



**City of Biddeford
Finance Committee**

February 17, 2026 at 5:00 PM
City Hall Council Chambers & Teams

[Click to Join Teams Meeting online](#)

Or call in by phone: +1 312 626 6799

Meeting ID: 288 243 320 136 41

Passcode:5Xw9zc3G

Dial in by phone

[+1 872-242-8054,,479200272#](#)

1. Call to Order
2. Approval of Minutes
3. Signing of the Expenditure Warrant
4. Discussion/Approval
 - 4.a 2026.19 Approval Bid CSO Alfred Street Phase 3
 - 4.b Elm Street and Hooper Street Sewer Separation Project Bond Funding Update
 - 4.c F2026.07 Approval Industrial Pre-treatment Program Consultant
5. Other Business
6. Adjourn

City of Biddeford
Finance Committee
February 3, 2026 5:00 PM Council Chambers & Zoom

Councilor Beaupre: Present
Councilor Lessard: Present
Councilor Doughty: Present
Mayor Lafontaine: Present

1. Call to order

2. Approval of the Minutes

Approved

3. Signing of the expenditure warrant

None

4. Discussion/Approval

4.a Berry Dunn Request

Director Matherne requested funding of \$50,000 in additional funding for completion of FY24 audit work with Berry Dunn. Salary savings from the Finance Department will cover majority of the cost.

First – Councilor Doughty
Second – Councilor Lessard

Councilor Lessard – Added not to exceed \$50,000
Councilor Doughty - Second
Unanimous

Councilor Beaupre wants to keep expense where it belongs for proper accounting.

Unanimous

5. Other Business

Councilor Lessard – Parking Stabilization payment
City Manager Dever – The offset will reduce stabilization payment. She gave recap of conversation she had with O’Hennessey. She will have further discussions.

6. Adjourn

Beaupre: 5:21
Second: Lessard
Unanimous



Finance Committee

Meeting Date: February 17, 2026
Meeting Time: 5:00 PM
Agenda Item No: 4.a
Item Description: 2026.19 Approval Bid CSO Alfred Street Phase 3
Submitted By: Craig Chekan, City Engineer
Jeff Demers, Public Works Director

Key Terms:

Combined Sewer Overflow (CSO);
MaineDEP Consent Agreement Project

Executive Summary:

Per MaineDEP's CSO consent agreement, the City is required to construct the Alfred Street Phase 3 sewer separation project. This project will separate combined sewers on Alfred St (from Summer St to Porter St), Mt. Vernon St, Birch St, and Porter St.

To minimize public disturbance and replace necessary aging infrastructure, the City partnered with Maine Water Company (MWC) to replace all water lines within this corridor during this project. All water expenses will be covered separately by MWC.

After conducting an open-bid process, one bid was received for construction this year from Gorham Sand & Gravel:

- City Scope: \$2,798,546
- MWC Scope: \$1,930,880

During the design process, approximately 110-LF of existing 24" sewer main within Alfred Street was determined to be deteriorated and in need of relining; Vortex Services LLC provided a lining repair quote of \$27,495.00.

Staff recommend accepting Gorham Sand & Gravel's low-bid, reline the deteriorated sewer main, and include a 9.8% contingency (\$3,100,000 total).

Detailed Review:

In order to keep pace with MaineDEP's consent agreement deadlines and avoid monetary penalties, the City is required to construct a large sewer separation project annually through 2030.

As publicly forecasted at past council meetings (2024.48) and during the City's recent bond referendum campaign, the City's 2026 sewer separation project is Alfred Street Phase 3. The scope of this project will include:

- New storm mains and new water mains within Alfred St (from Summer St to Porter St), Mt. Vernon St, Birch St, and Porter St
- New sewer mains within Mt. Vernon St & Porter St (based on deteriorated infrastructure)
- Reline 110-LF of deteriorated 24" sewer main within Alfred St
- Curb-to-curb paving restoration & replacing deteriorated sidewalks on side streets

Construction is anticipated from April to November 2026. Flaggers and/or temporary traffic signals are expected to be utilized along Alfred Street; side streets will be limited to one-way local traffic during construction.

During the open-bid process, over 30 companies registered as planholders – six of which from reputable contractors; however, only one bid was received from Gorham Sand & Gravel (GSG) at \$2,798,546.

GSG's \$2.8MM bid is \$400k less than BH2M's final cost estimate (\$3.2MM) and is deemed acceptable by City Staff (especially after the successful completion of last year's Elm Street sewer separation project with GSG). Likewise, Maine Water Company (MWC) is accepting of the separate water-portion scope of this project (\$1.9MM).

Vortex Services LLC submitted a \$27,495 quote to reline & repair the deteriorated sewer main within Alfred Street. City Staff recommend including Vortex's lining scope within this approval (based on Vortex's lowest unit-pricing on the City's previous lining RFP).

Funding Source:

Funding for this \$3,100,000 should be drawn from the City's recently voter-approved \$20MM CSO bond (11/04/2025); however, due to the City's on-going financial audits - the City does not have a credit rating and cannot acquire said bond.

The Finance Department believes the FY24 audit will be completed on or before March 1, 2026 and a CSO bond can be acquired shortly thereafter.

As for potential alternative funding sources (to cover construction costs until a bond is secured for replenishment):

- The City has approximately \$1,885,144.64 in undesignated sewer permit fees (according to Munis actuals listed on 2/10/2026); see attached

Knowing the importance of this CSO project, the City's Wastewater Commission unanimously voted on 02/11/2026 to support the use of sewer permit fees to temporarily fund this construction project, pending the sewer permit fee balance is refunded once a CSO bond is acquired.

If this project commences as proposed, the contractor's first pay requisition will likely not occur until June 1st (should this buy the City time to secure a bond).

Delaying this construction project and its associated budget approval has significant risks:

1. Designated 2026 Construction Schedule

- a. This project's specifications listed a 3/16/26–11/13/26 construction window
- b. Based on the large scope-of-work for this project, the Contractor requires a full-construction season (i.e. every minute they can get)
- c. Missing the March 16th allowable start date would likely breach our contract & require rebidding; see Bullet #2

2. Rebidding

- a. Rebidding this project for this year will lose multiple months of the 2026 construction season; to compensate for the abbreviated construction season, any available contractors will likely require multiple field crews (thus significantly increasing costs)
- b. Since only one bid was received, rebidding may result in a higher bid price (due to lack of competition)
- c. Based on past lessons learned, contractors already have full-plates come March/April and can't take on additional projects (thus why Staff pushed to have this project out-to-bid in December); the probability of receiving zero bids greatly increases if we try to rebid this project for this year.
- d. Pushing this project to a future year has a snowball effect and puts the City at risk with their DEP Consent Agreement; see Bullet #3

3. MaineDEP Consent Agreement

- a. The City's DEP Consent Agreement took years of coordination to develop and was framed upon completing one construction project annually to avoid:
 - i. Having multiple construction projects active within the Downtown area and greatly disrupting traffic/residents/businesses
 - ii. Needing multiple reputable contractors to bid in a single year
 - iii. Staff trying to simultaneously manage/oversee multiple large-scale construction projects

- b. Missing a 2026 construction season greatly condenses the City's available timeline to meet DEP's 12/31/2030 5-project deadline; missing this deadline imposes multiple monetary penalties (\$30,000 & \$100/day) and sets the City up to miss the remaining consent agreement deadlines (since each deadline is based on prerequisites) which incur up to an additional \$50,000 in monetary penalties
- c. Based on the City's past efforts and proactive stance, we've built some buffer to meet DEP's 12/31/2030 deadline; however, that buffer is being consumed by MaineDOT's Route 1 Rehabilitation Project in 2027. Staff does not advise constructing a large sewer project in Alfred Street or Main Street while DOT is rebuilding Route 1.

4. Partnerships

- a. Pulling the rug on a construction project last minute impacts our reputation with our construction partners:
 - i. Maine Water Company (MWC) has been co-designing this project with City Staff for 8+ months and have already budgeted this project for 2026 construction through their public process.
 - ii. Gorham Sand & Gravel (GSG) is one of the few contractors in the area that still bid on these complex sewer projects (hence they were the only bidder). By waiting on the City's awarding of this project, GSG has actively not pursued other construction projects. Staff want to avoid tarnishing our long-standing relationship with GSG and potentially being labeled unreliable.

Staff Recommendation:

To stay on pace with DEP's Consent Agreement deadlines and avoid potential financial penalties, Staff recommend accepting Gorham Sand & Gravel's low-bid, reline the deteriorated sewer main, and include a 9.8% contingency for change orders, RFIs, and inspection/administrative fees:

ITEM	COST
Gorham Sand & Gravel Bid	\$2,798,546
Vortex 24" Sewer Lining	\$27,495
9.8% Contingency	\$273,959
TOTAL	\$3,100,000.00

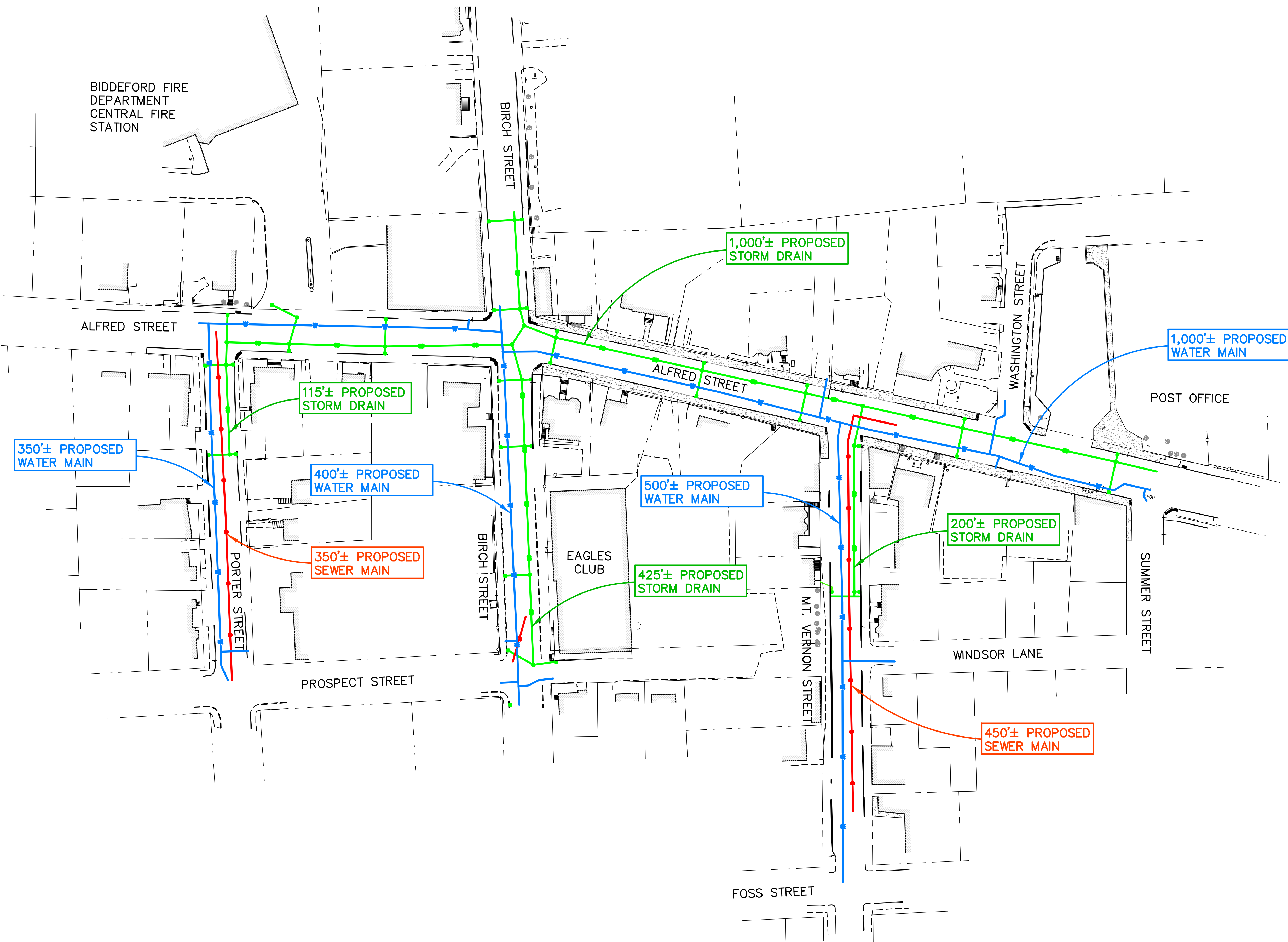
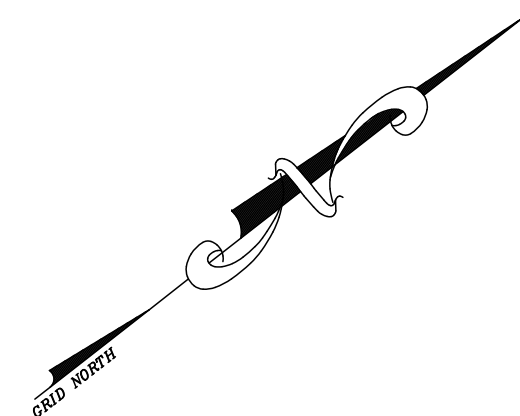
Next Steps:

Should the Finance Committee support this project and recommend a funding source, Council shall consider this project's approval at their 3/3 meeting.

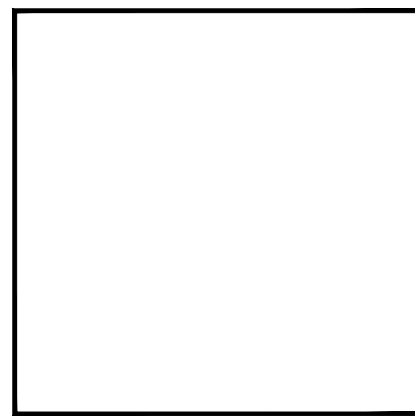
Attachments:

- 1. 1 - Project Location Map

2. 2 - Bid Summary
3. 3 - Cost Estimate
4. 4 - Vortex Lining Quote
5. 5 - DEP Consent Agreement
6. 6 - Sewer Permit Account Totals
7. 6 - Sewer Permit Account Totals



NO.	DATE	REVISION DESCRIPTION



BH2M
 Berry, Huff, MacDonald, Milfigan, Inc.
 Engineers, Surveyors
 380B Main Street
 Gorham, Maine 04038
 Tel: (207) 839-2771
 www.bh2m.com

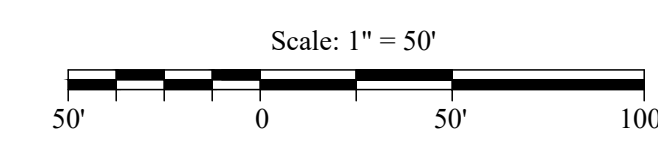
FOR
 The City of Biddeford
 205 Main Street
 Biddeford, Maine

PROJECT OVERVIEW PLAN
 ALFRED STREET
 SEWER SEPARATION
 PHASE 3
 ALFRED STREET
 BIDDEFORD, MAINE

DESIGNED C. MacDonald	DATE December 2025
DRAWN Staff	SCALE 1" = 50'
CHECKED C. MacDonald	JOB. NO. 24065

SHEET
1

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ALFRED ST PHASE 3 SEWER SEPARATION PROJECT - BID SUMMARY RESULTS (01/22/2026)

PART 1 - CITY STORM DRAIN				GORHAM SAND & GRAVEL	
ITEM NUMBER	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	AMOUNT
1A	SITE PREPARATION	1	LS	\$ 291,400.00	\$ 291,400.00
2A	TEST PITS	5	EA	\$ 1,385.00	\$ 6,925.00
3A	TRAFFIC CONTROL SIGNAGE	1	LS	\$ 136,750.00	\$ 136,750.00
4A	TRAFFIC CONTROL FLAGGERS	40	DAY	\$ 1,500.00	\$ 60,000.00
5A	EROSION & SEDIMENT CONTROL	1	LS	\$ 5,000.00	\$ 5,000.00
6A	2' F-BASIN	31	EA	\$ 4,855.00	\$ 150,505.00
7A	4' DRAIN CB	4	EA	\$ 5,325.00	\$ 21,300.00
8A	4' DRAIN MH	20	EA	\$ 8,860.00	\$ 177,200.00
9A	6' DRAIN MH	1	EA	\$ 13,079.00	\$ 13,079.00
10A	6" ROOF DRAIN SERVICE	53	LF	\$ 160.00	\$ 8,480.00
11A	8" DS	6	LF	\$ 385.00	\$ 2,310.00
12A	12" SD	470	LF	\$ 312.00	\$ 146,640.00
13A	15" SD	154	LF	\$ 187.00	\$ 28,798.00
14A	18" SD	661	LF	\$ 307.00	\$ 202,927.00
15A	24" SD	565	LF	\$ 441.00	\$ 249,165.00
16A	30" SD	250	LF	\$ 354.00	\$ 88,500.00
17A	42" SD	36	LF	\$ 569.00	\$ 20,484.00
18A	4' SEWER MH	8	EA	\$ 10,350.00	\$ 82,800.00
19A	6" SEWER SERVICE	365	LF	\$ 227.00	\$ 82,855.00
20A	6" SEWER MAIN	42	LF	\$ 454.00	\$ 19,068.00
21A	10" SEWER MAIN	697	LF	\$ 330.00	\$ 230,010.00
22A	24" SEWER MAIN	42	LF	\$ 531.00	\$ 22,302.00
23A	OFFSET SEWER/DRAIN	14	EA	\$ 6,250.00	\$ 87,500.00
24A	BITUMINOUS SIDEWALK	1232	SY	\$ 66.00	\$ 81,312.00
25A	BITUMINOUS SIDEWALK REPAIR	3	SY	\$ 30.00	\$ 90.00
26A	CONCRETE SIDEWALK REPAIR	8	SY	\$ 300.00	\$ 2,400.00
27A	REINSTALL GRANITE CURB	187	LF	\$ 36.00	\$ 6,732.00
28A	REMOVE GRANITE CURB	538	LF	\$ 15.00	\$ 8,070.00
29A	BITUMINOUS CURB REPAIR	42	LF	\$ 30.00	\$ 1,260.00
30A	INSTALL CONCRETE CURB	569	LF	\$ 25.00	\$ 14,225.00
31A	PERM. TRENCH CAP	69	SY	\$ 80.00	\$ 5,520.00
32A	TEMP. TRENCH CAP	697	SY	\$ 20.00	\$ 13,940.00
33A	TRENCH CAP	1304	SY	\$ 61.00	\$ 79,544.00
34A	FULL-DEPTH PAVEMENT	1783	SY	\$ 52.00	\$ 92,716.00
35A	PAVEMENT MILL & FILL	4089	SY	\$ 31.00	\$ 126,759.00
36A	STRIPING & MARKING	1	LS	\$ 27,000.00	\$ 27,000.00
37A	LEDGE EXCAVATION	338	CY	\$ 350.00	\$ 118,300.00
38A	LOAM & SEED	75	SY	\$ 27.00	\$ 2,025.00
39A	ABANDON PIPE/STRUCTURES	1	LS	\$ 69,505.00	\$ 69,505.00
40A	REBUILD/CORE STRUCTURES	3	EA	\$ 1,800.00	\$ 5,400.00
41A	NIGHTWORK	10	HR	\$ 975.00	\$ 9,750.00
				GSG - PART 1 TOTAL:	\$ 2,798,546.00

