STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

IN THE MATTER OF:

TOWN OF ANSON ANSON, MAINE	))	ADMINISTRATIVE CONSENT AGREEMENT
	)	(38 M.R.S.A. § 347-A)
WATER POLLUTION CONTROL EIS #2009-036-W	))	

This Agreement, by and among the Town of Anson ("Anson"), 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. Anson owns and operates a wastewater collection system consisting of sanitary sewer lines, one siphon and six pump stations. Wastewater from the collection system drains to a collection system and wastewater treatment facility owned and operated by the Anson-Madison Sanitary District. After treatment, Anson's wastewater is discharged to the Kennebec River, Class B. Anson does not have a waste discharge for its influent to the Anson-Madison Sanitary District wastewater treatment facility and does not need one since the Anson-Madison Sanitary District is licensed to discharge Anson's treated wastewater under MEPDES Permit #ME0101389/Maine Waste Discharge License #W002710-5M-I-R. Anson is not subject to this license and, therefore, is not required to meet any of its conditions. There are legal agreements between Anson and the Anson-Madison Sanitary District regarding Anson's wastewater which consist of a Sewerage Service Contract dated August 9, 1989, and a Letter of Understanding dated December 12, 2001.

2. 38 M.R.S.A. § 413(1) states. "License required. No person may directly or indirectly discharge or cause to be discharged any pollutant without first obtaining a license therefore from the department."

3. Beginning on or about December 7, 2007 and continuing until 4:00 P.M. on December 19, 2007, Anson discharged a total of approximately 585,000 gallons (estimated by Anson to be 45,000 gallons per day) of untreated wastewater to the Kennebec River in violation of 38 M.R.S.A. § 413(1). The discharge occurred at the intersection of Route 201A and Campground Road after Anson's main sewer line clogged at a low point where it runs under a brook and the wastewater overflowed through a manhole to the river. The discharge was discovered when the Town loader operator was clearing snow in the area.

4. Beginning on or about February 27, 2008 and continuing until approximately 8:00 P.M. on March 6, 2008, Anson discharged a total of approximately 360,000 gallons (estimated

by Anson to be 40,000 gallons per day) of untreated wastewater to the Kennebec River in violation of 38 M.R.S.A. § 413(1). The discharge occurred in the same location as described in Paragraph 3 above and was also the result of a clogged sewer line. It was detected when Anson's collection system operator performed the weekly check of the flow meter on March 6, 2008.

5. On April 14, 2009, the Department issued a Notice of Violation to Anson for the violations identified in Paragraphs 3 and 4 of this Agreement. The parties agree that Anson has been properly noticed for all respective violations herein pursuant to 38 M.R.S.A. § 347-A(1)(B).

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 violations referred to in Paragraphs 3, 4, and 5 of this Agreement, Anson agrees to:

   a) Pay to the Treasurer, State of Maine the amount of $1,310 immediately upon signing this Agreement;

   b) At all times maintain in good working order and operate at maximum efficiency the wastewater collection system;

   c) Report to the Department any noncompliance with the wastewater collection system that may endanger health or the environment, within twenty four (24) hours of becoming aware of the noncompliance;

   d) Ensure that the flow through the main sewer line flow meter is monitored and recorded a minimum of five (5) days per week to determine if there is a significant overflow/bypass from the collection system;

   e) Allow Department staff to periodically inspect the collection system;

   f) By November 1, 2009, submit to the Department for review, an operation and maintenance manual for the collection system;

   g) By January 1, 2010 have an professional engineer conduct and submit to the Department an assessment of the sewer line and siphon at the intersection of Routes 201A and Campground Road; and,

h) By October 1, 2011, excepting for circumstances beyond Anson's control, complete any necessary repairs to the collection system as identified in the aforementioned engineer's assessment.

9. The Department and Office of the Attorney General grant a release of their causes of action against Anson for the specific violations listed in Paragraphs 3 and 4 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.

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, 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 three pages.

TOWN OF ANSON

BY: Robert S. Worthley DATE: 10/14/09
Robert S. Worthley, Administrative Assistant

BOARD OF ENVIRONMENTAL PROTECTION

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

MAINE OFFICE OF THE ATTORNEY GENERAL

By:_____ DATE_____
Janet M. McClintock, Assistant Attorney General