the August 21, 2001 Waste Discharge License limits the discharge of Total Suspended Solids (TSS). PUD violated the TSS concentration limits as follows:

Month/Year	**Monthly Avg. 30 mg/l**	**Weekly Avg. 45 mg/l**	**Daily Max 50 mg/l**
October 2002		49 mg/l	60 mg/l
September 2003			53 mg/l
November 2003			55 mg/l
December 2003			59 mg/l
September 2004	42 mg/l	150 mg/l	253 mg/l
October 2004	33 mg/l		58 mg/l
January 2005		58 mg/l	77 mg/l

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June 2005	49 mg/l	196 mg/l	382 mg/l
November 2005		75 mg/l	136 mg/l
December 2005	52 mg/l	164 mg/l	311 mg/l
January 2006			63 mg/l
June 2006	134 mg/l	517 mg/l	1,025 mg/l
February 2007	36 mg/l	53 mg/l	57 mg/l

PUD violated the TSS mass limits during the period September 1 to May 31 as follows:

Mo/Yr	**Monthly Avg 163 lb/day**	**Weekly Avg 244 lb/day**	**Daily Max 271 lb/day**
September 2003			330 lb/day
December 2003		496 lb/day	935 lb/day
September 2004		368 lb/day	618 lb/day
November 2005	189 lb/day	644 lb/day	1,232 lb/day
December 2005	267 lb/day	975 lb/day	1,894 lb/day
January 2006			315 lb/day
April 2007		417 lb/day	485 lb/day

PUD violated the TSS mass limits during the period June 1 to August 31 as follows:

Mo/Yr	**Monthly Avg 113 lb/day**	**Weekly Avg 169 lb/day**	**Daily Max 188 lb/day**
June 2005	311 lb/day	1,297 lb/day	2,539 lb/day
June 2006	670 lb/day	2,593 lb/day	5,159 lb/day

10. Special Condition A.1 of the August 21, 2001 Waste Discharge License requires a minimum TSS percent removal of 85%. In September 2004, PUD's TSS percent removal rate was 84%.

11. Special Condition A.1 of the August 21, 2001 Waste Discharge License limits the discharge of settleable solids to a daily maximum of 0.3 ml/l. PUD violated the settleable solids concentration limits as follows:

Month/Day/Year	**Daily Max. 0.3 ml/l**
January 14, 2005	2.6 ml/l
April 3, 2005	9.5 ml/l
June 14, 2005	0.6 ml/l

12. Special Condition A.1 of the August 21, 2001 Waste Discharge License limits the daily maximum concentration of *E. coli* in the effluent to 949 colonies/100 ml during the period May 15-September 30. On July 18, 2006, PUD discharged effluent with an *E. coli* concentration of 1,120 colonies/100 ml. On one day in July 2007, PUD discharged effluent with an E coli concentration of 2,420 colonies/100 ml.

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13. Special Condition A.1 of the August 21, 2001 Waste Discharge License limits the pH of the effluent to a range of 6.0-9.0. On June 4, 2003, PUD discharged effluent with a pH of 5.9.

14. Special Condition A.1 of the August 21, 2001 Waste Discharge License limits the discharge of total orthophosphate to a monthly average mass of 2.0 lb/day and a monthly average concentration of 0.56 mg/l from June 1-August 31. PUD violated the total orthophosphate concentration limit as follows:

Month/Year	Monthly Average 2.0 lb/day	Monthly Average 0.56 mg/l
June 2004		0.59 mg/l
June 2008		0.71 mg/l

15. Special Condition A.1 of the August 21, 2001 Waste Discharge License limits the discharge of copper to a monthly average quantity of 0.07 lb/day, a daily maximum quantity of 0.08 lb/day, a monthly average concentration of 20 ug/l, and a daily maximum concentration of 23 ug/l. Special Condition J of the permit/license established February 22, 2002 as the effective date for these limits. Condition J of the permit/license was modified on July 10, 2002 and October 25, 2002 to extend the compliance date until June, 30, 2005. PUD violated the copper mass limits after June 30, 2005 as follows:

Month/Year	Monthly Average 0.07 lb/day	Daily Max 0.08 lb/day
July 2005	0.08 lb/day	
August 2005	0.20 lb/day	0.20 lb/day
September 2005	0.08 lb/day	
October 2005	0.10 lb/day	0.10 lb.day
November 2005	0.10 lb/day	0.10 lb/day
December 2005	0.12 lb/day	0.19 lb/day
February 2006	0.09 lb/day	0.12 lb/day
March 2006	0.11 lb/day	0.11, 0.09, 0.20, 0.11 lb/day
April 2006	0.12 lb/day	0.10, 0.12, 0.14, 0.13 lb/day
May 2006	0.08 lb/day	
June 2006	0.08 lb/day	
July 2006	0.17 lb/day	0.17 lb/day
August 2006	0.17 lb/day	0.17 lb/day
September 2006	0.09 lb/day	0.09 lb/day
October 2006	0.13 lb/day	0.13 lb/day
November 2006	0.46 lb/day	0.46 lb/day
January 2007	0.08 lb/day	
March 2007	0.11 lb/day	0.11 lb/day
April 2007	0.12 lb/day	0.12 lb/day
May 2007	0.11 lb/day	0.11 lb/day