PART 2 - MWC WATER MAIN				GORHAM SAND & GRAVEL	
ITEM NUMBER	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	AMOUNT
1B	SITE PREPARATION	1	LS	\$ 86,068.00	\$ 86,068.00
2B	TEST PITS	5	EA	\$ 1,385.00	\$ 6,925.00
3B	TRAFFIC CONTORL SIGNAGE	1	LS	\$ 136,750.00	\$ 136,750.00
4B	TRAFFIC CONTROL FLAGGERS	35	DAY	\$ 1,500.00	\$ 52,500.00
5B	EROSION & SEDIMENT CONTROL	1	LS	\$ 4,000.00	\$ 4,000.00
6B	12" WATER MAIN	1365	LF	\$ 399.00	\$ 544,635.00
7B	8" WATER MAIN	905	LF	\$ 237.00	\$ 214,485.00
8B	6" WATER MAIN	125	LF	\$ 418.00	\$ 52,250.00
9B	2" WATER MAIN	127	LF	\$ 433.00	\$ 54,991.00
10B	RESTORE WATER SERVICE LINE (<2")	400	LF	\$ 345.53	\$ 138,212.00
11B	WATER SERVICE CONNECTION	26	EA	\$ 800.00	\$ 20,800.00
12B	HYDRANT	4	EA	\$ 3,990.00	\$ 15,960.00
13B	THRUST BLOCK	15	EA	\$ 500.00	\$ 7,500.00
14B	LEDGE EXCAVATION	273	CY	\$ 350.00	\$ 95,550.00
15B	LOAM & SEED	25	SY	\$ 27.00	\$ 675.00
16B	PERM. TRENCH CAP	56	SY	\$ 80.00	\$ 4,480.00
17B	TEMP. TRENCH CAP	578	SY	\$ 20.00	\$ 11,560.00
18B	TRENCH CAP	1231	SY	\$ 61.00	\$ 75,091.00
19B	FULL-DEPTH PAVEMENT	823	SY	\$ 52.00	\$ 42,796.00
20B	PAVEMENT MILL & FILL	1747	SY	\$ 31.00	\$ 54,157.00
21B	BITUMINOUS SIDEWALK REPAIR	13	SY	\$ 30.00	\$ 390.00
22B	CONCRETE SIDEWALK REPAIR	44	SY	\$ 300.00	\$ 13,200.00
23B	REINSTALL GRANITE CURB	65	LF	\$ 36.00	\$ 2,340.00
24B	BITUMINOUS CURB REPAIR	15	LF	\$ 30.00	\$ 450.00
25B	2" RIGID FOAM INSULATION	100	LF	\$ 21.00	\$ 2,100.00
26B	NIGHT WORK	30	HR	\$ 975.00	\$ 29,250.00
27B	MATERIAL MANAGEMENT	1	LS	\$ 12,500.00	\$ 12,500.00
28B	CONNECTION TO EX. MAIN (ALF/SUM)	1	LS	\$ 11,460.00	\$ 11,460.00
29B	CONNECTION TO EX. MAIN (SUM/ALF)	1	LS	\$ 11,460.00	\$ 11,460.00
30B	CONNECTION TO EX. MAIN (WAS/ALF)	1	LS	\$ 11,460.00	\$ 11,460.00
31B	CONNECTION TO EX. MAIN (CLA/ALF)	1	LS	\$ 10,910.00	\$ 10,910.00
32B	CONNECTION TO EX. MAIN (ALF/POR)	1	LS	\$ 11,460.00	\$ 11,460.00
33B	CONNECTION TO EX. MAIN (VER/FOS)	1	LS	\$ 11,460.00	\$ 11,460.00
34B	CONNECTION TO EX. MAIN (BIR/PRO)	1	LS	\$ 11,460.00	\$ 11,460.00
35B	CONNECTION TO EX. MAIN (PRO/BIR2)	1	LS	\$ 10,910.00	\$ 10,910.00
36B	CONNECTION TO EX. MAIN (PRO/BIR8)	1	LS	\$ 11,460.00	\$ 11,460.00
37B	CONNECTION TO EX. MAIN (BIR/ALF)	1	LS	\$ 11,460.00	\$ 11,460.00
38B	CONNECTION TO EX. MAIN (POR/PRO)	1	LS	\$ 11,460.00	\$ 11,460.00
39B	CONNECTION TO EX. MAIN (WIN/VER)	1	LS	\$ 12,110.00	\$ 12,110.00
40B	CONNECTION TO EX. MAIN (57 BIRCH)	1	LS	\$ 8,990.00	\$ 8,990.00
41B	CONNECTION TO EX. MAIN (150 ALF)	1	LS	\$ 8,990.00	\$ 8,990.00
42B	CONNECTION TO EX. MAIN (152 ALF)	1	LS	\$ 8,990.00	\$ 8,990.00
43B	INSERTION VALVE (ALF/SUM)	1	LS	\$ 13,725.00	\$ 13,725.00
44B	INSERTION VALVE (57 BIRCH)	1	LS	\$ 20,725.00	\$ 20,725.00
45B	INSERTION VALVE (ALF/POR)	1	LS	\$ 13,725.00	\$ 13,725.00
46B	INSERTION VALVE (BIR/ALF)	1	LS	\$ 13,725.00	\$ 13,725.00
47B	INSERTION VALVE (PRO/BIR)	1	LS	\$ 13,725.00	\$ 13,725.00
48B	INSERTION VALVE (BIR/PRO)	1	LS	\$ 11,600.00	\$ 11,600.00
				GSG - PART 2 TOTAL:	\$ 1,930,880.00
				GSG - GRAND TOTAL:	\$ 4,729,426.00

SITE CONSTRUCTION COST WORKSHEET
ALFRED STREET PHASE 3
SEWER SEPARATION

Drain Project Bid Items	Quantity	Unit	Unit Cost	Total Cost
1A. Site Preparation	1	LS	\$ 250,000	\$ 250,000.00
2A. Test Pits	5	EA	\$ 2,250.00	\$ 11,250.00
3A. Traffic Control - Signage	1	LS	\$ 150,000.00	\$ 150,000.00
3A. Traffic Control - Flaggers	40	Days	\$ 1,000.00	\$ 40,000.00
5A. Erosion and Sedimentation Control	1	LS	\$ 25,000.00	\$ 25,000.00
6A. Type F Catch Basin	31	EA	\$ 5,250.00	\$ 162,750.00
7A. 4' Dia Catch Basin	4	EA	\$ 6,000.00	\$ 24,000.00
8A. 4' Dia Drain Manhole	20	EA	\$ 7,500.00	\$ 150,000.00
9A. 6' Dia Drain Manhole	1	EA	\$ 16,000.00	\$ 16,000.00
10A. 6" Drain Services	53	LF	\$ 400.00	\$ 21,200.00
11A. 8" Storm Drain	6	LF	\$ 280.00	\$ 1,680.00
12A. 12" Storm Drain	470	LF	\$ 300.00	\$ 141,000.00
13A. 15" Storm Drain	154	LF	\$ 325.00	\$ 50,050.00
14A. 18" Storm Drain	661	LF	\$ 340.00	\$ 224,740.00
15A. 24" Storm Drain	565	LF	\$ 400.00	\$ 226,000.00
16A. 30" Storm Drain	250	LF	\$ 450.00	\$ 112,500.00
17A. 42" Storm Drain	36	LF	\$ 850.00	\$ 30,600.00
18A. 4' Dia Sewer Manhole	8	EA	\$ 7,500.00	\$ 60,000.00
19A. 6" Sewer Service	365	LF	\$ 300.00	\$ 109,500.00
20A. 6" Sewer Main	42	LF	\$ 300.00	\$ 12,600.00
21A. 10" Sewer	697	LF	\$ 310.00	\$ 216,070.00
22A. 24" Sewer	42	LF	\$ 400.00	\$ 16,800.00
23A. Offset Sewer and Drain Services	14	EA	\$ 6,500.00	\$ 91,000.00
24A. Bituminous Sidewalk Reconstruction	1232	SY	\$ 75.00	\$ 92,425.00
25A. Bituminous Sidewalk Repair	3	SY	\$ 50.00	\$ 174.72
26A. Concrete Sidewalk Repair	8	SY	\$ 350.00	\$ 2,660.00
27A. Reinstall Granite Curb	187	LF	\$ 70.00	\$ 13,090.00
28A. Remove Granite Curb	538	LF	\$ 15.00	\$ 8,070.00
29A. Repair Bituminous Curb	42	LF	\$ 35.00	\$ 1,470.00
30A. Install Concrete Curb	569	LF	\$ 35.00	\$ 19,915.00
31A. Permanent Trench Cap	69	SY	\$ 65.00	\$ 4,466.83
32A. Trench Cap (Full Depth)	697	SY	\$ 25.00	\$ 17,426.32
33A. Trench Cap (Mill and Fill)	1304	SY	\$ 55.00	\$ 71,712.61
34A. Full Depth Pavement Reconstruction	1783	SY	\$ 70.00	\$ 124,816.44
35A. Pavement Mill and Fill	4089	SY	\$ 35.00	\$ 143,103.33
36A. Striping and Marking	1	LS	\$ 10,000.00	\$ 10,000.00
37A. Ledge Excavation	338	CY	\$ 400.00	\$ 135,200.00
38A. Loam and Seed	75	SY	\$ 50.00	\$ 3,750.00
39A. Abandon Pipe and Structures	1	LS	\$ 25,000.00	\$ 25,000.00
40A. Rebuild / Core Structures	3	EA	\$ 2,200.00	\$ 6,600.00
41A. Night Work	10	HR	\$ 2,500.00	\$ 25,000.00
Subtotal				\$ 2,847,620.26
15% Contingency				\$ 427,143.04
Drain Project Subtotal				\$ 3,274,763.30



To: City of Biddeford, ME	Contact: Craig Chekan
Address: 63 Water Street Biddeford, ME 4005	Phone:
	Email: Craig.Chekan@Biddefordmaine.org
Project Name: ME - Biddeford - BWW - Adams St 12" UVCIPP	Bid Number: 2514635
Project Location: Alfred St, Biddeford, ME	Bid Date: 11/13/2025

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
1	UVCIPP Lining (24" X '110)	1.00	LS	\$25,895.00	\$25,895.00
2	Manned Entry - Grout Lateral	1.00	EACH	\$1,600.00	\$1,600.00

Total Bid Price: \$27,495.00

Notes:

- Proposal includes standard dewatering for 2" of flow or less. Any additional dewatering / bypass / or flow control beyond these efforts or greater than 200 GPM will be provided by Others.
- Proposal includes standard signs and cones. Any additional maintenance of traffic (MOT) i.e. Police detail and/or flaggers will be invoiced separately at cost plus 10%.
- Owner will provide access to hydrant for cleaning water. We have not included the cost of any fee for water use in this proposal.
- Owner will provide a local disposal site for any debris that is generated from the cleaning process. Disposal site must be less than 10 miles away from job site.
- Owner will provide access to manholes/structures.
- This proposal does not include any permitting or fees associated with it.
- If bond is needed please add 1.5%.
- Our Bid Proposal is valid for 30 days from the bid date.
- Site Restoration will be performed by Others.
- CIPP Samples can be provided at no additional cost. If 3rd party CIPP testing is required, it can be provided at \$450 per each test. There was no CIPP specification mentioning samples and testing for this bid.
- We will provide a post cctv video to show the final CIPP product. One light jetter pass will be included before running the camera down the final CIPP liner.
- Standard wages are included. There are no Prevailing wages and or Union Wage Rates included in this bid proposal.
- Our bid proposal as submitted reflects the current material pricing established on or before the bid date listed within our proposal. In the event of unforeseen price increases of our raw materials, Vortex reserves the right to adjust our unit rate or overall bid proposal accordingly to account for such price increases.
- Payment terms: Net 30 days. Interest will be added to balances outstanding after 30 days
- We have not included any sales tax in this proposal.

<p>ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted.</p> <p>Buyer: _____</p> <p>Signature: _____</p> <p>Date of Acceptance: _____</p>	<p>CONFIRMED: Vortex Services LLC</p> <p>Authorized Signature: _____</p> <p>Estimator: Patrick Holland (207) 530-0937 patrick.holland@vortexcompanies.com</p>
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JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

-IN THE MATTER OF:

CITY OF BIDDEFORD)	ADMINISTRATIVE CONSENT
BIDDEFORD, YORK COUNTY, MAINE)	AGREEMENT
PROTECTION AND IMPROVEMENT OF)	
WATERS)	(38 M.R.S. § 347-A)
2020-169-W)	

This Agreement, by and among the City of Biddeford (“City”) and the State of Maine, Department of Environmental Protection (“Department” or “DEP”), as approved by the Maine Board of Environmental Protection (“Board”) and the Office of the Attorney General (“OAG”) 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. The City is a municipal corporation that is organized and exists under the laws of the State of Maine.
2. Throughout the period of time addressed by this Agreement, the City was subject to Maine’s *Water Pollution Control Laws*, 38 M.R.S. § 413, et seq.
3. The Department authorized the City to discharge treated sanitary wastewater and combined sanitary wastewater and stormwater, subject to conditions, in Waste Discharge License W000683-5M-L-M/Maine Pollutant Discharge Elimination System Permit #ME0100048, issued on June 18, 2014 (“2014 Permit”) and renewed by the Department on April 16, 2021 (“2021 Permit”).
4. Throughout the period of time addressed by this Agreement, the City was subject to, among other things, the following license conditions in the 2014 and 2021 Permits:

Permit Special Condition J(4) of the City’s 2014 Permit, which states in relevant part:

The permittee must implement [Combined Sewer Overflow, or “CSO”] control projects in accordance with an approved CSO Master Plan and abatement schedule. The CSO Master Plan entitled Phase II Combined Sewer Overflow Master Plan for the City of Biddeford, Maine dated June 2008 and revised January 2009 with abatement project schedule was approved on January 22, 2009. The abatement schedule may be amended from time to time based on mutual agreements between the permittee and the Department. The permittee must notify the Department in writing prior to any proposed changes to the

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

implementation schedule. Based on the approved abatement schedule, the permittee must comply with the following schedule dates: ...

On or before December 31, 2015, the permittee shall complete an update to the CSO Master Plan which reflects findings from the [Sewer System Evaluation Study, or “SSES”] and submit the report to the Department for review and approval.

Permit Special Condition J(6) of the City’s 2014 Permit, which states in relevant part:

The permittee must conduct block testing or flow monitoring according to an approved Compliance Monitoring Program on all CSO points, as part of the CSO Master Plan. Annual flow volumes for all CSO locations must be determined by actual flow monitoring, or by estimation using a model such as USEPA’s Storm Water Management Model (SWMM).

Results must be submitted annually as part of the annual CSO Progress Report (see below), and must include annual precipitation, CSO volumes (actual or estimated) and any block test data required. Any abnormalities during CSO monitoring must also be reported. The results must be reported on the Department form “CSO Activity and Volumes” (Attachment D of this permit) or similar format and submitted electronically to the Department.

CSO control projects that have been completed must be monitored for volume and frequency of overflow to determine the effectiveness of the project toward CSO abatement. This requirement must not apply to those areas where complete separation has been completed and CSO outfalls have been eliminated.

Permit Special Condition J(4) of the City’s 2021 Permit, which states in relevant part:

The permittee must implement CSO control projects in accordance with an approved CSO Master Plan and abatement schedule. The last CSO Master Plan approved by DEP was entitled Phase II Combined Sewer Overflow Master Plan for the City of Biddeford, Maine dated June 2008 and revised January 2009. A subsequent CSO Master Plan Update was submitted by the City on October 28, 2016 and received conditional approval, contingent upon confirming the plan’s viability via hydraulic modeling.

The plan was proven non-viable due to street level flooding predicted by the model runs. Since the plan was rejected, Biddeford is currently without an approved CSO Master Plan. The City is currently implementing several abatement activities which should have a significant impact on CSO discharge from CSO 005 and 006. The agreed upon CSO Master Plan Update, to be submitted on the schedule shown below, will provide a summary of these efforts, as well as charting a course forward for the City.

The abatement schedule may be amended from time to time based on mutual agreements between the permittee and the Department. The permittee must notify the Department in writing prior to any proposed changes to the implementation schedule. Based on the agreement reached at our meeting in Biddeford on 10/24/19, the permittee must comply with the following schedule dates:

*On or before **June 30, 2023**, the permittee must complete an update to Biddeford's CSO Master Plan. The Master Plan Update must be submitted to the Department for review and approval.*

5. Throughout the period of time addressed by this Agreement, the City was also subject to, among other things, the following Department regulatory requirements related to the CSO Master Plans and updates:

Combined Sewer Overflow Abatement Rule, 06-096 C.M.R. ch. 570, § 3, which states in relevant part:

3. *Elements of a CSO Master Plan. The following elements must be included in a CSO Master Plan by the licensee.*

A. *CSO assessment and monitoring. The complexity of sewerage systems and CSO discharge situations varies greatly from one community to another. Consequently, it is recognized that the scope and magnitude of assessment and monitoring needs must be adapted to each individual community. The description of activities below is intended to reflect the magnitude and nature of assessment and monitoring which may be done in a comprehensive study. Depending on individual community needs, a licensee may expect to tailor an individual program. Not all activities will be required of all licensees.*

...

