

HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

TUESDAY

JANUARY 3, 2017

7:00 P.M.

- A. PLEDGE OF ALLEGIANCE
- B. COUNCIL REORGANIZATION
 - 1. COUNCIL ELECTION OF MAYOR- *Presided over by Town Attorney Ed Bearor, in accordance with Section 204 of the Hampden Town Charter*
 - 2. ELECTION OF DEPUTY MAYOR – *Presided over by the newly elected Mayor, in accordance with Section 204 of the Hampden Town Charter*
- C. CONSENT AGENDA
 - 1. SIGNATURES
 - 2. SECRETARY'S REPORTS
 - a. December 19, 2016 Council Meeting Minutes
 - 3. COMMUNICATIONS
 - a. Victualer's License renewal – DMCP Group, LLC (Dunkin Donuts)
 - b. MMA Property & Casualty Pool audited financial statements
 - 4. REPORTS
 - a. Finance Committee Minutes – 12/5/2016
 - b. Infrastructure Committee Minutes – 11/28/2016
 - c. Planning & Development Committee Minutes – 12/12/2016
 - d. Services Committee Minutes -
- D. PUBLIC COMMENTS
- E. POLICY AGENDA
 - 1. NEWS, PRESENTATIONS & AWARDS

NOTE: The Council will take a 5-minute recess at 8:00 pm.

2. PUBLIC HEARINGS

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Appointment of Vivian Gresser to the Historic Preservation Commission – *referral from Planning & Development Committee*
- b. Appointment of Jeff Simons to the Historic Preservation Commission – *referral from Planning & Development Committee*

4. UNFINISHED BUSINESS

5. NEW BUSINESS

- a. Award of the 2016 Interest Rate: Sewer Rate bid – *referral from Infrastructure Committee*
- b. Council referral of Business Park TIF to public hearing on February 6, 2017 – *referral from Planning & Development Committee*
- c. Council referral of the proposed amendments to the Sewer Ordinance to public hearing– *referral from Infrastructure Committee*
- d. Council authorization of landfill monitoring work scope items 2 & 3 by Drumlin Environmental, LLC – *referral from Infrastructure Committee*

F. COMMITTEE REPORTS

G. MANAGER’S REPORT

H. COUNCILORS’ COMMENTS

I. ADJOURNMENT

ARTICLE I
POWERS OF TOWN

B-1
B-2

Sec. 101 Powers of the Town - The town shall have all powers possible for a municipality to have under the Constitution and laws of Maine.

Sec. 102 Construction - The powers of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this Article.

Sec. 103 Intergovernmental Relations - The town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or of the United States or any agency thereof.

ARTICLE II
TOWN COUNCIL

Sec. 201 Composition and Term of Office

(a) **Composition** - There shall be a town council of seven (7) members, four (4) of whom shall be district councilors and three (3) of whom shall be at large councilors.

(b) **Term of Office** - The term of office for councilors elected on or after the regular municipal election held in 2005 shall be three (3) years. Provided, however, that any councilor elected to fill a vacancy shall serve the unexpired term of that position. (Amended: November 2, 2004)

Sec. 202 Eligibility - Only registered voters who reside in the town shall be eligible to hold office as councilors at large. Only a registered voter and a resident of a district may be elected as councilor for the district. Any registered voter seeking office must be a resident of the town for at least one year. (Amended: June 8, 1982)

Sec. 203 Compensation - The Town Council may determine the annual salary of the chairman and councilors by ordinance, but no ordinance increasing such salary shall become effective until the commencement of the terms of councilors elected at the next regular election. Salaries of councilors shall be paid on a quarterly basis for services performed in the preceding quarter. Councilors elected in a special election shall be paid on a pro rata basis for the time they shall actually serve. Initially annual salaries shall be twenty dollars (\$20.00) per meeting for each councilor and town counselor and twenty-five dollars (\$25.00) per meeting for council mayor. (Amended: June 8, 1982)

Sec. 204 Mayor and Deputy Mayor - At the first council meeting in January of each year the town's attorney shall, after the swearing of council members, preside over the town council's election of one of its members as mayor for the ensuing year. The mayor shall preside at the meetings of the council and may vote on all matters that come before the council. The mayor shall represent the interests of his/her constituency in all matters before the council. The mayor shall be recognized as the head of the town government for all ceremonial purposes and by the Governor for the purposes of military law, but shall have no regular administrative duties. A newly elected mayor's first official act shall be to preside over the council's election of one of its members as a deputy mayor for the ensuing year. The deputy mayor shall exercise all the powers of the mayor during the temporary absence or temporary disability of the mayor. The mayor and/or the deputy mayor may resign, with or without explanation and with or without the consent of the council, their respective positions at any time. Should the office of mayor become vacant at any time other than as prescribed above, the town's attorney shall, as the next order of council business preside over the election of a mayor. Should the deputy mayor become vacant, the mayor shall, as the next order of council

business preside over the election of a deputy mayor. (Amended: November 5, 1985, November 6, 1990, Amended: November 6, 2007)

Sec. 205 Powers and Duties - Except as otherwise provided by state statute or this charter, all powers of the town shall be vested in the town council, which shall be the general legislative body of the town. The town council shall be the municipal officers of the Town of Hampden.

Sec. 206 Prohibitions - Except where authorized by state statute no councilor shall hold any other town office or town employment during the term for which that person was elected to the town council. Neither the council nor any of its members shall, in any manner, dictate the appointment or removal of any administrative officials or employees whom the manager or any subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officials and employees.