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June 2007	0.10 lb/day	0.10 lb/day
August 2007	0.09 lb/day	0.09 lb/day
September 2007	0.10 lb/day	0.10 lb/day
October 2007	0.08 lb/day	
November 2007	0.11 lb/day	0.11 lb/day
December 2007	0.11 lb/day	0.11 lb/day
January 2008	0.10 lb/day	0.10 lb/day
February 2008	0.12 lb/day	0.12 lb/day
March 2008	0.14 lb/day	0.14 lb/day
April 2008	0.17 lb/day	0.17 lb/day
May 2008	0.14 lb/day	0.14 lb/day
August 2008	0.13 lb/day	0.13 lb/day
October 2008	0.10 lb/day	0.10 lb/day
November 2008	0.08 lb/day	
December 2008	0.11 lb/day	0.11 lb/day
March 2009	0.12 lb/day	0.12 lb/day
April 2009	0.48 lb/day	0.48 lb/day
May 2009	0.08 lb/day	

PUD violated the copper concentration limits after June 30, 2005 as follows:

Month/Year	**Monthly Average 20 ug/l**	**Daily Max 23 ug/l**
July 2005	27	27
August 2005	78	78
September 2005	33	33
October 2005	22	
November 2005	25	25
December 2005	36	50, 28, 29
February 2006	26	28, 33
March 2006	37	42, 36, 50, 27, 27, 41
April 2006	37	27, 35, 45, 41
May 2006	22	
June 2006	21.5	
July 2006	43	43
August 2006	43	43
September 2006	37	37
October 2006	38	38
November 2006	88	88
December 2006	22	
January 2007	24	24
February 2007	28	28
March 2007	27	27
April 2007	27	27

May 2007	33	33
June 2007	28	28
July 2007	28	28
August 2007	42	42
September 2007	48	48
October 2007	32	32
November 2007	44	44
December 2007	47	47
January 2008	33	33
February 2008	41	41
March 2008	56	56
April 2008	26	26
May 2008	28	28
June 2008	25	25
July 2008	28	28
August 2008	21	
September 2008	29	29
October 2008	42	42
November 2008	22	
December 2008	28	28
January 2009	28	28
February 2009	30	30
March 2009	37	37
April 2009	114	114
May 2009	23	
June 2009	25	25

16. Special Condition A.1 of the August 21, 2001 Waste Discharge License limits the discharge of lead to a monthly average quantity of 0.010 lb/day and a monthly average concentration of 2.7 ug/l. Special Condition J. of the permit/license established February 22, 2002 as the effective date for these limits. PUD violated lead limits as follows:

Month/Year	**Monthly Average 0.010 lb/day**	**Monthly Average 2.7 ug/l**
June 2003	0.02 lb/day	6 ug/l
June 2004		5 ug/l
September 2008		4 ug/l

17. Special Condition A.1 of the August 21, 2001 Waste Discharge License limits the discharge of zinc to a monthly average quantity of 0.64 lb/day, a daily maximum quantity of 0.63 lb/day, a monthly average concentration of 178 ug/l, and a daily maximum concentration of 175 ug/l. PUD is required to monitor zinc once/quarter and violated the zinc mass limits as follows:

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Month/Year	Monthly Average 0.64 lb/day	Daily Maximum 0.63 lb/day
March 2003		0.77 lb/day

PUD violated the zinc concentration limits as follows:

Month/Year	Monthly Average (178 ug/l)	Daily Maximum (175 ug/l)
March 2003		220 ug/l

18. Special Condition A of the August 21, 2001 Waste Discharge License requires that PUD have a C-NOEL (Chronic No Observed Effect Level) with adequate survival, reproduction and growth as the end points in no less than 22.5% effluent for water flea (*Ceriodaphnia dubia)* and brook trout (*Salvelinus fontinalis)*. PUD violated C-NOEL limits as follows:

Date	% Effluent	Species
February 18, 2002	5%	*Ceriodaphnia dubia*
May 12, 2002	10%	*Ceriodaphnia dubia*
March 2, 2003	20%	*Salvelinus fontinalis*
February 8, 2004	20%	*Salvelinus fontinalis*
February 8, 2004	5%	*Ceriodaphnia dubia*
October 24, 2004	5%	*Ceriodaphnia dubia*
January 2, 2005	<5%	*Ceriodaphnia dubia*
September 26, 2005	<5%	*Ceriodaphnia dubia*
March 25, 2007	10%	*Ceriodaphnia dubia*
February 1, 2009	<5%	*Ceriodaphnia dubia*

19. Special Condition A.1 of the August 21, 2001 Waste Discharge License requires that PUD conduct Total Residual Chlorine (TRC) monitoring five/week from May 15 to September 30. During July 2006, PUD failed to monitor TRC twice. During September 2006, PUD failed to monitor TRC once.