- (2) *CSO discharge points must be observed and either flow monitored or modeled over a period of time sufficient to reflect a wide range of storm events and antecedent conditions in order to determine CSO activity. Additionally, flow monitoring must be conducted at a number of locations adequate to allow estimation of flows within the entire sewer system. Flow monitoring must be representative of the sewerage system's drainage area and include varied land uses, unless otherwise approved by the department. The number and location of flow monitoring points will vary with characteristics of individual systems and the means used to evaluate the system. Also, the period of monitoring time needed to obtain sufficient data will vary depending on the weather conditions. Typically, the use of computer modeling of a system will reduce the need for flow monitoring.*

(3) *In conjunction with flow monitoring, testing is to be conducted on flow-weighted, composite samples, or grab samples, depending on applicability, to determine pollutant loads. Samples must be collected to characterize the so-called first flush, and the total discharge volume. Samples must be analyzed for total suspended solids, biochemical oxygen demand and bacteria. The department, on the basis of receiving water sensitivity, known discharge constituents of concern, or local concerns, may specify analysis for other pollutants. Normally, samples must be collected during four separate discharge events, two in the spring and two in the summer, at each location.*

...

(5) *Concurrent with CSO monitoring, evaluation of the sewer system must be conducted to identify sources of extraneous water entering the system. To the extent they are available, previous inflow/infiltration analyses or other sewer system studies may be used when appropriate.*

...

B. *Prioritization and alternative analysis.* *A major element of a CSO Master Plan is the identification of existing and potential high value uses. The involvement of the public is essential during this identification and prioritization process. The Master Plan must place high priority on abatement of combined sewer overflows that affect waters having the greatest potential for public use or benefit and attempt to relocate any remaining discharges to areas where minimal impacts or losses of uses would occur. Another major element of a CSO Master Plan is a thorough analysis of alternatives for CSO abatement, which includes a financial capability analysis to determine user cost of the recommended alternative, and an implementation schedule for the recommended abatement program.*

(1) *Prioritization of CSO discharge abatement must be based on data from the CSO assessment and monitoring program, and any other existing relevant data. Priorities for abatement include, but are not limited to the following list, shown in order of importance. The order and number of items may change, as determined by the department, if a licensee shows justification for the change.*

- (a) *Discharges that occur during dry weather periods;*
- (b) *Discharges that may impact public drinking water intakes;*
- (c) *Discharges that may impair water contact recreational uses or create public health concerns in the receiving waters;*
- (d) *Discharges that discharge into areas determined to have redeemable shellfish resources or important fish or wildlife habitat;*
- (e) *Discharges that contain industrial or medical wastes;*
- (f) *Discharges that function during the months of June through September;*
- (g) *Discharges that cause localized nuisance conditions; and*

(h) All other CSO discharges.

(2) The licensee shall conduct an evaluation of a full range of control alternatives.

(a) These alternatives must include, but are not limited to:

- (i) Pollution prevention practices to reduce, control, or eliminate pollutants at their source and prior to entry into the sewerage system;*
- (ii) Removing sources of uncontaminated water introduced into the sewerage system from private and public sources;*
- (iii) Maximizing the existing sewerage system for storage, transport and treatment of wastewater;*
- (iv) Off-line storage or retention of excess flow for addition to the sewerage system as its capacity allows;*
- (v) Sewer separation to remove stormwater from sanitary wastewater;*
- (vi) Full elimination of CSOs;*
- (vii) Treatment of CSOs (see Section 4); and*
- (viii) Discharge point relocation to less sensitive receiving waters.*

(b) This evaluation process consists of the following steps:

- (i) Developing a list of available control measures; and*
- (ii) Screening the list to eliminate those measures that for various reasons would not warrant further consideration for the given application. The list of available control measures must be developed by evaluating each measure's ability to reduce pollutants of concern that would cause violations of water quality standards. The pollutants would have previously been identified during the CSO Assessment and Monitoring Phase (see Section 3(A)).*

The list of available control measures must be screened using appropriate criteria. Typical screening criteria can be considered under these main categories:

- a. Performance factors, relating to the effectiveness of control measures;*
- b. Implementation and operation factors, relating to the licensee's ability to implement and manage the control measures;*
- c. Environmental impacts, relating to possible negative side-effects from constructing control measures; and*
- d. Comparative capital and operation and maintenance costs, with an analysis of the licensee's ability to pay for such costs.*

NOTE: This screening criteria, along with the use of Best Management Practices and the prioritization of high value use areas, allow the community to focus on the most appropriate control measures to solve its specific CSO control needs.

- (iii) CSO discharges that will remain following implementation of a Master Plan must be located to receive maximum dispersion and dilution or maximum environmental benefit in the receiving water. All efforts must be made to locate these discharge points away from sensitive areas or high value uses in the receiving water or where existing or expected uses may be impaired.*
 - (iv) The effectiveness of current and potential best management practices (see Section 5) must be evaluated.*
 - (v) A financial capability analysis must be completed to evaluate the impact of proposed CSO abatement alternatives on sewer user rates. The analysis must show the proposed residential user charge as a percentage of the Medium Household Income (MHI) for the community.*
 - (vi) A plan must be included that accommodates projected additions to the sewer system while maintaining CSO abatement goals and implementation timetables.*
- (3) Adequate public participation efforts must be made during and after the planning process.*
- (a) Development of the Master Plan and subsequent reviews and updates must include public participation efforts that are adequate to inform and receive comments from persons interested in water quality or abatement issues associated with CSO discharges. These efforts must include providing the public with information on CSO assessments, water quality impacts, abatement alternatives, and costs and related issues. Public discussion of water quality, current receiving water uses, desired potential uses, priority of uses, acceptable abatement technologies and financial capability must be sought. The licensee must hold a public hearing on the Master Plan and provide the department with a record of the hearing, a list of people in attendance, copies of written testimony and the licensee's responses to the issues raised. The hearing must be advertised no less than 30 days nor more than 45 days prior to the hearing in a local newspaper of general circulation in the area affected by CSO discharges. Concurrent with the advertisement, a notice of the public hearing must be sent to all persons who have expressed an*

interest in the Master Plan. A licensee that plans to apply for State Revolving Fund (SRF) loans must comply with public hearing requirements in the State of Maine Revolving Loan Fund Rules, Chapter 595. Records of public participation efforts and the public hearing must be maintained and be available to the department.

(b) In cases where a CSO may cause continuing or future impairment of water quality criteria or uses, the licensee of these discharges must institute ongoing efforts to inform the public of those impacts. The means and frequency of notices must be specific to the geographic area and uses involved in order to gain maximum public awareness. However, a minimum notification program must consist of:

- (i) Timely annual publication of prominent notices in newspapers having general circulation in the area affected by CSO discharges;*
- (ii) Posting of permanent signs, where feasible, at locations that afford public access to water affected by CSO discharges such as parks and boat launches; and*
- (iii) Direct written contact with persons known to have particular interest in the use of land or waters affected by CSO discharges.*

In individual situations, other comparable means of public notification may be substituted for those above if they are shown to be equally effective.

All notices must include a description of the area and uses impacted by CSO discharges, the nature, times and conditions of impacts, and precautions that should be observed by the public.

C. Implementation schedule. *An implementation schedule for completion of recommended CSO abatement technologies and programs must be included. Due to the nature of emerging CSO abatement technologies, changing growth patterns and financial conditions within communities, and other unforeseen factors, the schedule must include periodic updates and reviews of the Master Plan. These updates allow the licensee to modify the implementation plan based on results of the continuing monitoring program (see Section 6) and experience gained, while keeping focused on the original goals of the Master Plan. A length of time between reviews of three to five years may be reasonable, depending on progress made on implementation of the Master Plan.*

D. Proposed Budget. *A proposed budget needed to accomplish the recommended CSO abatement implementation program must be included.*

6. On December 31, 2015, the City submitted to the Department a draft CSO Master Plan Update (“Draft 2015 MPU”) in an attempt to meet the requirements of the 2014 Permit, namely those set forth in Special Condition J(4) and Chapter 570. Pursuant to Chapter

City’s completion of its planned modeling for the proposed Center Street Diversion and Elm Street pump station projects to 3 weeks after a 2.5” storm event or December 31, 2017, whichever occurred first.

13. On June 30, 2017, the Department issued a Letter of Warning (“LOW”) to the City for its CSO Compliance Monitoring program, Special Condition J(6) of the Permit, due to a lack of complete and accurate CSO discharge volumes either measured or modeled for the years 2008-2010 and 2014-2016. The problematic CSO volume measurements were revealed as part of the discovery of multiple cross-connections between the old combined sewer and the sanitary-only sewer.
14. On December 28, 2017, the City submitted the modeling and other information requested by the Department regarding the viability of the proposed Center Street Diversion and Elm Street pump station projects. The City’s new modeling revealed that both the Center Street Diversion and the Elm Street pump station projects would create flooding downstream in the City’s Main Street interceptor and were not feasible. Although the City had completed a number of the requirements of the conditional approval in the Department’s November 2, 2016, and December 28, 2016, letters, two of the four projects identified in the First Revised MPU were shown to be not feasible, and so the conditional approval of the First Revised MPU was withdrawn by the Department.
15. Between January 2018 and January 2020, the City and its consulting engineers evaluated new and different options for CSO abatement, and to meet the requirements of the 2014 Permit and Chapter 570.
16. On February 28, 2020, the City submitted a new revised MPU (“Second Revised MPU”) for approval.
17. On June 12, 2020, the Department sent a letter to the City providing comments on the Second Revised MPU and withholding approval. While the Second Revised MPU was a significant improvement over the City’s prior draft MPU submissions, it did not provide consistent and comprehensive information regarding collection system pipe age/condition, nor any explanation as to why the City was proposing significantly less separation work than the 2005 MPU, as required by Chapter 570, § 3(B)(2). Finally, the Second Revised MPU did not contain a proposed budget to complete the proposed projects, which is also required by Chapter 570, § 3(D).
18. On January 11, 2021, the Department issued a Notice of Violation (“NOV”) for the City’s lack of and failure to submit an approvable MPU by the December 31, 2015, deadline set forth in the 2014 Permit. The NOV also requested corrective actions, including evaluation of the pump station at Horrigan Court by September 31, 2021, and completion of model calibrations and mapping improvements by June 30, 2022. In the NOV cover letter, the Department notified the City that the nature of the violations and long-term compliance milestones would likely be best addressed through an

administrative consent agreement.

19. Subsequently, in response to the First Revised MPU modeling failures, the City identified data gaps regarding their sewer system infrastructure and conducted additional sewer system investigations to improve their understanding of inflow and infiltration in the combined sewer system. The City committed to submitting a comprehensive CSO abatement plan and schedule on or before June 30, 2022, to the Department that would meet the legal requirements of both the 2014 and 2021 permits and Chapter 570, as well as making significant progress toward reducing CSO volume. On June 30, 2022, the City requested a short extension of the deadline for submission, which the Department approved.
20. The City submitted to the Department its Collection System Study Report on July 12, 2022 (“CSS Report”). The CSS Report described a comprehensive evaluation by the City of its inflow and infiltration, including new information from the City on storm sewer catch basins connected to its sanitary system, and verification that removal of the cross-connections between the stormwater and sanitary systems had been effective. The CSS Report also noted that the City was not interested in pursuing the removal of private inflow and infiltration. Finally, the City’s CSS Report noted that stormwater storage would likely be required to achieve control at the 1-, 2-, and 5-year, 24-hour storm levels in some of the City’s sewersheds. The City’s CSS Report provided projected costs for the various levels of control at the separate CSO sewersheds. The City provided 5 alternatives and indicated that alternative #5 was the most cost-effective approach. The Department provided the City with comments on the CSS Report and a proposed schedule on October 3, 2022.
21. The City and the Department met on October 5, 2022, to discuss the CSS Report. The City presented their rationale for its alternative #5. The Department provided context from other communities regarding the level of CSO control and cost estimates and communicated that the timeframe for the City to complete the work proposed by the City in alternative 5 needed to be more aggressive to meet the requirements of the 2014 and 2021 Permits and Chapter 570. The City committed to submitting a counterproposal by early January 2023. In January 2023, the City requested an extension to late March 2023 to allow time for the City to conduct additional modeling. The Department approved the extension.
22. The City submitted the revised project plan, a subsection of the MPU, with a proposed fifteen-year schedule on May 30, 2023, and met with the Department and their consultant on the same day. The City’s proposed fifteen-year schedule reduced the number of catch basins that would be separated compared to alternative #5 and focused on specific drainage areas.
23. On August 7, 2023, the City and the Department met to discuss the City’s proposed project plan and schedule. At that meeting, the Department conveyed that a ten-year plan

was the longest timeframe for a CSO abatement plan that was acceptable to and could be approved by the Department based on the Department’s expertise and experience with the implementation of CSO abatement plans. In addition, the Department requested that two of the City’s projects proposed for years 11-16 be moved to years 6-10 to allow a one-year level of control at all CSO locations with the exception of CSO 009, which would be addressed in the next CSO MPU in 2033. The inflated nature of the City’s cost estimates for the proposals was also discussed at length. At the Department’s request, the City’s consultant agreed to reconsider the cost estimates. The City agreed to re-submit its proposal after evaluating the Department’s counterproposal.

24. On October 12, 2023, due to the lack of follow-up by the City to the August 7, 2023, meeting, the Department sent an e-mail to the City requesting a revised project plan and schedule, based on the May 30, 2023, plan, by November 1, 2023. On October 20, 2023, the City submitted a revised project plan with a ten-year schedule. The Department and the City’s consultants communicated at length regarding the costs associated with the proposed plan. On November 20, 2023, the City met with the Department to discuss the revised project plan and schedule.
25. On December 12, 2023, the City resubmitted proposed project descriptions and costs to the Department, detailed in Appendix A, along with a detailed list of CSO reduction projects that the City had completed to date. A summary of the City’s completed CSO reduction projects, as described in the City’s December 12, 2023, submission, is provided in the table below.

Year	CSO Impacted	Work Completed
2020	CSO 004-006, 009	The last sanitary/storm sewer cross-connection was removed; the lower Main Street separation was completed; CSO 004 was officially closed; and the Foss and Emery streets separation was completed.
2021	CSO 005-006, 009	Overflow levels were raised in several locations and meters were relocated.
2022	CSO 006-007,009,013	Overflow height adjustments were made; the Center Street separation project was completed; a pump replacement, the CSO activity notification system, and the Main Street separation between Lund and Mt. Pleasant were completed; the Bradbury/Mason separation project was completed; and several catch basin cover replacements were installed.
2023	CSO 006-007, 009	Another cross-connection was discovered and then plugged; several inflow and infiltration removal projects were completed; preparatory construction work was started on Elm Street; work at the Diamond Match site was completed; and a check valve on CSO 007 was installed.

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2024	CSO 006	The Horrigan Court pump station upgrade was completed; and a 100K inline storage tank between CSO 006 and a new pump station was installed.
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26. The City and the Department met to discuss the City’s revised project plan on January 18, 2024. The Department agreed to the October 20, 2023, project plan and schedule proposed by the City as modified on December 12, 2023.
27. On February 12, 2024, the City and the Department met to discuss the City Manager’s reduced project budget and the impact on the agreed-upon project plan. The Department committed to move forward with an administrative consent agreement containing the project and schedule detailed in the December 12, 2023, project plan and schedule. Because of the uncertainty regarding the City’s funding or commitment to adhere to the latest project plan and schedule (the October 20, 2023, plan as modified on December 12, 2023), the Department has not formally approved or accepted any project plan from the City. As a consequence, the City continues to be without any approved CSO MPU, and therefore, remains in violation of its permit, State regulations, and State law. Despite operating without an approved MPU, the City continued to implement separation work in the period between the February meeting and the consent agreement negotiations.
28. By failing to conduct an adequate and complete Compliance Monitoring program, including accurate flow monitoring and modeling with the Draft 2015 MPU, as described in paragraphs 7, 10, 11 and 14, the City violated Special Condition J(6) of the permit and Section 3(A)(2-3) of Chapter 570.
29. By failing to provide consistent and comprehensive alternatives analysis, prioritization, and cost analysis, as described in paragraphs 10, 14, 17 and 24, the City violated Chapter 570, Sections 3(B)(1-2) and 3(C-D).
30. By failing to formally commit and have a plan to fund the budget for the MPU, as described in paragraphs 10, 14, 16-18, 24 and 27, the City is in violation of Special Condition J(4) of the 2014 and 2021 Permits.
31. On January 11, 2021, the Department issued an NOV to Biddeford, as described above. The parties agree that this Agreement constitutes a NOV pursuant to 38 M.R.S. § 347-A(1)(B) for all violations cited in paragraphs 4-30 of this Agreement but not previously noticed, and all parties agree that they have been adequately noticed for all violations raised therein.
32. To resolve the violations referred to in Paragraphs 28-30 of this Agreement, the City agrees to perform all of the following actions in sub-Paragraphs 32(a)-(f) to the satisfaction of the Department, as determined in its sole discretion:

- a. Immediately pay to the *Treasurer, State of Maine*, upon signing this Agreement, a civil monetary penalty in the amount of \$20,000.00.
- b. By December 31, 2030, substantially complete projects 0 through 5 as described in Appendix A, or alternative projects of equivalent CSO benefit with prior Department approval, to the Department's satisfaction. For purposes of this subparagraph, completion means a project has been substantially completed such that all new and/or rehabilitated storm drains have entered service and only aboveground punchlist items remain. CSO benefit for the projects in consideration shall be defined as the comparable linear feet of roadway or piping installed or the predicted CSO volume reduction associated with each project. The determination of whether an alternative project may be substituted or whether a project is substantially complete is at the sole discretion of the Department.
- c. December 31, 2031, submit to the Department for review and approval an interim CSO Master Plan Update summarizing the abatement work completed by the City, any proposed revisions to the City's project list, the impact on CSO activity, including all observed or anticipated CSO volume, and the level of control at each CSO location, and an updated list of year 6-10 projects as detailed in Appendix A as #6-10.
- d. By December 31, 2036, and subject to modifications to the project list provided in the Interim CSO Master Plan Update, complete all projects in Appendix A as agreed to and approved by the Department in its sole discretion.
- e. By December 31, 2036, submit a draft of the next 10-year CSO Master Plan Update to the Department outlining projects to be completed, along with a proposed schedule and the expected level of control that will be achieved, including all observed or anticipated CSO volume and/or event reductions. By December 31, 2037, and upon review of the draft 10-year CSO Master Plan Update by the Department, submit a final version of the 10-year CSO Master Plan Update to the Department for approval
- f. Pay to the Treasurer, State of Maine, upon demand by the Department, the amount of one hundred dollars (\$100.00) per day per violation for violating any provision of this Agreement, including applicable statutory interest, with all defenses waived by the City, including any defenses related to the enforcement of any stipulated penalty payment as a final administrative order and a money judgment pursuant to 14 M.R.S. § 3138.
- g. In addition to the stipulated penalties set forth in Paragraph 32(f) above, in the event that any actions in Paragraph 32(b)-(e) are not completed within the schedules specified in those paragraphs or to the satisfaction of the Department, as determined by the Department in its sole discretion, the following stipulated

CITY OF BIDDEFORD
BIDDEFORD, YORK COUNTY, MAINE
PROTECTION AND IMPROVEMENT OF
WATERS
2020-169-W

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ADMINISTRATIVE CONSENT
AGREEMENT

(38 M.R.S. § 347-A)

penalties shall become due immediately and paid by the City upon the Department's demand (each payable to the *Treasurer, State of Maine*):

- i. For sub-paragraph (b) above: stipulated penalty of \$30,000.00;
- ii. For sub-paragraph (c) above: stipulated penalty of \$10,000.00;
- iii. For sub-paragraph (d) above: stipulated penalty of \$30,000.00;
- iv. For sub-paragraph (e) above: stipulated penalty of \$10,000.00.

- 33. This Agreement is not effective until it is approved and signed by the Board and the OAG.
- 34. The Department and the OAG grant a release of their causes of action against the City for the specific violations listed in Paragraphs 4-30 of this Agreement on the express condition that all actions listed in Paragraphs 32 of this Agreement are completed to their satisfaction, and 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.
- 35. Any non-compliance with any portion of this Agreement, as determined by the Department and the OAG in their sole discretion, voids the releases set forth in Paragraph 35 of this Agreement and may lead to further enforcement action(s) pursuant to 38 M.R.S. §§ 347-A(1)(A), 347-A(5), or 348, as well as the pursuit of other remedies, including those pursuant to 14 M.R.S. § 3138.
- 36. By signing and executing this agreement, the City knowingly, voluntarily, intentionally, permanently, and irrevocably waives any and all defenses related to the enforcement of this Agreement, including the enforcement of this Agreement as a final administrative order and a money judgment pursuant to 14 M.R.S. § 3138, and expressly agrees that it will not assert:
 - a. Any claim or defense that the City obligations under this Agreement are illegal, invalid, or otherwise unenforceable;
 - b. Any claim or defense pertaining to any payment obligation;
 - c. Any claim or defense pertaining to the timing and efficacy of notice and/or process regarding this Agreement and the Department's enforcement of the terms of this Agreement; and/or
 - d. Any other circumstance which might otherwise constitute a defense available to, or a discharge of any obligation of, the City with respect to this Agreement.

CITY OF BIDDEFORD)
BIDDEFORD, YORK COUNTY, MAINE)
PROTECTION AND IMPROVEMENT OF)
WATERS)
2020-169-W)

ADMINISTRATIVE CONSENT
AGREEMENT

(38 M.R.S. § 347-A)

- 37. Actions taken by the City 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.
- 38. 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 18 pages:

CITY OF BIDDEFORD

BY: Brian S. Phinney DATE: 05/21/25
BRIAN PHINNEY, CITY MANAGER

MAINE BOARD OF ENVIRONMENTAL PROTECTION

BY: Robert A. Dube DATE: 7/17/25
NAME OF BOARD CHAIR, CHAIR

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: J. D. Foe DATE: 7/17/25
JACK DAFOE, ASSISTANT ATTORNEY GENERAL

Appendix A
City of Biddeford CSO Master Plan Updated-CSO Project Narrative
11/30/2023 Memo as revised and sent to the Department of Environmental Protection updated
02/18/2025



Memorandum

Date: **11/30/2023** (Updated 02/18/2025)
Project No.: **20496A**
To: **Maine DEP**
From: **City of Biddeford, ME**
Wright-Pierce
Subject: **City of Biddeford CSO Master Plan Updated - CSO Projects Narrative**

The purpose of this memorandum is to provide a brief narrative describing each project included as part of the City of Biddeford's 10-year project list submitted to the Maine DEP on October 20, 2023 as part of their ongoing CSO mitigation work.

10-Year Plan Project Narratives

0. Cutts, Bradbury, Mason Separation

This separation project includes approximately 990 LF of new storm drain and will separate approximately 14 catch basins. This will result in the closure of the main CSO-004 diversion structure with relocation to a single relief pipe on Cutts Street.

1. Alfred Street Separation - CWSRF Project 1 (Phase 1 and 2)

This separation project includes approximately 2,475 LF of new storm drain and will separate approximately 23 catch basins. The new storm drain will begin as a 48" pipe along Alfred Street and will re-connect to the existing storm system near the intersection of Alfred Street and Main Street. This project also includes approximately 900 LF of rehabilitation/relining of an existing 24" storm drain along Main Street between Alfred Street and Water Street.

2. Alfred Street Separation - CWSRF Project 2 (Phase 3)

This separation project is the second of two projects to be completed along Alfred Street. This project includes approximately 1,800 LF of new storm drain along Alfred Street, Porter Street, and Mt. Vernon Street, and will separate approximately 22 catch basins. 15" and 18" storm drains will convey flows from the project area to a 48" storm drain beginning at Alfred Street and Mt. Vernon Street. This 48" storm drain will connect to Alfred Street CWSRF Project 1 at Summer Street and Alfred Street.

3. Main Capacity Upgrades & Summer Street Separation

This upgrade and separation project includes two separate areas of work including a capacity upgrade project on Main Street and a sewer separation along Summer Street, for a total of approximately 1,875 LF of new or upgraded storm drain. The first work area, located near the Water Street and Main Street intersection and extending into Mechanics Park, is a capacity upgrade project and includes the installation of 270 LF of 54" storm drain, replacing the existing 36"/42" storm drain.

Appendix A
City of Biddeford CSO Master Plan Updated-CSO Project Narrative
11/30/2023 Memo as revised and sent to the Department of Environmental Protection updated
02/18/2025

Memo: City of Biddeford CSO Master Plan Updated - CSO Projects Narrative

The second work area is located along Summer Street and includes 1,230 LF of new storm drain and the separation of approximately 27 catch basins. A 24" to 36" storm drain will connect to the proposed 48" storm main on Alfred Street. A short run of 15" storm drain is also included to allow combined basins on Windsor Lane to be separated.

4. Washington, Jefferson, Adams, Franklin Separation

This separation project includes approximately 3,150 LF of new storm drain, ranging from 15" to 30" in size. These projects will provide conveyance for the separation of approximately 41 catch basins on Adams Street, Jefferson Street, Washington Street, Franklin Street, and Main Street. This project will be tributary to the storm drain on Main Street.

5. Elm Street Capacity Upgrades and Hooper Separation

This upgrade and separation project includes approximately 2,960 LF of new storm drain, providing conveyance capacity upgrades to the Elm Street stormwater main and outfall, and providing separation of approximately 5 catch basins on Hooper Street. The proposed storm drain along Elm Street will be 42" in diameter, and the Hooper Street storm drain will be 15" to 18".

6. South, Kossuth, Maple Separation

This separation project includes approximately 2,675 LF of new storm drain on Elm Street between Mason Street and Cutts Street, along South Street & Kossuth Street, and along Maple Street (across the Saco River from Elm Street). An 18" and 24" storm drain will be installed along Elm Street, a 24" and 30" storm drain will be installed on South Street and Kossuth Street, and an 18" storm drain along Maple Street. Approximately 22 catch basins will be separated by these projects.

7. Harrison to Free Street Upgrades

This project is a capacity upgrade project and includes the installation of approximately 1,775 LF of new 54" storm drain starting at the intersection of Harrison Avenue and Hill Street and continuing to the intersection of Free Street and Leon Street, where the upgraded line meets the existing stormwater main.

8. Lambert, Clark, Tachereau Separation

This separation project includes approximately 3,590 LF of new storm drain along Alfred Street and Clark Street (24"/30"), Prospect Street (36"), and Harrison Ave (54"). In addition to separating basins along these locations, the project will include new storm drain for nearby catch basins on Lambert Street and Winter Street. Approximately 33 basins will be separated as part of this project.

9. Westland, Dental, Forest, Rathier Separation

This separation project includes approximately 1,425 LF of new storm drain across multiple small project locations at Westland Avenue, Dental Avenue, Forest Street, and Rathier Street. The project will include the installation of 15" and 24" storm drain and will separate approximately 15 catch basins.

10. Rumery Capacity Upgrades & George Separation

This capacity upgrade and separation project includes approximately 1,590 LF of new storm drain, to provide greater conveyance capacity to the Rumery Boatyard storm outfall to accommodate future upstream separation work. The proposed storm main will range from 42" to 60" in size. Additionally, a new 18" storm drain to convey flows from 3 separated catch basins will be installed on George Street.

Appendix A
City of Biddeford CSO Master Plan Updated-CSO Project Narrative
11/30/2023 Memo as revised and sent to the Department of Environmental Protection updated
02/18/2025

Memo: City of Biddeford CSO Master Plan Updated - CSO Projects Narrative

MUNIS 'ACTUAL' DOLLAR AMOUNT						
	OLD SEWER PERMIT ACCOUNT NUMBERS					NEW SEWER PERMIT ACCOUNT NUMBER
FISCAL YEAR	35102-40248	35102-40247	35102-40246	35101-40250	35102-40254	35102-40503
2009	\$ 1,462.50	\$ 7,100.00	\$ 1,125.00	\$ 77,928.00	\$ 25,000.00	\$ -
2010	\$ (466.18)	\$ 5,500.00	\$ 840.10	\$ 40,759.20	\$ -	\$ -
2011	\$ 550.00	\$ 1,800.00	\$ 510.00	\$ 17,911.20	\$ -	\$ -
2012	\$ 850.00	\$ 6,200.00	\$ 570.00	\$ 30,504.80	\$ -	\$ -
2013	\$ 600.00	\$ 2,875.00	\$ 540.00	\$ 12,552.80	\$ (13.60)	\$ -
2014	\$ 750.00	\$ 2,600.00	\$ 570.00	\$ 135,143.20	\$ 38,136.94	\$ -
2015	\$ 850.00	\$ 1,800.00	\$ 675.00	\$ 74,068.63	\$ (1.61)	\$ -
2016	\$ 1,400.00	\$ 5,405.00	\$ 1,253.00	\$ 48,517.44	\$ 100.50	\$ -
2017	\$ 2,650.00	\$ 6,855.00	\$ 1,860.00	\$ 155,981.12	\$ 9,450.35	\$ -
2018	\$ 2,862.64	\$ 4,950.00	\$ 1,830.00	\$ 75,603.20	\$ -	\$ -
2019	\$ 1,725.00	\$ 3,600.00	\$ 1,185.00	\$ 60,876.40	\$ -	\$ -
2020	\$ 630.00	\$ 2,285.44	\$ (2,590.00)	\$ 20,040.96	\$ 50.00	\$ -
2021	\$ 900.00	\$ 9,860.44	\$ 1,080.00	\$ 29,109.44	\$ 12,344.00	\$ -
2022	\$ 3,810.00	\$ 4,600.00	\$ 960.00	\$ 16,209.44	\$ 3,172.00	\$ -
2023	\$ 4,800.00	\$ 33,400.00	\$ 1,360.00	\$ 193,792.72	\$ 75,611.50	\$ -
2024	\$ 5,500.00	\$ 15,500.00	\$ 9,866.52	\$ 113,822.88	\$ 27,192.52	\$ -
2025	\$ 2,800.00	\$ 33,205.00	\$ 21,880.44	\$ 42,563.52	\$ 13,766.00	\$ 184,047.60
2026	\$ -	\$ -	\$ -	\$ (5,403.19)	\$ -	\$ 630,108.78
TOTALS:	\$ 31,673.96	\$ 147,535.88	\$ 43,515.06	\$ 1,139,981.76	\$ 204,808.60	\$ 814,156.38
GRAND TOTAL:						\$ 2,381,671.64
MAIN STREET PUMP STATION DESIGNATED AMOUNT (COUNCIL ORDER 2025.83):						\$ 350,000.00
LINCOLN STREET FM MANIFOLD DESIGNATED AMOUNT (11/18 FINANCE ORDER 4.D):						\$ 146,527.00
UNDESIGNATED SEWER PERMIT FEE AMOUNT:						\$ 1,885,144.64

DEVINE CAPITAL = UPCOMING SEWER PERMIT FEE:	\$ 651,615.70
WESTBROOK DEVELOPMENT (LOT1B/1C) = UPCOMING SEWER PERMIT FEE:	\$ 370,000.00
UPCOMING SEWER PERMIT FEE TOTAL:	\$ 1,021,615.70



Finance Committee

Meeting Date: February 17, 2026

Meeting Time: 5:00 PM

Agenda Item No: 4.b

Item Description: Elm Street and Hooper Street Sewer Separation Project Bond Funding Update

Submitted By: Jeff Demers Director of Public Works

Key Terms:

Payment of Elm Street Combined Sewer Overflow project.

Executive Summary:

This memo is to explain the decision to proceed with the Elm Street CSO Project utilizing General Fund dollars after the planned \$5 million bond was delayed.

Detailed Review:

The Elm Street CSO project had already commenced construction when it became clear to me as the Director that the bond could not be issued in the required timeframe. The delay was due to the absence of a completed audit and the City's credit rating review, both of which are necessary components of the bonding process. As a result, the bond could not be pulled in time to meet the project's active construction schedule.

At the time this issue arose, the project was already underway. Halting construction would have resulted in significant contractual complications, potential delay claims, increased costs, and disruption to a critical Combined Sewer Overflow (CSO) compliance project. Given the regulatory importance of the CSO work and the contractual obligations already in place, stopping the project was not a viable option.

Under the direction of the prior administration, I was instructed to continue moving forward with the project and the city would utilize General Fund dollars temporarily to cover project costs. It was understood that once the bond is successfully issued, the General Fund will be reimbursed and fully replenished from bond proceeds. Every purchase order and invoice coded by me as the Director was coded under the CSO project account number, not within the General Fund. As the Director of Public works, I made it clear I have never used general funds for sewer projects. Wastewater projects need to be paid out of the sewer enterprise fund. I was directed to continue forward.

The decision to proceed ensured:

- Continuity of construction operations
- Avoidance of delay claims and additional contractor costs
- Continued progress toward CSO compliance requirements
- Protection of the City's infrastructure and regulatory standing
- The Elm St. Sewer Project needed to be completed prior to Maine DOT's upcoming Route 1 Project

This approach was taken as a temporary financial measure to keep the project on schedule and avoid larger financial and regulatory consequences. The intent remains to reimburse the General Fund in full once the bond issuance is completed. Please let me know if further clarification or financial detail is needed.

Funding Source:

None

Staff Recommendation:

None

Next Steps:

Attachments:



Finance Committee

Meeting Date: February 17, 2026
Meeting Time: 5:00 PM
Agenda Item No: 4.c
Item Description: F2026.07 Approval Industrial Pre-treatment Program Consultant
Submitted By: Jeff Demers Director of Public Works

Key Terms:

Outsource the Industrial Pre-Treatment program with Wright-Pierce Engineering.

Executive Summary:

Public Works/Wastewater is asking for the approval to have Wright-Pierce Engineering assist the City with administration and oversight of the Industrial Pre-treatment Program (IPP) following the Chief operating Officer's retirement.

Detailed Review:

The Chief Operating Officer's departure has created a significant gap in the City's ability to manage and maintain compliance with our federally mandated IPP requirements. The IPP is a critical component of our wastewater operations and is required under our Maine DEP and EPA permits. The program ensures that industrial users discharge wastewater in compliance with local, state, and federal regulations, protecting our treatment facility, infrastructure, receiving waters, and overall environmental compliance status.

The administration of the IPP involves specialized regulatory knowledge, industrial user permitting, sampling and inspections, enforcement procedures, reporting, and coordination with Maine DEP and EPA. These responsibilities are technical in nature and require experience specific to pre-treatment regulations (40 CFR Part 403 and applicable state rules). At this time, we do not have in-house staff with the capacity or specialized expertise to fully assume these duties without risking compliance deficiencies.

Engaging Wright-Pierce Engineering will provide the following benefits:

- Immediate continuity of program oversight and regulatory compliance
- Technical expertise in pre-treatment program management
- Assistance with industrial user permitting, inspections, and reporting
- Support during audits or regulatory reviews

- Protection of the City from potential violations, fines, or consent decrees

Wright-Pierce has extensive experience working with municipal wastewater systems and pre-treatment programs throughout Maine and New England. Their familiarity with regulatory expectations and reporting requirements will help ensure the City remains in full compliance while we evaluate long-term staffing or structural solutions for the program.

Maintaining a compliant and effective IPP is essential to protecting our wastewater infrastructure, public health, and the environment. Bringing in Wright-Pierce at this time is a prudent and necessary step to ensure there is no lapse in oversight following the Chief Operating Officers retirement.

Funding Source:

Staff is requesting a total of \$68,150 be allocated for two phases of Wright-Pierce's IPP program oversight:

1. Permit Year 2025 Compliance (Phase 1) = \$34,950
 - a. To keep the City's IPP Program in compliance through March 2026, including all 2025 report documentation & submittal to MaineDEP
 - b. Staff recommends funding the \$34,950 from the unused salary of the recently departed Chief Operating Officer (Remaining Balance = \$67,000; account: 21102-60102)
2. Permit Year 2026 Compliance (Phase 2) = \$33,200
 - a. To keep the City's IPP Program in compliance through March 2027, or until the Wastewater Department's new Compliance Manager position is filled
 - b. Staff recommend adding \$19,171 to line item 35103 in the FY27 annual budget to cover said cost (currently only \$14,029 is allocated for the Chief Operating Officer's duties).
 - c. Once a Compliance Manager position is filled to cover the IPP Program duties, 35103 next annual budget will be reduced accordingly.
3. Staff is recommending amending the city's contract with Wright-Pierce as they have been involved with the consent agreement with the Department of Environmental Protection and the CSO abatement work to date. The Industrial Pre-Treatment report is time-sensitive and is due March 1, 2026.