20. Special Condition A.1 of the August 21, 2001 Waste Discharge License limits PUD to a monthly average flow of 0.65 million gallons per day (MGD). PUD violated the flow limits as follows:

Month/Year	Monthly Average Flow 0.65 MGD
April 2005	0.8775 MGD
May 2005	0.6697 MGD
April 2007	0.9182 MGD
April 2008	0.7902 MGD

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21. Standard Condition E.1 of the August 21, 2001 Waste Discharge License requires that PUD have alternate power supplies for pump stations. PUD has six pump stations, only one of which has an alternate power supply.

22. The actions described in Paragraphs 5-21 of this Agreement, are violations of PUD's Waste Discharge License, as modified, and *Water Pollution Control* laws, 38 M.R.S.A. § 414(5).

23. On November 14, 2005, the Department issued PUD a Notice of Violation regarding violations identified in this Agreement. The parties agree that PUD has been properly noticed for all respective violations herein pursuant to 38 M.R.S.A. § 347-A(1)(B).

24. PUD has submitted a final draft Preliminary Engineering Report for Phases I-II of a proposed wastewater treatment facility upgrade. Phase I has been completed and includes upgrade work to the treatment plant headworks and replacement of the main flow pumps. Phase II is currently under construction and includes a number of improvements to the treatment plant including an upgrade to the existing industrial treatment system to provide secondary treatment.

25. To resolve the violations referred to in paragraphs 5-22 of this Agreement, PUD agrees to:

    a. Pay a total monetary penalty of $93,030 in the following manner:
        1) Pay to the Treasurer, State of Maine, the sum of $30,000 in eight quarterly payments of $3,750 each, the first of which is due and payable immediately upon signing this Agreement, with subsequent payments due on January 1, 2010, April 1, 2010, and July 1, 2010; October 1, 2010, January 1, 2011, April 1, 2011 and, July 1, 2011.
        2) The amount of $63,030 shall be suspended but shall become immediately due and owing should PUD fail to comply with any of the items in paragraphs b. through j. below within the time specified therein.

    b. Beginning October 1, 2009, and until completion of Phase II of the wastewater treatment facility upgrade, conduct the following toxicity testing:
        1) Whole Effluent Toxicity (WET) tests for water flea (*Ceriodaphnia dubia)* and brook trout (*Salvelinus fontinalis)*-2/year; and,
        2) Analytical Chemistry-1/quarter.

    Notwithstanding this Agreement, the Department reserves the right to act pursuant to 06-096 CMR Chapter 530, *Surface Waters Toxics Control Program*, 38 M.R.S.A. § 420, and other relevant rules or laws to address toxicity concerns identified during this testing.

    c. By October 1, 2009, propose and implement, until otherwise approved by the Department, a continuing program of periodic monitoring for copper to allow evaluation on a mass balance basis of the amounts and fates of copper that may

inhibit, upset or pass through the treatment facility. At a minimum, this will consist or at least quarterly sampling of the facility's influent, effluent, side streams and transported wastes received. This information will be used to determine quantities of copper entering the facility and discharging through the effluent as well as being sequestered in the excess sludge. Specific consideration will also be given to amounts of transported wastes added directly or indirectly to the treatment process and amounts re-introduced through return sludge flows and sludge dewatering filtrates. The results of this evaluation will be compared to quantities of copper that are necessary to insure that the facility's effluent will be in compliance with anticipated standards. After conducting this evaluation for at least one year, PUD may request revisions to the monitoring program.

In the event that the quantities of copper are found to be greater than acceptable amounts, a Toxicity Reduction Evaluation consistent with generally accepted technical guidance will be initiated by PUD. Limitation of sources of copper will be addressed in a manner consistent with 06-096 CMR Chapter 528, *Pretreatment Program*, Section 6(C)(2) and EPA Local Limits Development Guidance, EPA 833-R-04-002A, July 2004, and EPA Local Limits Development Guidance Appendices, EPA 833-R-04-002B, July 2004 as appropriate.