Staff Recommendation:

Staff recommends moving forward with the contract attached with Wright-Pierce Engineering.

Next Steps:

Approve contract and finish up the 2025 IPP report.

Attachments:

1. 20260204-Biddeford_Amendment No 2 - IPP Assistance (Final) w Attachment

2. IPP Order (3)

February 4, 2026

Mr. Jeff Demers
City of Biddeford – Public Works Director
371 Hill Street
Biddeford, ME 04005

SUBJECT: Proposed Amendment No. 2 for Industrial Pretreatment Program Assistance

Dear Mr. Demers,

Thank you for meeting with us yesterday and providing more background on your request for assistance with Biddeford's Industrial Pretreatment Program (IPP). As requested, we are providing the scope and fee below for temporary assistance with your IPP. With the recent retirement of your IPP coordinator, you are in need of assistance to address immediate IPP Federal reporting requirements and general program administration until you can secure a new employee to assume the program responsibilities.

The following Scope of Services includes work necessary to address the most immediate need, submitting the IPP Annual Report by March 1, 2026 then focusing on the remaining program requirements outlined in Brian Kelso's (ME DEP) letter dated January 22, 2026 (see attached). Additionally, Wright-Pierce will provide a budget estimate for administrative assistance to the City for this program, for one year or until a replacement for the Program Coordinator has been onboarded.

Scope of Services

Task 1 – 2025 IPP Annual Report

This effort includes the review of the existing annual report for 2025, which we understand has already been prepared but not submitted, providing QA/QC on this draft and submitting this report with the City using the EPA's new Central Data Exchange (CDX) website. The level of effort for this task, and respective fee, is based on 60 Engineering hours. The effort includes:

1. Review the City's Existing Significant Industrial User list and permitting.
2. Review recent correspondence with the ME DEP re: the City's IPP program.
3. Provide a QA/QC review of the draft 2025 Annual IPP Report and work with the City to address any minor changes.
4. Secure access to the EPA CDX and create an administrator account.
5. Finalize the Annual Report and submit it with endorsement by a City signatory.
6. Address ME DEP and EPA Region I review comments (address one round of comments).

Due diligence in items 1 and 2 above is necessary to gather appropriate background information regarding the history of the program and bring Wright-Pierce up to speed on program specifics.

Task 2 – Address Remaining Regulatory Requirements from the January 22, 2026 ME DEP Inspection Summary

This effort includes Addressing requirements 1,3,4,5 and 6 outlined in the above referenced letter. The level of effort for this, and the anticipated fee, is based on 115 Engineering Hours. Anticipated effort includes:

1. Drafting the letter for City signature addressing requirement No. 1, assigning pretreatment coordinator duties. This will confirm that Wright-Pierce has been secured to provide temporary assistance until an IPP coordinator has been hired.
2. Reviewing reports from industrial users for compliance with respective City permits and State and Federal regulations, addressing requirement No. 3. Per our discussion yesterday it is anticipated that administrative support may last for up to a year.
3. Publish a notice of significant noncompliance SNC in a local paper This is typically completed once a year Wright-Pierce assumes that this requirement still needs to be met as it was noted as it was so recently noted by the DEP. This effort is to address requirement No. 4.
4. Remove outfall 001 from the Praxair pretreatment permit to address requirement No. 5. Wright-Pierce assumes this requirement still needs to be met as it was noted so recently by the DEP.
5. Review and administer the annual requirement to sample and inspect each significant industrial user (SIU) to address requirement No. 6. Wright-Pierce will review the current sampling program and work with the City to secure sampling to meet the requirements outlined in this program information compiled will be submitted as part of the 2026 Annual Report.

Task 3 – Maine DEP Meetings and Coordination

This task includes preparing for and attending meetings with the City and the Maine DEP to discuss progress updates, obtain assistance with CDX account setup, and to help with the transition of the program to a new IPP Coordinator within the coming year. We anticipate the need for an additional two (2) meetings with the DEP. The level of effort for this task, and anticipated fee, is based on 18 Engineering hours plus expenses.

Task 4 – IPP General Administrative Assistance

This task includes assisting the City with general IPP administration over the course of one year. The level of effort for this Task is based on four (4) Engineering hours per week and addresses other administrative requirements not specifically listed in the scope for Task 2, above. Specific assistance may include:

1. Industrial user identification and classification (new users);
2. Permitting assistance (new and renewals);
3. Dental amalgam rule administration;
4. General Permit administration;

5. IU compliance monitoring, including review of self-monitoring reports, data review and compliance determinations;
6. Coordination of IPP sampling (assuming actual sampling and analysis is performed by others)
7. Review and comment on NOVs to be issued by the City;
8. SNC determinations and publication;
9. Communication with the ME DEP on the City's behalf; and
10. Enforcement tracking.

Assumptions

The following assumptions were used in the development of this proposed contract amendment:

1. We understand from yesterday's meeting that the draft 2025 Annual IPP Report is complete and will require only review and minor edits before submission.
2. The actual Annual IPP Report submission date will be dependent upon whether or not the EPA has resolved their technical issues with this system by March 1st. If the system is still down, we will reach out to the ME DEP on the City's behalf and request guidance for an alternate submission method.
3. Our ability to submit the report by March 1, 2026 is predicated on a receipt of a notice to proceed by February 9, 2026.
4. Biddeford will provide compiled datasets (IU inventory, compliance/enforcement logs, monitoring summaries) in electronic format within five (5) business days of our Notice to Proceed for this work.
5. No new field sampling, inspections, or enforcement actions are included—this scope only covers report review and submission (consistent with EPA "reporting burden" definition).
6. Biddeford provides CDX/NeT signatory and completes any identity proofing. Wright-Pierce will assist but cannot certify provide the required final certification.
7. Approval authority uses standard NetPPR; any State-specific supplemental forms or extra narratives are additional services.
8. All sampling and analysis for program compliance will be completed by others.
9. We assume that compliance inspections will be completed and documented by City staff.
10. Wright-Pierce's efforts will be guided by the reporting content in 40 CFR §403.12 and with EPA's National Pretreatment Program ICR task assumptions.

Proposed Fee

Based on our understanding of the project and the scope of services, we propose the following fees:

Task Description	Total Cost
Task 1 – Annual Report (T&E NTE)	\$13,250
Task 2 - Address ME DEP Inspection Summary Letter Requirements (T&E NTE)	\$17,400
Task 3 - Maine DEP Meetings and Coordination (T&E NTE)	\$4,300
Task 4 – General IPP Administration (T&E NTE – 4 hr/wk)	\$33,200

2/4/2026

Mr. Jeff Demers

Page 4 of 4

Due to the nature of permitting and program administration we propose to complete this work on a Time and Expense basis, not to exceed the values stated above. Should the administrative effort for this program exceed our estimated level of effort, we will notify the City immediately. Likewise, you will not be charged for time and expenses not spent up to the not to exceed values stated above. Additional effort can be secured for any of the above tasks upon written mutual agreement, to be incorporated into the master agreement via a future contract amendment.

Please note that, with this T&E billing arrangement, the City will only be invoiced for actual hours spent on any of these tasks. The proposed budgeted amounts above reflect our approximation of hours needed based on similar work and a comparison of published IPP programs in our region.

We appreciate our relationship with the City and very much look forward to continuing to assist the City in this effort. If you are in agreement with this scope and fee, we will proceed with an amendment to our existing agreement for Collection System Evaluations. Please let us know if you have any questions about our scope of work and amended fee.

Sincerely,
WRIGHT-PIERCE



Ryan T. Wingard, PE
Senior Vice President

ryan.wingard@wright-pierce.com



Michael A. Smith, PE
Senior Technical Leader

michael.smith@wright-pierce.com

Enclosure (1)
cc: Craig Chekan, Biddeford City Engineer



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

January 22, 2026

Truc Dever
City Manager
City of Biddeford
P.O. Box 586
205 Main Street
Biddeford, Maine 04005

Ms. Dever,

Brian Phinney, the Biddeford Pretreatment Coordinator at the time of inspection, and I completed a Pretreatment Compliance Inspection of Biddeford’s Industrial Pretreatment Program (IPP) on 13 and 14 January 2026. Usually, I only include issues that are found during my inspection that need to be corrected or recommendations to improve their program. Due to Mr. Phinney’s retirement, I have included additional information in the summary of my findings. There are several time sensitive regulatory requirements that occur in 2026 that you should be aware of to maintain compliance with the IPP. This is not an exhaustive list, but it does cover the major tasks that need to be done for the IPP.

Requirements

- 1) **Assign Pretreatment Coordinator duties.** As we discussed on 14 January in your office, the City of Biddeford needs to fill the Pretreatment Coordinator position vacated with Mr. Phinney’s retirement. I understand that Mr. Phinney, as the Chief Operating Officer, had several duties and that Pretreatment Coordinator was just one of those. I also understand that the City is considering filling the duties with a contractor at least temporarily. Filling Mr. Phinney’s position, shifting the Pretreatment Coordinator duties to another current employee, creating a designated position, or contracting the duties are of course all appropriate options.
- 2) **Submit the Industrial Pretreatment Program Annual Report by 01 March 2026.** This report covers the time frame of 01 January 2025 through 31 December 2025. This is the first year that the report needs to be submitted on the EPA Central Data Exchange (CDX) website using the **NeT-PPR** program. In case you are not familiar, the CDX website is the same place that the wastewater staff submit their monthly Discharge Monitoring Reports. I would highly encourage the City as soon as possible to develop a plan on how this report will be compiled and submitted. Whomever is going to enter data will need

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

to get CDX access, which usually is done online, however it may involve sending a paper certification to the EPA. The report itself may also be time consuming to enter, let alone time needed to become familiar with the Industrial Pretreatment Program enough to understand what data is being asked for. There are four potential roles that are involved in submitting the annual report in NeT-PPR: view, edit, sign, manage. These roles can be filled by several or just one person. The signatory does need to be a responsible official with appropriate authority or delegated by a responsible official. I can send training materials put together by EPA that explain how to login. Please let me know who to send the materials to. I also need to approve access requests to the Biddeford Annual Pretreatment Report for those people.

- 3) **The Pretreatment Coordinator must also review all reports from the Industrial Users for compliance with respective City permits and State and Federal regulations.** These reports may come in monthly, quarterly, or at least semi-annually. If a facility has a spill, then they must notify the City personnel in accordance with their permit immediately. The immediate reporting requirement may also include the Pretreatment Coordinator.
- 4) **Publish a notice of Significant Non-Compliance, SNC, in local paper.** Typically, Industrial Pretreatment Programs publish their SNC notices once a year. The Biddeford IPP had one SNC for 2025. Volk Packaging Corporation did not submit the first half of 2025 semi-annual report that was due in August 2025. Mr. Phinney sent Volk Packaging two Notices of Violations, NOVs, and an SNC notice which had not been responded to. Mr. Phinney and I met with Volk Packaging staff, Mr. Phil DeWolfe and Mr. Cody Sevigny, on 14 January 2026. They said Volk Packaging pretreatment coordinator had left the facility around the time the report was due. The facility staff we met with gave no explanation why the NOVs and the SNC were not addressed or responded to. I advise that the new Biddeford Pretreatment Coordinator closely monitor the Volk Packaging pretreatment program considering the recent SNC and that the Pretreatment Coordinator position has not been filled for several months. The new Biddeford Pretreatment Coordinator should pay particular attention to whether Volk Packaging submits their second 2025 semiannual report on time. The Enforcement Response Plan contained within the Biddeford Industrial Pretreatment Program provides guidance on handling permit violations.
- 5) **Remove Outfall 001 from the Praxair Pretreatment Permit.** The facility is now handling that waste discharge with an evaporator and as waste solids and is not discharging to the City sewer system.
- 6) **The new Pretreatment Coordinator needs to become familiar with the annual requirement to sample and inspect each Significant Industrial User, SIU.** No issues were observed during my inspection, but the new Biddeford Pretreatment Coordinator needs to complete and document this task annually.

If you've got any questions, please give me a call or email. My contact information is below.

Sincerely,

A handwritten signature in black ink, appearing to read "Bradley Kelso", is displayed on a light gray rectangular background.

Bradley Kelso
Compliance Supervisor, State Pretreatment Coordinator
Maine Department of Environmental Protection
Division of Water Quality Management
Phone: (C) 207-441-4692
Email: Bradley.G.Kelso@maine.gov

CONTROL AUTHORITY PRETREATMENT COMPLIANCE INSPECTION CHECKLIST

AUDIT CHECKLIST CONTENTS	
Cover Page and Acronym List	
Section I	IU File Evaluation
Section II	Data Review/Interview/IU Site Visit(s)
Section III	Findings
<input type="checkbox"/> Attachment A	Pretreatment Program Status Update
<input type="checkbox"/> Attachment B	Pretreatment Program Profile
Attachment C	Worksheets
	<input type="checkbox"/> IU Site Visit Data Sheet
	<input type="checkbox"/> WENDB Data Entry Worksheet
	<input type="checkbox"/> RNC Worksheet
Attachment D	Supporting Documentation

Control Authority (CA) name and address	Date(s) of Audit
City of Biddeford 61-63 Water Street Biddeford, ME 04005	13-14JAN2026

AUDITOR (S)		
Name	Title/Affiliation	Telephone Number
Brad Kelso	State Pretreatment Coordinator Bradley.g.kelso@maine.gov	207-441-4692

CA REPRESENTATIVE (S)		
Name	Title/Affiliation	Telephone Number
Brian S. Phinney*	Chief Operating Officer (position vacant as of 15JAN2026)	207-571-0032
	Industrial Pretreatment Coordinator bphinney@biddefordmaine.org	
Truc Dever	City Manager (report being sent to)	

*Identified program contact

ACRONYM LIST

Acronym	Term
AO	Administrative order
BMP	Best management practices
BMR	Baseline monitoring report
CA	Control authority
CERCLA	Comprehensive Environmental Remediation, Compensation and Liability Act
CFR	Code of Federal Regulations
CIU	Categorical industrial user
CSO	Combined sewer overflow
CWA	Clean Water Act
CWF	Combined wastestream formula
DMR	Discharge monitoring report
DSS	Domestic sewage study
EP	Extraction Procedure
EPA	U.S. Environmental Protection Agency
ERP	Enforcement response plan
FDF	Fundamentally different factors
FTE	Full-time equivalent
FWA	Flow-weighted average
Gpd	Gallons per day
IU	Industrial user
IWS	Industrial waste survey
MGD	Million gallons per day
MSW	Municipal solid waste
NA	Not applicable
ND	Not determined
NOV	Notice of violation
NPDES	National Pollutant Discharge Elimination System
O&G	Oil and grease
PCI	Pretreatment compliance inspection
PCS	Permit Compliance System
PIRT	Pretreatment Implementation Review Task Force
POTW	Publicly owned treatment works
QA/QC	Quality assurance/quality control
RCRA	Resource Conservation and Recovery Act
RNC	Reportable noncompliance
SIU	Significant industrial user
SNC	Significant noncompliance
SUO	Sewer use ordinance
TCLP	Toxicity Characteristic Leachate Procedure
TOMP	Toxic organic management plan
TRC	Technical review criteria
TRE	Technical review evaluation
TRIS	Toxics release inventory system
TSDF	Treatment, storage, and disposal facility
TTO	Total toxic organics
UST	Underground storage tank
WENDB	Water Enforcement National Data Base

GENERAL INSTRUCTIONS

1. As noted in the Introduction, the auditor should review a representative number of SIU files. Section I of this checklist provides space to document five IU files. This should not be construed to mean that five is an adequate representation of files to review. The auditor should make as many copies of Section I as needed to document a representative number of files according to the discussion in the Introduction.
2. The auditor should ensure that he/she follows up on any and all violations noted in the previous inspection and annual report during the course of the audit.
3. Throughout the course of the evaluation, the auditor should look for areas in which the CA should improve the effectiveness and quality of its program.
4. Audit findings should clearly distinguish between violations, deficiencies, and effectiveness issues.

SECTION I: IU FILE EVALUATION

INSTRUCTIONS: Select a representative number of SIU files to review. Provide relevant details on each file reviewed. Comment on all problems identified and any other areas of interest. Where possible, all CIUs (and SIUs) added since the last PCI or audit should be evaluated. Make copies of this section to review additional files as necessary.

IU IDENTIFICATION

FILE <u> 1 </u> Industry name and address Praxair Surface Technologies, Inc. 24 Landry Street Biddeford, Maine 04005	Type of industry NAICS 332812 Manufacture of aircraft parts, engineered protective coatings.
---	--

<input checked="" type="checkbox"/> CIU 40 CFR <u> 433.17 </u> , _____, _____ Category(ies) <u> Metal Finishing, PSNS (process discharge ended FEB2025) </u>	Average total flow (gpd) 600 sanitary	Average process flow (gpd) 1000, + 300 citric acid bath.
---	--	---

<input checked="" type="checkbox"/> Other SIU (as of Feb2025) <input type="checkbox"/> Non SIU	Industry visited during PCI Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
--	--

Comments
 Permit #013C-A-R, expires 03/20/25
 Spring Metz, EHS 207-282-3787 spring.metz@praxair.com
 Gravity settling of wastewater (001), and rinse water from the coating line as a batch discharge (002).
 24 hours a day, 5 days a week, 50 weeks a year. 50 employees.