d. By November 16, 2009, prepare and submit to the Department for review and approval, with the concurrence of the U.S. Environmental Protection Agency (USEPA), a proposal for determining acute and chronic site specific water quality criteria (SSC) for total copper in the Little Androscoggin River with respect to PUD's discharge consistent with USEPA guidance. The proposal will be developed through pre-submittal consultations with the Department, and will include a description of the method(s) to be used, a sample collection plan, analytical methods to be used and a projected timetable. Also included in the proposal will be a description of a methodology for development of preliminary SSC that may be used to determine the necessity of corrosion control measures described in paragraph 25(f) below. The SSC evaluation will be conducted according to a timetable contained in the approved proposal and will provide for written reports of the preliminary and final SSC findings. Data reports will be made to the Department quarterly. The final findings may be used by PUD as the basis for a request to modify water quality criteria for copper in the Little Androscoggin River according to the provisions of 38 M.R.S.A. § 420(2)(B).

e. By January 1, 2010, submit to the Department a report of investigations into a chemical based corrosion control program in the public water system to decrease the amounts of copper, lead and other metals that are reaching the wastewater treatment facility. This will include evaluation of all practical chemical control alternatives with the efficacy of each in reducing copper concentrations in the influent to the wastewater treatment facility.

f. By November 1, 2010, institute a Maine Department of Health and Human Services

(MDHHS) approved chemical based corrosion control program in the public water system to decrease the amounts of copper, lead and other metals that are reaching the wastewater treatment facility. However, with the agreement of the Department, instituting the program may be suspended if the preliminary findings of the SSC evaluation described in paragraph 25(d) above indicate a likelihood that the water quality criteria for copper will rise to a point that the effluent will be in compliance with water quality based effluent limits for copper. In evaluating this information, the Department will consider, among other factors, a four-fold increase in copper water quality criteria as predicted by preliminary site specific information to be a significant indicator. In making a determination regarding the preliminary criteria, the Department will also consider the amount of preliminary data, the seasonality of the data, the values of individual results and the variability of test results. If the final site specific criteria evaluation findings submitted in accordance with paragraph 25(d) indicate that the water quality criteria for copper will not be increased sufficiently to ensure future effluent compliance, the corrosion control program will be operational within three months of submittal of the findings, unless construction of a new building is necessary for operation of the corrosion control program, in which case the corrosion control program will be operational as soon as possible but no later than within twelve months of submittal of findings. Additionally, in the event that water quality based effluent limits for copper (including any site specific criteria), lead or zinc are not in substantial compliance within six months after completion of Phase II of the wastewater treatment facility upgrade, a (MDHHS) approved corrosion control program will be operational within three months thereafter, unless construction of a new building is necessary for operation of the corrosion control program, in which case the corrosion control program will be operational as soon as possible but no later than within twelve months thereafter.

g. By November 1, 2010, provide Department approved alternate power supplies for the five pump stations that are without alternate power supplies.

h. By January 1, 2011, or commensurate with completion of the Phase II upgrade, implement and maintain an asset management program for the wastewater treatment facility and collection system. The program shall include but not be limited to:
   1) An inventory of all assets and their individual lives;
   2) A routine maintenance program designed to provide for an asset to retain its useful life;
   3) A system that authorizes, manages and tracks maintenance, repair and preservation of each asset tracked in the program; and,
   4) A management system that tracks and reports on all future maintenance and replacement costs for all tracked assets.

i. By January 1, 2011, complete construction, as approved by the Department, of Phase II of the wastewater treatment facility upgrade as noted in the *Paris Utility District Wastewater Treatment Plant Upgrade Preliminary Engineering Report Phases II and III* dated February 2007;

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j. By April 1, 2011, begin implementation of a one-year program of intensive toxicity testing to evaluate the wastewater treatment facility's effectiveness at controlling toxics in the effluent. This program shall include the following testing:

1) WET tests for water flea (*Ceriodaphnia dubia)* and brook trout (*Salvelinus fontinalis)*– 1/quarter; and

2) Analytic chemistry – 1/quarter

Any parameter found to have Reasonable Potential (RP) to exceed water quality criteria as defined in 06-096 CMR Chapter 530 *Surface Water Toxics Control Program*, in the five years prior to April 1, 2011, will be tested at a higher frequency as determined by the Department.

26. The Department and Attorney General grant a release of their causes of action against PUD for the specific violations listed in Paragraphs 5-21 of this Agreement on the express condition that all actions listed in Paragraph 25 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.

27. Non-compliance with this Agreement voids the release set forth in Paragraph 26 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.

28. 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.

29. 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 have executed the Agreement consisting of 12 pages.

PARIS UTILITY DISTRICT

BY: Mark A. Bancroft DATE: 9-16-09
Title Vice Chairman

BOARD OF ENVIRONMENTAL PROTECTION

BY:_____ DATE:_____
Susan M. Lessard, Chair

SEEN AND AGREED TO:
State of Maine

BY:_____ DATE:_____
Janet M. McClintock, Assistant Attorney General