FILE <u> 2 </u> Industry name and address Banded Brewing 2 Main St. Biddeford 207-944-5026	Type of industry Brewer
--	----------------------------

<input type="checkbox"/> CIU 40 CFR _____, _____, _____ Category(ies) _____ <u> NA </u>	Average total flow (gpd) 0.0025 MGD	Average process flow (gpd)
--	--	----------------------------

<input checked="" type="checkbox"/> Other SIU <input type="checkbox"/> Non SIU	Industry visited during audit Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
--	--

Comments
 Ian McConnell ian@ bandedbrewing.com
 Permit 7/11/23-7/10/28

SECTION I: IU EVALUATION

File <u>1</u>	File <u>2</u>	File <u>3</u>	File <u>4</u>	File <u>5</u>	IU FILE REVIEW	Reg. Cite
					A. ISSUANCE OF IU CONTROL MECHANISM	
					1. Issuance or reissuance of control mechanism	403.8(f)(1)(iii)
1	4	6	8	10	a. Individual control mechanism	
-	-	-	-	-	NA b. General control mechanism	403.8(f)(1)(iii)(A)
					2. Individual control mechanism contents	403.8(f)(1)(iii)(B)
+	+	+	+	10	a. Statement of duration (≤ 5 years)	
+	+	+	+		b. Statement of nontransferability	
+	+	+	+		c. Applicable effluent limits (local limits, categorical standards, Best Management Practices)	
					d. Self monitoring requirements	403.8(f)(1)(iii)(B)(4)
2	5	7	9	11	• Identification of pollutants to be monitored	
NA	NA	NA	NA	NA	• Process for seeking a waiver for pollutant not present or expected to be present (for CIUs only)	
					• Sampling frequency	
NA	NA	NA	NA	NA	○ Has the POTW reduced the IU's monitoring requirements for pollutants not present or expected to be not present? (Y/N)	
+	+	+	+	+	• Sampling locations/discharge points	
B	+	+	B	+	• Sample types (grab or composite)	
+	+	+	+	+	• Reporting requirements (including all monitoring results)	
+	+	+	+	+	• Record-keeping requirements	
+	+	+	+	+	e. Statement of applicable civil and criminal penalties	
+	+	+	+	+	f. Compliance schedules	
+	+	+	+	+	g. Notice of slug loading	
+	+	+	+	+	h. Notification of spills, bypasses, upsets, etc.	
+	+	+	+	+	i. Notification of significant change in discharge	
+	+	+	+	+	j. 24-hour notification of violation/resample requirement	
3	3	3	3	3	k. Slug discharge control plan, if determined by the POTW to be necessary.	
<p>Comments</p> <p>1 Permit #013C-A, 07/10/23 – 07/05/28</p> <p>2. Outfall 001 is Categorical (needs to be removed from permit), Outfall 002 is Local Limits.</p> <p>3 Slug Control Plan addressed in Inspections.</p> <p>4 Permit #002S, 7/11/2023/-7/10/2028</p> <p>5 Local Limits; Flow, BOD, TSS, pH-semiannual, Hg annually.</p> <p>6 Permit #011S-R, 07/13/23 – 07/07/28</p> <p>7 Local Limits; Flow, BOD, O&G, TSS, pH, Cu, Zn, NH3 semi-annually, Hg annually.</p> <p>8 Permit #006S-R-A, 7/13/23-7/7/28</p> <p>9 Local Limits; Flow, O&G, pH, TTO (cert) semi-annually, Hg annually</p> <p>10 Permit #002S-A, 7/13/2023-07/07/2028</p> <p>11 Local Limits; Flow, BOD, O&G, TSS, pH, As, Cr, Cu, Ni, Zn- semiannual, Hg annually.</p> <p>B = Batch discharger; therefore grab sampling is allowed.</p>						

SECTION I: IU EVALUATION (Continued)

File	File	File	File	File	IU FILE REVIEW	Reg. Cite
					A. ISSUANCE OF IU CONTROL MECHANISM (cont.)	
NA	-	-	-	-	3. Issuance of General Control Mechanisms	403.8(f)(1)(iii)(A)
					a. Involve the same or similar operations	
					b. Discharge the same types of wastes	
					c. Require the same effluent limitations	
					d. Written request by the IU for coverage by a general control mechanism including:	
					• Contact information	
					• Production processes	
					• Types of waste generated	
					• Location for monitoring all wastes covered by the general permit	
					e. Documentation to support the POTW's determination	
Comments Not applicable in Maine						

SECTION I: IU EVALUATION (Continued)

File <u>1</u>	File <u>2</u>	File <u>3</u>	File <u>4</u>	File <u>5</u>	IU FILE REVIEW	Reg. Cite
					B. CA APPLICATION OF IU PRETREATMENT STANDRDS	
1	3	3	3	3	1. IU categorization	403.8(f)(1)(ii)
					2. Calculation and application of categorical standards	403.8(f)(1)(ii)
NA	NA	NA	NA	NA	a. Classification by category/subcategory	
NA	NA	NA	NA	NA	b. Classification as new/existing source	
NA	NA	NA	NA	NA	c. Application of limits for all regulated pollutants	
-	-	-	-	-	NA d. Classification of nonsignificant CIU	403.3(v)(2)
+	+	+	+	+	3. Application of local limits	403.5(c)&(d)& 403.8(f)(1)(ii)
+	+	+	+	+	4. Application of Best Management Practices	403.8(f)(1)(iii)(B)(4)
NA	NA	NA	NA	NA	5. Calculation and application of production based-standards	403.6(c)
NA	NA	NA	NA	NA	6. Calculation and application of CWF or FWA	403.6(d)&(e)
NA	NA	NA	NA	NA	7. Application of most stringent limit	403.8(f)(1)(ii)
<p>Comments</p> <p>1 40 CFR Part 433.17 PSNS (no CIU activity-discharge goes to evaporator, waste goes out as solid waste)</p> <p>2 Categorical Limits and Local Limits appear to be applied to Outfall 001 (discharge from the waste treatment system-removed, process changed to dry), while Local Limits only are applied to Outfall 002 (discharge from the citric acid rinse tank).</p> <p>3 SIU only.</p>						

SECTION I: IU EVALUATION (Continued)

File <u>1</u>	File <u>2</u>	File <u>3</u>	File <u>4</u>	File <u>5</u>	IU FILE REVIEW	Reg. Cite
					C. CA COMPLIANCE MONITORING	
					Sampling	
1	4	7	9	11	1. Sampling (once a year, except as otherwise specified)	403.8(f)(2)(v)
					a. If a POTW has waived monitoring for CIU	
-	-	-	-		• Sample waived pollutant(s) at least once during the term of the control mechanism	403.8(f)(2)(v)(A)
					b. If a POTW has reduced an IU's reporting requirements	403.8(f)(2)(v)(C)
-	-	-	-		• Sample and analyze IU discharge at least once every 2 years	
1	4	+	9	11	2. Sampling at frequency specified in approved program	
+	+	+	9	11	3. Documentation of sampling activities	403.8(f)(2)(vi)
1	4	+	9		4. Analysis for all regulated parameters	
+	+	+	9	11	5. Appropriate analytical methods (40 CFR Part 136)	403.8(f)(2)(vi)
					Inspection	
2	5	8	10	12	6. Inspection (once a year, except as otherwise specified)	403.8(f)(2)(v)
					NA a. If a POTW has determined a discharger to be a NSCIU	403.8(f)(2)(v)(B)
-	-	-	-		• Evaluation of discharger with the definition of NSCIU once per year (verification of certification forms submitted by NSCIUs, compliance with pretreatment standards and requirements)	
					b. If a POTW has reduced an IU's reporting requirements	403.8(f)(2)(v)(C)
-	-	-	-		• Inspect at least once every 2 years	
+	+	+	+	+	7. Inspection at frequency specified in approved program	
+	+	+	+	+	8. Documentation of inspection activities	403.8(f)(2)(vi)
3	6	6	6	6	9. Evaluation of need for slug discharge control plan	403.8(f)(2)(vi)
<p>Comments</p> <p>1 001 and 002 sample date 08JAN2025 outfalls 01 and 02</p> <p>2 11Dec2025. B. Phinney.</p> <p>3 Slug plan needed; addressed in inspection form.- Built into emergency contingency plan</p> <p>4; 03JAN2025 BOD, TSS, pH, Hg</p> <p>5 14JAN2025</p> <p>6 Slug Plan not needed; addressed in inspection form.</p> <p>7. 12/23/25 report 1/6/26</p> <p>8 12/11/25.</p> <p>9. No flow for 2024-2025</p> <p>10 12/9/25 B. Phinney.</p> <p>11. No flow 2025, Sampling 30DEC24</p> <p>12. 6/27/25</p>						

SECTION I: IU EVALUATION (Continued)

File <u>1</u>	File <u>2</u>	File <u>3</u>	File <u>4</u>	File <u>5</u>	IU FILE REVIEW	Reg. Cite
					D. CA ENFORCEMENT ACTIVITIES	
					1. Identification of violations	403.8(f)(2)(vi)
1	1	1	1	1	a. Discharge violations	
1	1	1	1	2	b. Monitoring/reporting violations	
1	1	1	1	1	c. Compliance schedule violations	
1	1	1	1	2	2. Calculation of SNC	403.8(f)(2)(vi)
1	1	1	1	1	3. Adherence to approved ERP	403.8(f)(5)
1	1	1	1	1	4. Escalation of enforcement	403.8(f)(5)
1	1	1	1	1	5. Publication for SNC	403.8(f)(2)(vi)
<p>Comments</p> <p>1 There are no apparent violations.</p> <p>2 Facility has not turned in Q1-2 2025 semiannual report. NOV issued 08/28/25 and re-issued 10/02/25. SNC determined on 10/02/25. No response from facility to this date.</p>						

SECTION I: IU EVALUATION (Continued)

File <u>1</u>	File <u>2</u>	File <u>3</u>	File <u>4</u>	File <u>5</u>	IU FILE REVIEW	Reg. Cite
					E. IU COMPLIANCE STATUS	
					Self-Monitoring and Reporting	
1	4	6	8	10	1. Sampling at frequency specified in control mechanism/regulation	403.12(e)&(h)
+	4	+	+	+	2. Analysis of all required pollutants	403.12(g)(1)&(h)
NA	NA	NA	NA	NA	3. Submission of BMR/90-day report	403.12(b) &(d)
2	4	7	9	11	4. Periodic self monitoring reports	403.12(e)&(h)
+	5	+	+	+	5. Reporting all required pollutants	403.12(g)(1)&(h)
+	+	+	+	+	6. Signatory/certification of reports	403.12(l)
-	-	-	-	-	7. Annual certification by NSCIUs	403.12(q)
NA	NA	NA	NA	NA	8. Submission of compliance schedule reports by required dates	403.12(c)
					9. Notification within 24-hours of becoming aware of violations	403.12(g)(2)
NA	NA	NA	NA	NA	• Discharge violation	
NA	NA	NA	NA	NA	• Slug load	
NA	NA	NA	NA	NA	• Accidental spill	
NA	NA	NA	NA	NA	10. Resampling/reporting within 30 days of knowledge of violation	403.12(g)(2)
NA	NA	NA	NA	NA	11. Notification of hazardous waste discharge	403.12(j)&(p)
NA	NA	NA	NA	NA	12. Submission/implementation of slug discharge control plan	403.8(f)(2)(v)
3	NA	NA	NA	NA	13. Notification of significant changes	403.12(j)
INSTRUCTIONS: Indicate the IU's noncompliance status by placing and "X" in the appropriate box.						
					Discharge	
NA	NA	NA	NA	NA	13. Noncompliance with discharge limits (but not SNC)	
					14. SNC	403.8(f)(2)(vii)
NA	NA	NA	NA	NA	a. Chronic violations	
NA	NA	NA	NA	NA	b. TRC	
NA	NA	NA	NA	NA	c. Pass through or interference	403.5(a)(1)
NA	NA	NA	NA	NA	• Spill or slug load	403.12(f)
NA	NA	NA	NA	NA	d. Other discharge violations (specify)	
					Reporting	
NA	NA	NA	NA	NA	15. Noncompliance with reporting requirements (but not SNC)	403.8(f)(2)(vii)
NA	NA	NA	NA	NA	16. SNC with reporting requirements	403.8(f)(2)(vii)
Comments						
1 Cr-08,JAN, FEB 2025 (Cr), all other pollutants 16JAN25, 29OCT2025						
2 Cr 4/18/2025. 1/30/25						
3) Notified Biddeford IPP to eliminate discharge JAN25						
4 18APR2025, 07OCT25.						
5. lab missed BOD, resampled 10/24/25 31OCT25						
6. 6/27/25; 11/19/25						
7 7/10/25; 12/18/2025						
8 No flow 2024, 2025						
9 29JUL25, 14JAN25						
10 6/27/25						
11 7/9/25						

SECTION I: IU EVALUATION (Continued)

File	File	File	File	File	IU FILE REVIEW	Reg. Cite
					F. OTHER	
<p>Comments Banded Horn – needs reminder for sampling/reports, production dropping Intermat- Zn periodically</p>						

SECTION I COMPLETED BY: Bradley G. Kelso	DATE: 13JAN2026
TITLE: State Pretreatment Coordinator	TELEPHONE: 207-441-4692

SECTION II: DATA REVIEW/IU SITE VISIT

INSTRUCTIONS: Complete this section based on CA activities to implement its pretreatment program. Answers to these questions may be obtained from a combination of sources including discussions with CA personnel, review of general and specific IU files, IU site visits, review of POTW treatment plants, among others. Attach documentation where appropriate. Specific data may be required in some cases.

- Write ND (Not Determined) beside the questions or items that were not evaluated during the audit; indicate the reason(s) why these items were not addressed (e.g., lack of time, appropriate CA personnel were not available to answer)
- Use N/A (Not Applicable) where appropriate.

A. CA PRETREATMENT PROGRAM MODIFICATION [403.18]

<p>1. a. Has the CA made any substantial changes to the pretreatment program that were not reported to the Approval Authority (e.g., legal authority, less stringent limits, multijurisdictional situation)? All changes reported to AA.</p> <p>If yes, discuss.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">Yes</th> <th style="width: 50%;">No</th> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;">X</td> </tr> </table>	Yes	No		X	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">Yes</th> <th style="width: 50%;">No</th> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;">X</td> </tr> </table>	Yes	No		X
Yes	No									
	X									
Yes	No									
	X									
<p>b. Is the CA in the process of making any substantial modifications to any pretreatment program component (including legal authority, less stringent local limits, DSS requirements, multijurisdictional situation, etc.)? There are no plans for substantial changes.</p> <p>If yes, describe.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">Yes</th> <th style="width: 50%;">No</th> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;"> </td> </tr> </table>	Yes	No			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">Yes</th> <th style="width: 50%;">No</th> </tr> <tr> <td style="text-align: center;">X</td> <td style="text-align: center;"> </td> </tr> </table>	Yes	No	X	
Yes	No									
Yes	No									
X										
<p>c. Has the CA adopted the 3 required components of the streamlining regulations (slug control requirements referenced in the control mechanism, definition of SNC, and Modification to sampling requirements)?</p> <p>If not, when?</p> <p>3 components of streamlining program to be incorporated, as per approval.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">Yes</th> <th style="width: 50%;">No</th> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;"> </td> </tr> </table>	Yes	No			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">Yes</th> <th style="width: 50%;">No</th> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;">X</td> </tr> </table>	Yes	No		X
Yes	No									
Yes	No									
	X									
<p>d. Does the CA plan to adopt any of the non-mandatory aspects of the streamlining regulations?</p> <p>If yes, describe.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">Yes</th> <th style="width: 50%;">No</th> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;"> </td> </tr> </table>	Yes	No			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">Yes</th> <th style="width: 50%;">No</th> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;"> </td> </tr> </table>	Yes	No		
Yes	No									
Yes	No									

SECTION II: DATA REVIEW/IU SITE VISIT (Continued)

B. LEGAL AUTHORITY [403.8(f)(1)]		
<p>1. Are there any contributing jurisdictions discharging wastewater to the POTW?</p>	Yes	No
		<input checked="" type="checkbox"/>
<p>If yes, explain how the legal authority addresses the contributing jurisdictions.</p>		
<p>2. a. Has the CA updated its legal authority (e.g., SUO) to reflect changes in the General Pretreatment Regulations ?</p> <p style="color: red;">b. Has the CA updates its legal authority to reflect the streamlining changes?</p> <p>c. Did all contributing jurisdictions update their SUOs in a consistent manner?</p>	Yes	No
	X	
	X	
		N/A
<p>Explain July, 2009 City Council Order accepting revised SUO – Order 2009.46 City Council Order revising SUO – Order 2010.101. Revised Local Limits approved and adopted 05/11/15. Local limits updated upon second reading scheduled for May 16, 2023, June 13, 2023</p>		
<p>3. Does the CA experience difficulty in implementing its legal authority [i.e., SUO, interjurisdictional agreement (e.g., permit challenged, entry refused, penalty appealed)]?</p>	Yes	No
		X
<p>If yes, explain.</p> <p>The City has the IUs themselves determining the cost allocation process, and it has an on-line website for IUs to access information and submit incident reports in real time. Assessment is flow (1/2), and strength (1/2) based, + a base fee of \$2,000. The loss of 2 substantial IUs in 2013 essentially doubled everyone else’s cost. The CA is evaluating a way to better manage the billing process. Business closures during the year result in loss of revenue due to billing cycle. Internal fees are billed upon receipt of closure notice. This policy remains active. The Wastewater Management Committee evaluated a IU request to modify the fee allocation by transitioning to a strictly use-based funding formula, i.e., remove the administrative fee (October 14 meeting). The Committee voted to reduce the administrative fee to \$1,000 (\$500/half year). The recommendation now goes to the full Council for review. The Council may adopt, revise, or recommend the issue be reviewed by the Policy Committee. The fee was reduced to \$1,000 per Order 2020.109 dated Nov 17, 2020.</p>		

SECTION II: DATA REVIEW/IU SITE VISIT (Continued)

C. IU CHARACTERIZATION [403.8(f)(2)(i)&(ii)]

1. How does the CA define SIU? (Is it the same in contributing jurisdictions?)

The definition duplicates that of the state & EPA.

2. How are SIUs identified and categorized (including those in contributing jurisdictions)?

Discuss any problems.

SIUs are identified (past practice) through industry surveys, facility inspections, field observations from pump station field personnel, observation of flow data from pump stations, and as part of the business license review process for new industries entering the community (IPC review). Also, via the IWS (last edition in 2021); There are currently about 559 known locations, which get updated every fiscal year (07/01). Codes & Planning communicate with the City Engineer. IPP coordinator reviews business licenses annually. City Engineer flags occupancy permits the IPP coordinator for suspected SIUs.

3. a. How and when does the CA update its IWS to identify new IUs (including those in contributing jurisdictions)?

The CA evaluates Industrial Users on an on-going basis through industrial surveys, facility inspections, field observations, pump station flow data, and as part of the business review. New IUs are identified through the business license review and

and planning processes. Planning review, inspections, and flow data evaluations are conducted on an on-going basis. IWS Last conducted in 2021. Also review business licenses, Victualer Permits, sewer billing, and personal property databases.

The IWS and local permits will need to be done as part of MEPDES permit renewal application.

b. How and when does the CA identify changes in wastewater discharges at existing IUs (including those in contributing jurisdictions)?

Changes in discharges from existing IUs are evaluated on an on-going basis through annual audits of existing licensed facilities, review of user and CA sampling results, evaluation of flow data from pump stations, field observations, response to and investigation of anomalous discharges, and evaluation of WWTP sludge and discharge. Codes (water & sewer connections) or Planning (possibly Economic Development for larger businesses) on front end, City Clerk on back end of municipal process.

SECTION II: DATA REVIEW/IU SITE VISIT (Continued)

C. IU CHARACTERIZATION (continued) [403.8(f)(2)(i)&(ii)]

4. How many IUs are currently identified by the CA in each of the following groups?

a.	9	SIUs (as defined by the CA) [WENDB - SIUS]
		2 (Praxair will drop off) Large CIUs Praxair, AVX Tantalum
		0 Zero-discharging CIUs
		0 Middle-Tier CIUs*
		7 Noncategorical SIUs (including zero-discharging noncat. SIUs)
b.	N/A	Other regulated noncategorical IUs (specify)
c.	9	TOTAL

Other SIUs: **Intermat, Fiber Materials, Valmet (Metso), DMC/Round Turn Distilling (zero discharge for ~5 years, keeping permit for contingency), Volk Packaging, Southern Maine Health Care (SMMC), Banded Horn Brewing,**

New Facilities under review for permitting: 0

IUs Closed in calendar year 2025: zero

The following section is to be completed only if the POTW has adopted Middle Tier Permitting.

Not applicable in Maine

List Large CIUs:

List Middle-Tier CIUs:

List Noncategorical SIUs:

d. NSCIUs** (as defined by 40 CFR 403.3(v)(2))

* Middle Tier CIUs are those that discharge categorical wastewater that does not exceed any of the following:

- o 0.01% of the design dry weather hydraulic capacity of the POTW, or 5,000 gpd whichever is smaller, as measured by a continuous effluent flow monitoring device
- o 0.01% of the design dry weather organic capacity of the POTW
- o 0.01% of the maximum allowable headworks loading for any pollutant for which approved local limits were developed by a POTW.

** A NSCIU never discharges more than 100 gpd of total categorical wastewater (excluding, noncontact cooling and boiler blowdown wastewater) and the following conditions are met:

- o Discharger consistently complied with all applicable categorical requirements
- o Discharger submits annual certification statement required in 40 CFR 403.12(q)
- o Discharger never discharges any untreated concentrated wastewater.

SECTION II: DATA REVIEW/IU SITE VISIT (Continued)

D. CONTROL MECHANISM EVALUATION [403.8(f)(1)(iii)]

1. a. How many and what percent of the total SIUs are not covered by an existing unexpired permit, or other individual control mechanism? [WENDB - NOCM] [RNC - II]

0	0	%
---	---	---

Note:

b. How many SIUs (as defined by the CA) are required to be covered by a general control mechanism? NA

As noted in C.4., two facilities that were under review for program applicability and operation – Tranquil Waters Aquamation and Lucky Pidgeon Brewing during last inspection never started discharging.

c. How many control mechanisms were not issued within 180 days of the expiration date of the previous control mechanism? [RNC - II] 0
If any, explain.

2. a. Do any UST, CERCLA, RCRA corrective action sites and / or other contaminated ground water sites discharge wastewater to the CA? No

b. How are control mechanisms (specifically limits) developed for these facilities? Discuss:
Any request for a discharge requires a pre-meeting to review the history of the site and known or suspected contaminants. IPC establishes sampling and testing criteria for anticipated wastewater discharge characterization. The request requires Submittal of an application with appropriate certification and test results. Approvals are granted on a case-by-case basis Considering expected flow, contaminants, need for pretreatment, and consultation with the City Engineer and WWTP Personnel.

	Yes	No
3. a. Does the CA accept any waste by truck, rail, or dedicated pipe?	X	
b. Is any of the waste hazardous as defined by RCRA?		X

The facility has the physical ability to accept waste by truck. The only "routine" waste accepted is the occasional municipal vehicle hauling waste from sewer maintenance and repair operations, i.e., pump out needed to facilitate maintenance or repair work. Waste meeting the definition of "RCRA Hazardous Waste" is not accepted. RCRA waste constituents may be present in discharges. The WWTP has recently been modified to handle a greater amount of trucked waste.

c. Describe the CA's program to control hauled wastes including a designated discharge point (e.g., number of points, control/security, procedures). [403.5(b)(8)]

The facility has a designated discharge point for hauled waste. The discharge location is kept locked and is under the control of facility personnel. No discharges are allowed without facility authorization.

SECTION II: DATA REVIEW/IU SITE VISIT (Continued)

E. APPLICATION OF PRETREATMENT STANDARDS AND REQUIREMENTS

1. What limits (categorical, local, other) does the CA apply to wastes that are hauled to the POTW (directly to the treatment plant or within the collection system, including contributing jurisdictions)? [403.8(f)(2)(iii)]

Local Limits Apply. There is a review & approval process in place, but since the City has made disposal comparatively costly, no one hauls to the POTW. Most in this region goes to Kennebunk and South Berwick.

2. How does the CA keep abreast of current regulations to ensure proper implementation of standards? [403.8(f)(2)(iii)]

The IPC is assigned responsibility for monitoring EPA & MDEP publications and web sites for notice of Rule changes etc. In addition the IPC belongs to Region 1 and MDEP electronic list-serves for regulatory updates and changes. The CA belongs to AWWA. The IPP coordinator follows pretreatment committee meetings. This industry association allows for direct and indirect information exchange related to regulations, operations, and BMPs.

3. Local limits evaluation: [403.8(f)(4); 122.21(j)]

a. For what pollutants have local limits been set

BOD, TSS, ammonia, arsenic, cadmium, chromium, copper, cyanide, lead, mercury, molybdenum, nickel, selenium, Silver, zinc. There is no antimony LL.

b. How were these pollutants decided upon

The Local Limits pollutants are based on the results of review procedures which include evaluation of influent, effluent, sludge, and WET test results in conjunction with IU analysis data and flow characteristics. Sludge goes to Norridgewock.

c. What was the most prevalent / most stringent criteria for the limits

Maintaining current discharge limits when state or federal regulations allowed for higher limits. Recent reevaluation of technically-based local limits allowed for increases nine limits. At the first reading of the proposed change the City Council voted to retain existing limits and accept lowered limits. The sludge criteria is the most stringent.

d. Which allocation method(s) were used?

A uniform concentration limit is most generally used. The City has opted to use a technically valid mix of concentration and mass allocation limits.

e. Has the CA identified any pollutants of concern beyond those in its local limits?
If yes, how has this been addressed?

Yes	No
	X

SECTION II: DATA REVIEW/IU SITE VISIT (Continued)

E. APPLICATION OF PRETREATMENT STANDARDS AND REQUIREMENTS (Continued)

4. What problems, if any, were encountered during local limits development and/or implementation?
None noted.

F. COMPLIANCE MONITORING

1. a. How does the CA determine adequate IU monitoring (sampling, inspecting, and reporting) frequencies?

Most IUs monitor twice a year. Some monitor quarterly, and Praxair monitors monthly. The determination is based on flow, control within the process, CA judgement, and compliance history.

b. Is the frequency established above more, less, or the same as required?
Explain any difference.

2. In the past 12 months, how many, and what percentage of, SIUs were: [403.8(f)(2)(v)] [RNC - II]
(Define the 12 month period January 01, 2025 to December 31, 2025.)

a. Not sampled or not inspected at least once [WENDB - NOIN]	3	33 %
b. Not sampled at least once	3	33 %
c. Not inspected at least once (all parameters) ?	0	0 %

If any, explain. Indicate how percentage was determined (e.g. actual, estimated).
DMC- Zero discharge, Volk – IPP has not been able to contact to sample, Valmet- Zero discharge

3. Indicate the number and percent of SIUs that were identified as being in SNC* with the following requirements from the CA's last pretreatment program report ? [WENDB] [RNC - II]

SNC Evaluation Period 01/01/25 – 12/31/25

1	11 %	Applicable pretreatment standards and reporting requirements
1	11 %	Self-monitoring requirements
0	0 %	Pretreatment compliance schedule(s)

*SNC defined by:

POTW	X
EPA	X

3a. Indicate the number of SIUs that have been in 100% compliance with all pretreatment requirements?

Evaluation Period: 01/01/25 – 12/31/25

Number of SIUs: 8

Names of SIUs: All except Volk

SECTION II: DATA REVIEW/IU SITE VISIT (Continued)

F. COMPLIANCE MONITORING (Continued)

4. What does the CA's basic inspection include? (Process areas, pretreatment facilities, chemical and hazardous waste storage areas, chemical spill prevention areas, hazardous waste handling procedures, sampling procedures, laboratory procedures, and monitoring records.) [403.8(f)(2)(v)&(vi)]

CA inspections follow a defined checklist to ensure evaluation of significant compliance items. The checklist includes but is not limited to administrative review of contact info and signatory authority; verification of operating schedule; review of waste stream characteristics; housekeeping; procedure and plan reviews to include slug control plan, accidental spill plan, pretreatment plan, HW management procedures, TOMP, and P2; review for applicability of these plans if not implemented/available; monitoring and compliance data; QA/QC review; and findings. A copy of the inspection form is now available within the facility binders. - -Latest Form revision 2016.

5. Who performs CA's compliance monitoring analysis?

- Metals
- Cyanide
- Organics
- Other (specify)

Performed by: CA/Contract Laboratory Name
SGS and/or Eurofins

CA allows facilities to choose lab vendor and the CA uses the same lab for ease of billing back to the SIU.

6. What QA/QC techniques does the CA use for sampling and analysis (e.g., splits, blanks, spikes), including verification of contract laboratory procedures and appropriate analytical methods? [403.8(f)(vi)]

CA uses only certified laboratories for outside analysis. Each laboratory must have available a current laboratory certificate, QA/QC manual, authorized signatories and review procedures, etc. QA/QC procedures include mandatory chain-of-custody and observation of hold times and preservatives, Blanks are used as well as laboratory spikes as required by the laboratory QA/QC manual. Laboratories must also report recoveries. IU sampling (as a choice) and CA sampling of facilities is performed through a contract sampling service to ensure impartiality and consistency.

7. Discuss any problems encountered in identification of sample location, collection, and analysis.

Could not access Volt packing in second half of 2025 due to personnel changes.

8. Did any IUs notify the CA of a hazardous waste discharge? [403.12(j)&(p)]

Yes	No
	X

If yes, summarize.

SECTION II: DATA REVIEW/IU SITE VISIT (Continued)

F. COMPLIANCE MONITORING (Continued)

9. a. How and when does the CA evaluate/reevaluate SIUs for the need for a slug control plan? [403.8(f)(2)(v)]

Annually

b. How many SIUs were not evaluated for the need to develop slug discharge control plans*?

0

G. ENFORCEMENT

1. What is the CA's definition of SNC? [403.8(f)(2)(vii)]

See Section 9 of the SUO.

2. ERP implementation: [403.8(f)(5)]

a. Status

Industry review and Waste Water Commission review indicates no changes needed. ERP remains as drafted.

b. Problems with implementation

Volt Packaging has ignored NOV, SNC notification. **Will need to publish in local paper.**

c. Is the ERP effective and does it lead to compliance in a timely manner? Provide examples if any are available.

To be seen with Volt Packaging.

3. a. Does the CA use compliance schedules? [403.8(f)(1)(iv)(A)]

b. If yes, are they appropriate? Provide examples.

Historically compliance schedules are incorporated into NOVs, show-cause, AOs and CAs.

Yes	No
X	
X	

SECTION II: DATA REVIEW/IU SITE VISIT (Continued)

G. ENFORCEMENT (Continued)			
4. Did the CA publish all SIUs in SNC in the largest daily newspaper in the previous year? [403.8(f)(2)(vii)]	Yes	No	
			X
<p>If yes, attach a copy.</p> <p>If no, explain. Recent SNC at Volt Packaging. Will publish shortly.</p>			
5. How many SIUs are in SNC with self - monitoring requirements and were not inspected and / or sampled (in the four most recent full quarters)? [WENDB]			1
6. a. Has the CA experienced any problems since the last inspection (interference, pass through, collection system problems, illicit dumping of hauled wastes, or worker health and safety problems) caused by industrial discharges?	Unk	Yes	No
			X
<p>b. If yes, describe and explain the CA's enforcement action against the IUs causing or contributing to problems. [RNC - I]</p>			
H. DATA MANAGEMENT/PUBLIC PARTICIPATION			
<p>1. How is confidential information handled by the CA? [403.14] As per section 8 of the SUO, all information submitted to the CA shall be available to the public unless requested by the IU at the time of submittal. The CA will review the request, ask for more information, and or approve or deny the request. Until the evaluation is completed and a CA decision is issued, all information specifically identified in the request shall be treated as confidential.</p> <p>Materials designated confidential through approval by the CA will be stored separately from publicly available information.</p>			
<p>2. How are requests by the public to review files handled? Public review requests are directed to the IPC. A time is scheduled for the review at the WWTP. Materials are provided to the reviewer (one file/binder at a time). No materials may be removed from the files or binders. Copies are available for a nominal fee in accordance with municipal FOIA procedures.</p> <p>The City also maintains a public FOAA page, posting all FOAAs and responses for public review (www.biddefordmaine.org/foaa). No IPP-related FOAAs have been received in the last three years.</p>			

SECTION II: DATA REVIEW/IU SITE VISIT (Continued)

H. DATA MANAGEMENT/PUBLIC PARTICIPATION (Continued)

3. Describe whether the CA's data management system is effective in supporting pretreatment implementation and enforcement activities.

The current system is effective for recordkeeping and supporting pretreatment activities. Effort to go to a active data management system (electronic system) was evaluated as not beneficial. Full paper-based files are being maintained.

4. How does the CA ensure public participation during revisions to the SUO and/or local limits? [403.5(c)(3)]

Municipal rules require a multi-level review of ordinance changes. The procedure starts with department-level reviews and recommendations followed by policy committee review and council approval. Policy committee and council review are open (public meetings) with posted agendas. In addition, interested parties are pre-notified of proposed changes and given the opportunity to submit written comment or attend meeting in person. All council meetings are televised.

Public notice issued through local newspapers where required by law/regulation.

These items are first reviewed by the Sewer Commission, subject to the required public notice, & then brought before the City Council at a Council meeting for adoption.

5. Explain any public or community issues impacting the CA's pretreatment program.

None at this time.

6. How long are records maintained? [403.12(o)]

3 years +

Maintained for three years and archived for as long as space permits. Electronic files maintained indefinitely.

I. RESOURCES [403.8(f)(3)]

1. Estimate the number of personnel (in FTEs) available for implementing the program. [Consider: legal assistance, permitting, IU inspections, sample collection, sample analysis, data analysis, review and response, enforcement, and administration (including record keeping and data management)].

0.5 FTEs

SECTION II: DATA REVIEW/IU SITE VISIT (Continued)

I. RESOURCES [403.8(f)(3)] (Continued)		
<p>2. Does the CA have adequate access to monitoring equipment? (Consider: sampling, flow measurement, safety, transportation, and analytical equipment.)</p>	Yes	No
	X	
<p>3. a. Estimate the annual operating budget for the CA's program.</p>	\$ UNK FY26	
<p>b. Is funding expected to: stay the same, increase, decrease (note time frame; e.g., following year, next 3 years, etc.) Most likely increase as it is expected to be contracted out until current IPP coordinator person is replaced.</p> <p>Discuss any changes in funding.</p> <p>Plan to replace the IPP Coordinator is uncertain. Several options, including contracting are being considered.</p>		
<p>4. Discuss any problems in program implementation which appear to be related to inadequate resources. None at this time. However, a new Pretreatment Coordinator will need to learn the Biddeford IPP as well as the IPP regulations if unfamiliar.</p>		
<p>5. a. How does the CA ensure personnel are qualified and up - to - date with current program requirements?</p> <p>The CA requires, as part of the job requirement, that personnel keep current with the laws, rules, and regulations. Seminars, classes, and certifications are available to employees with prior approval.</p>		
<p>b. Does the CA have adequate reference material to implement its program?</p> <p>Materials are available as on-line references.</p>	Yes	No
	X	

SECTION II: DATA REVIEW/IU SITE VISIT (Continued)

J. ENVIRONMENTAL EFFECTIVENESS/POLLUTION PREVENTION

1. a. How many times were the following monitored by the CA during in the past year?

	Influent	Effluent	Sludge	Ambient (Receiving Water)
• Metals	1	2	1	0
• Priority pollutants	1	1	0	0
• Biomonitoring	0	2	0	0
• TCLP	0	0	4	0
• EP toxicity	0	0	0	0
• Other (specify) NH4, O&G, BOD	1	2	1	1

b. Is this frequency less than, equal to, or more than that required by the MEPDES permit?

Less	Equal	More
	X	

Explain any differences.

Sludge goes to the Waste Management landfill at Norridgewock, as that is the least-costly option.

2. a. Has the CA evaluated historical and current data to determine the effectiveness of pretreatment controls on:

- Improvements in POTW operations
- Loadings to and from the POTW
- NPDES permit compliance
- Sludge quality ?

Yes	No
	X
X	
X	
X	
X	

b. Has the CA documented these findings ? Local Limits review. Plant analysis annually..

c. If they have been documented, what form does the documentation take?

Explain. (Attach a copy of the documentation, if appropriate).

The evaluation is an on-going process integral to overall plant operations. Feedback from operators, evaluation of Effluent limits and compliance. All are inter-related. Review monthly DMRs, LL calculations, POTW analyses. Influent/effluent, high impact observed areas (typically landfill leachate). Documented in IPP Annual Report.

SECTION II: DATA REVIEW/IU SITE VISIT (Continued)

J. ENVIRONMENTAL EFFECTIVENESS / POLLUTION PREVENTION (Continued)

3. If the CA has historical data concerning influent, effluent, and sludge sampling for the POTW, what trends have been seen? (Increases in pollutant loadings over the years? Decreases? No change?)

Discuss on pollutant - by - pollutant basis.

The POTW has seen a drop in flows over time due to a decrease in industrial production levels and loss of businesses. Loading has remained relatively consistent for all parameters.

Overall flow to the plant is decreasing during wet weather flows due to ongoing sewer separation projects. \$20M bond measure approved by town for sewer separation.

4. Has the CA investigated the sources contributing to current pollutant loadings to the POTW (i.e., the relative contributions of toxics from industrial, commercial, and domestic sources)?

Yes	No
X	

If yes, what was found?

Conducted as part of the Local Limits Review. Contribution levels remain relatively constant.

Official revision of Local Limits in 2023. Casual review annually.

5. a. Has the CA attempted to implement any kind of public education program?
 b. Are there any plans to initiate such a program to educate users about pollution prevention? Explain.

Yes	No
X	
X	

Storm water runoff education, flyers in City billing, workshops, spray-painting City sewers. MS4 is fully under way, as well as the Thatcher Brook Watershed Plan. The city is also working with DMP, DEP, and University of New England to implement sampling program for Biddeford Pool in response to ongoing fecal testing impacting commercial shellfish harvesting. Initial program testing (Nov-April) was approved by the City Council in October. Exploring grant opportunity for watershed planning at Biddeford Pool.

6. What efforts have been taken to incorporate pollution prevention into the CA's pretreatment program (e.g., waste minimization at IUs, household hazardous waste programs) ?

CA inspections include the presence and evaluation of P2 programs at IUs. The City participates in two HHW collection Days each year for its citizens, one in Biddeford and one in an adjacent community.

SECTION II: DATA REVIEW/IU SITE VISIT (Continued)

J. ENVIRONMENTAL EFFECTIVENESS/POLLUTION PREVENTION (Continued)

7. Does the CA have any documentation concerning successful pollution prevention programs being implemented by IUs (e.g., case studies, sampling data demonstrating pollutant reductions)?

Yes	No
X	

Explain. Praxair installed utilizes a drying oven resulting in the ability to be removed from the industrial pretreatment program. **No additional changes or reduction at SIUs since.**

K. ADDITIONAL EVALUATIONS/INFORMATION

(This section is currently blank for additional evaluations and information.)

SECTION II COMPLETED BY: Brian Phinney/Brad Kelso	DATE: 13JAN2026
TITLE: Chief Operating Officer/State Pretreatment Coordinator	TELEPHONE: 207-441-4692

SECTION III: FINDINGS

INSTRUCTIONS: Based on information and data evaluated, summarize the findings of the audit for each program element shown below. Identify all problems or deficiencies based on the evaluation of program components. Clearly, distinguish between deficiencies, violations, and effectiveness issues. This is to ensure that the final report will clearly identify required actions versus recommended actions and program modifications.

Description	Regulatory Citation	Checklist Question(s)
A. CA PRETREATMENT PROGRAM MODIFICATION		
<ul style="list-style-type: none"> Status of program modifications <p>Adequately addressed in IPT Program.</p>	403.18	II.A.1
<ul style="list-style-type: none"> <li style="color: red;">Modify the program to accommodate the streamlining regulations <p>Approved 03/25/08</p>	403.8(f)(1)(iii)(B)(6), 403.8(f)(2)(viii), 403.12(g)	II.A.1.c
B. LEGAL AUTHORITY		
<ul style="list-style-type: none"> Minimum legal authority requirements <p>City adopted local limits that were unchanged since previous Local Limits on June 2023.</p>	403.8(f)(1)	II.B.2 & 3
<ul style="list-style-type: none"> Adequate multijurisdictional agreements <p>Not applicable.</p>	403.8(f)(1)	II.B.1 & 3

SECTION III: FINDINGS (Continued)

Description	Regulatory Citation	Checklist Question(s)
C. IU CHARACTERIZATION		
<ul style="list-style-type: none"> Application of “significant industrial user” definition <p>Adequately addressed in IPT Program.</p>	403.3(v)	II.C.1; Attach B.E.2
<ul style="list-style-type: none"> Identify and categorize IUs <p>Adequately addressed in IPT Program.</p>	403.8(f)(2)(i)&(ii)	I.A.4.c; II.C.2 & 3
D. CONTROL MECHANISM		
<ul style="list-style-type: none"> Issuance of individual or general control mechanisms to all SIUs <p>All permits are individual.</p>	403.8(f)(1)(iii)	II.D.1
<ul style="list-style-type: none"> Adequate control mechanisms <p>Adequately addressed in IPT Program.</p>	403.8(f)(1)(iii)(B)	I.A.4
<ul style="list-style-type: none"> Adequate control of trucked, railed, and dedicated pipe wastes <p>The facility does not currently receive any substantial amount of trucked-in waste. . Generally, wastewater from local public works projects is the only trucked-in waste</p>	403.5(b)(8)	II.D.2 & 3, E.1

SECTION III: FINDINGS (Continued)

Description	Regulatory Citation	Checklist Question(s)
E. APPLICATION OF PRETREATMENT STANDARDS AND REQUIREMENTS		
<ul style="list-style-type: none"> Appropriately categorize, notify, and apply all applicable pretreatment standards <p>Adequately addressed in IPT Program.</p>	403.8(f)(1)(ii)&(iii) 403.5	I.A
<ul style="list-style-type: none"> Basis and adequacy of local limits <p>Technically-based</p>	403.8(f)(4); 122.21	II.E.3 & 4
F. COMPLIANCE MONITORING		
<ul style="list-style-type: none"> Adequate sampling and inspection frequency <p><i>There have been issues, as previously addressed in this report. City uses whichever the contract lab w/sampling services that the IUs. Exception is Volt Packaging where the city takes its own sample</i></p>	Approved program 403.8(f)(2)(ii)&(v)	I.B.1.a & b, 2.a & b II.F.1&2
<ul style="list-style-type: none"> Adequate inspections <p>Adequately addressed in IPT Program. Inspection format is thorough, includes slug plan assessment.</p>	403.8(f)(2)(v)&(vii))	I.B.2.c; II.F.3
<ul style="list-style-type: none"> Adequate sampling protocols and analysis <p>Adequate sampling protocols and analysis</p>	403.8(f)(2)(vii)	I.B.1.c, d & e; II.F.4, 5 & 6
<ul style="list-style-type: none"> Adequate IU self – monitoring <p><i>Adequate self-monitoring, except potentially short-term issue at Volt</i></p>	403.8(f)(2)(iv)	I.A.4.d, C.1.b; II.F.6, G.5
<ul style="list-style-type: none"> Notification of changed and hazardous waste discharges <p>Not applicable. None, to date.</p>	403.12(j)&(p)	I.C.1.b; II.F.7

SECTION III: FINDINGS (Continued)

Description	Regulatory Citation	Checklist Question(s)
F. COMPLIANCE MONITORING (Continued)		
<ul style="list-style-type: none"> Evaluate the need for SIUs to develop slug discharge control plans <p>Adequately addressed in IPT Program. This is assessed with every annual inspection.</p>	403.8(f)(2)(vi)	I.B.2.d; II.F.8
<ul style="list-style-type: none"> Monitor to demonstrate continued compliance and resampling after violation(s) <p><i>There are issues, as previously addressed.</i></p>	403.12(g)(1)&(2) 403.8(f)(2)(vi)	I.A.4.d, C.1.b
G. ENFORCEMENT		
<ul style="list-style-type: none"> Appropriate application of “significant noncompliance” definition <p>Yes.</p>	403.8(f)(2)(viii)	I.C.2; II.G.1 Attach B.I.1
<ul style="list-style-type: none"> Develop and implement an ERP <p>Yes. Certified adequate in 03/15/2022 Letter to DEP.</p>	403.8(f)(5)	I.C.3; II.G.2
<ul style="list-style-type: none"> Annually publish a list of IUs in SNC <p>Yes, although recent SNC still needs to be published</p>	403.8(f)(2)(viii)	I.C.6; II.G.4
<ul style="list-style-type: none"> Effective enforcement <p>Yes.</p>	403.8(f)(1)(iv)(A)	I.C.1.c, 4 & 5; II.G.2.c & d, 5 & 6

SECTION III: FINDINGS (Continued)

Description	Regulatory Citation	Checklist Question(s)
H. DATA MANAGEMENT/PUBLIC PARTICIPATION		
<ul style="list-style-type: none"> • Effective data management/public participation <p>Adequately addressed in IPT Program. A City website facilitates IU interaction and reporting. As in all other Maine Pretreatment communities, public interest is primarily or solely on the part of the regulated community, with little or no interest from the public at large.</p>	403.5(c)(3); 403.12(o); 403.14	II.H
I. RESOURCES		
<ul style="list-style-type: none"> • Adequate resources <p><i>Financially, the participating IUs in the Program cover the annual cost. However, events from recent years (NOVs July 11, 2019, and February 02, 2023) and currently attest to an issue in Administering the City's Program. This is probably not due to any inability on the Coordinator's part, but more likely due to the number and variety of Chief Operating Officer's other tasks that are the primary responsibility of the Coordinator. The Department is recommending that someone consistently closer to the wastewater treatment plant's administration and operation be tasked with carrying out Pretreatment Program activities, under the oversight of the Chief Operating Officer.</i></p> <p>Update 2026- since COVID restriction easing, it seems that city operations have become more regular and pretreatment program being tightly managed.</p>	403.8(f)(3)	II.I

SECTION III: FINDINGS (Continued)

Description	Regulatory Citation	Checklist Question(s)
J. ENVIRONMENTAL EFFECTIVENESS/POLLUTION PREVENTION		
<ul style="list-style-type: none"> • Understanding of pollutants from all sources <p>The IWS was last updated in 2021. Will be updated with MEPDES renewal later in 2026.</p>		II.J.1&3
<ul style="list-style-type: none"> • Documentation of environmental improvements/effectiveness <p>Program is mature and stable; facility is not experiencing issues due to IU discharges.</p>		II.J.2
<ul style="list-style-type: none"> • Integration of pollution prevention <p>Yes. Though it is unlikely to affect the continued compliance of the WWTP, in June 2023 the City Council elected to retain a number of pollutant Local Limits that are more stringent than the technical evaluation indicates is necessary.</p>		II.J.6
K. ADDITIONAL EVALUATIONS/INFORMATION		
<p>2026 Follow-up comments from 2023 inspection:</p> <p><i>Events over the most recent years (NOVs issued July 11th, 2019 and February 2nd, 2023), and continuing today attest to an issue with administering the City's Pretreatment Program. This is probably not due to any inability on the Pretreatment Coordinator's part, but more likely due to the number and variety of the Chief Operating Officer's other tasks that constitute his daily, routine & non-routine primary responsibilities. The Department is recommending that someone consistently closer to the wastewater treatment plant's administration and operation be tasked with carrying out Pretreatment Program activities, under the oversight of the City's Chief Operating Officer. Update 2026- since COVID restriction easing, it seems that city operations have become more regular and pretreatment program being tightly managed.</i></p> <p>1). Please provide the Department a letter from City management designating you as having official responsibility for the Pretreatment Program. Completed. Will need update when IPP Coordinator replaced or contracted</p> <p>2). Tranquil Waters Aquamation submitted a Permit Application on 01/30/2021. 2 years and 4 months have passed and the facility is still not permitted. They may not be harming the collection system or POTW, but that's a very long time to be waiting on the issuance of a relatively straight-forward IU Permit. – Facility closed</p> <p>3). Fiber Materials Permit #003S-R, 07/15/20 – 07/25/25 The IU Permit term exceeds 5 years by 10 days. This issue was raised in the February 24th, 2021 Pretreatment Compliance Inspection. Permit renewed 2023 with a 5 year span.</p>		

4). There was no 2022 Control Authority sample in the record for Praxair due to a communication issue between the analytical lab (MEL), the contract sampler (On-Site), and the City. The sampler didn't take & deliver the sample, which was the root problem. Subsequently the lab didn't notify anyone that no sample had been delivered, and neither the IU nor the City looked into the missing sampling event. There is a City note to this effect in the record, 01/26/2023, in the CA sampling file (tab #10). – **The contract sampler had an unexpected retirement that affected several facilities in the area. The facility has a reliable sampling/analysis laboratory now.**

5). The CA sample for Volk Packaging did not include two regulated parameters; BOD, and O&G. This issue was raised in the February 24th, 2021 Pretreatment Compliance Inspection. – **Volk Packaging samples for correct parameters, although last semi-annual sample appears to have been missed. IPP currently following up with NOV and SRC notification.**

6). The CA sample for Valmet did not appear to include a regulated parameter suite; TTO. –**Valmet submits a TTO certification.**

7). There is no enforcement file in the Valmet binder (NOV file; tab #20). On 07/14/2022 an NOV for missing field parameters (pH, Temperature) from the 06/21/2022 IU sampling event was issued. – **Parameter was missed at that time but have had a good record since the incident.**

8). It appears that the Southern Maine Medical Center Semi-annual Report for Q1 & Q2, 2022 was submitted on February 6th, 2023, dated the same as the Q3 & Q4 Report. Is this accurate, and if so, what was the City's response (nothing appeared in the enforcement file)?- **The date on the document was incorrect (carried over previous report date). Subsequent documents have not had any issues.**

Recommendations

The City is considering using its own WWTP personnel do perform Industrial User discharge sampling. If it is well organized, that may well address come of the programmatic issues that arise with confusion around sampling. One thing to consider which is difficult to parse out in advance, is the potential for a conflict of interest issue to arise; specifically, if City personnel [the agents doing enforcement or issuing fines, a "taking"] take a sample that yields a violation, will the offending IU be concerned? It's worth reviewing with your IUs before making the operational commitment. – **the IPP will likely not offer this service to the IUs in the future.**

2026 Corrective Actions and Recommendations

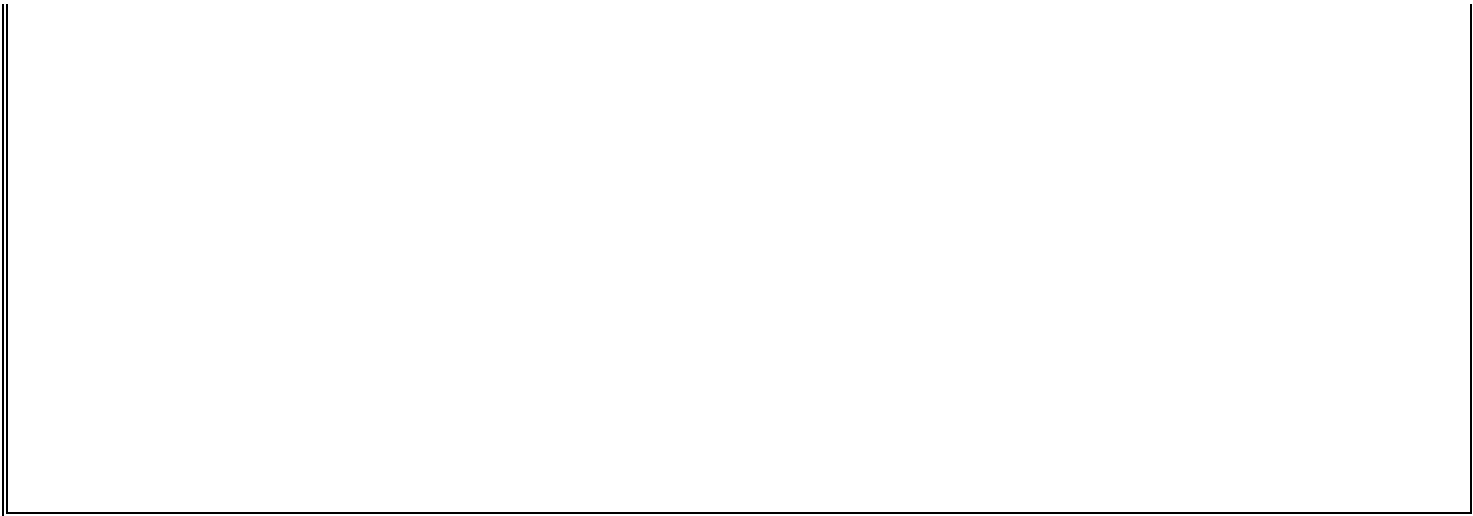
Corrective Action- No corrective actions were identified

Recommendation – Ensure that the removal process of outfall 001 from Praxair permit is completed by the new IPP coordinator as currently progressing.

2026 Upcoming Requirement


-Complete the SNC publication in local newspaper for Volt Packaging. A Notice of Violation (NOV) was issued August 2025. The IPP Coordinator re-issued the NOV in October and determined the facility was in Significant Non-Compliance in October 2025 for not submitting required reporting documents. Volt Packaging did not submit the Q1-2 semi-annual sampling report.

-MEPDES permit renewal will require an updated Industrial Waste Survey and Local Limit calculation.



SECTION III COMPLETED BY: Bradley G. Kelso TITLE: State Pretreatment Coordinator	DATE: 01/14/2026 TELEPHONE: 207-441-4692
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City of Biddeford



F2026.07 THE FINANCE COMMITTEE ... FEBRUARY 17, 2026

BE IT ORDERED, that the Finance Committee does hereby approve the expenditure for the following:

Approval to have Wright-Pierce Engineering assist the City with administration and oversight of the Industrial Pre-treatment Program (IPP)

Staff is requesting a total of \$68,150 be allocated for two phases of Wright-Pierce's IPP program oversight:

1. Permit Year 2025 Compliance (Phase 1) = \$34,950
 - a. To keep the City's IPP Program in compliance through March 2026, including all 2025 report documentation & submittal to MaineDEP
 - b. Staff recommend funding the \$34,950 from the unused salary of the recently departed Chief Operating Officer (Remaining Balance = \$67,000; account: 21102-60102)
2. Permit Year 2026 Compliance (Phase 2) = \$33,200
 - a. To keep the City's IPP Program in compliance through March 2027, or until the Wastewater Department's new Compliance Manager position is filled
 - b. Staff recommend adding \$19,171 to line item 35103 in the FY27 annual budget to cover said currently only cost (\$14,029 is allocated for the Chief Operating Officer's duties)
 - c. Once a Compliance Manager position is filled to cover the IPP Program duties, line item 35103's next annual budget will be reduced accordingly

Attest by: _____

Geraldine Matherne, Finance Director