Except for the purpose of inquiry, the council and its members shall deal with the administrative services solely through the manager and neither the council nor any member, thereof shall give orders to any subordinates of the manager, either publicly or privately. (Amended: November 6, 1990)

Sec. 207 Vacancies; Forefeiture of Office; Filling of Vacancies

- (a) **Vacancies** - The office of councilor shall become vacant upon nonacceptance, resignation, abandonment, death, permanent disability, permanent incompetency, failure to qualify for the office within 10 days after written demand by the council, forfeiture of office, or failure of the municipality to elect a person for the office. (Amended: November 6, 1990)
- (b) **Forfeiture of Office** - A councilor shall forfeit that person's office if that person (1) lacks at any time during that person's term of office any qualification for the office prescribed by this charter or by law, (2) violates any express prohibition of this charter, (3) is convicted of a crime or offense which is, during that person's term, reasonably related to that person's ability to serve as councilor, or (4) fails to attend six (6) regular or special meetings of the council in the prior twelve month period. (Amended: November 5, 1985, November 6, 1990, November 5, 2013)
- (c) **Filling of Vacancies** - If a seat on the town council becomes vacant more than 6 months prior to the next regular municipal election, the council shall call a special election to fill the unexpired term within 60 days from the date that the vacancy occurred. If a seat on the council becomes vacant less than 6 months prior to the next regular municipal election, the council may call a special election. (Amended: November 2, 2004)

Sec. 208 Council to Judge Qualifications of Its Members - The town council shall be the judge of the election and qualifications of its members and for such purposes shall have power to subpoena witnesses and require productions of records, but the decision of the council in any such case shall be subject to review by the courts.

Sec. 209 Induction of Council Into Office - The town council shall meet at the usual time and place for holding meetings on the first regularly scheduled meeting in January and at said meeting councilors-elect shall be sworn to the faithful discharge of their duties by the town clerk or by the town counselor. For any person elected at a special election to fill a vacancy, the councilor-elect shall be sworn to the faithful discharge of the councilor-elect's duties by the town clerk or by the town counselor at the first regularly scheduled meeting of the town council after certification of the election results. (Amended: June 8, 1982, November 6, 2007)

Sec. 210 Investigations - The council may make investigations into the affairs of the town and the conduct of any town department, office or agency and for this purpose may enact an ordinance providing



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
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MONDAY

DECEMBER 19th, 2016

7:00 P.M.

• **6:30 pm – Finance & Administration Committee Meeting**

Interim Chair Councilor Wilde called the meeting to order at 7:00.

Attending:

*Councilor Wilde
Councilor McPike
Councilor Marble
Councilor Cormier
Councilor McAvoy*

*Town Manager Angus Jennings
Town Clerk Paula Scott
Matt Reynolds of Drumlin, LLC
Steve Rabasca of SoilMetrics
Members of the public*

- A. PLEDGE OF ALLEGIANCE – *Councilor Wilde led the Pledge of Allegiance*
- B. CONSENT AGENDA – *Councilor Marble made a motion to approve the consent agenda. Councilor McAvoy seconded the motion. Unanimous vote in favor.*

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. December 5th, 2016 Council Meeting minutes

3. COMMUNICATIONS

- a. Renewal Victualer's license for Pat's Pizza
b. Renewal Victualer's license for Subway

4. REPORTS

- a. Finance & Administration Minutes – 11/14/2016, 11/21/2016
b. Infrastructure Committee Minutes –
c. Planning & Development Minutes – 11/16/2016

NOTE: The Council will take a 5-minute recess at 8:00 pm.

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d. Services Committee Minutes – 11/15/2016

C. PUBLIC COMMENTS - *None*

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS – *None*

2. PUBLIC HEARINGS

- a. Consideration of a new Victualer's license application for Coffee Break Café, located at 75 Main Rd. North, owned and operated by Lorraine Wilbur & Lynda Nowell of Frankfort. – *The Public Hearing opened at 7:05 p.m. Hearing no public comment, the Public Hearing closed at 7:05 p.m. Councilor McAvoy made a motion to approve the new Victualer's license for the Coffee Break Café. Councilor Marble seconded the motion. Unanimous vote in favor.*

3. NOMINATIONS – APPOINTMENTS – ELECTIONS –

- a. Re-appointment of Paula Scott as the Registrar of Voters for the Town of Hampden, pursuant to 21 MRSA § 101- *recommended by Manager Jennings – Manager Jennings explained that the appointment of Registrar of Voters must be made by January 1st of every odd-numbered year and recommended the re-appointment of Town Clerk as Registrar of Voters. Councilor Marble made a motion to re-appoint Paula Scott as the Registrar of Voters pursuant to 21 MRSA section 101. Councilor McAvoy seconded the motion. Unanimous vote in favor.*
- b. Re-appointment of Benjamin Curtis to the Lura Hoit Pool Board of Trustees – *recommended by Services Committee – Councilor McAvoy made a motion to re-appoint Benjamin Curtis to the Lura Hoit Pool Board of Trustees. Councilor Marble seconded the motion. Unanimous vote in favor.*
- c. Re-appointment of Sam Manhart to the Lura Hoit Pool Board of Trustees – *recommended by Services Committee – Councilor McAvoy made a motion to re-appoint Sam Manhart to the Lura*

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Hoit Pool Board of Trustees. Councilor Marble seconded the motion. Unanimous vote in favor.

- d. *Appointment of Pamela Ivey to the Lura Hoit Pool Board of Trustees – recommended by Services Committee – Councilor McAvoy made a motion to appoint Pamela Ivey to the Lura Hoit Pool Board of Trustees. Councilor Marble seconded the motion. Councilor McPike asked if residency was a requirement to which Manager Jennings replied that it was not. Motion was then brought to vote. Unanimous vote in favor.*
- e. *Appointment of Kate Waning to the Lura Hoit Pool Board of Trustees – recommended by Services Committee – Councilor McAvoy made a motion to appoint Kate Waning to the Edythe Dyer Library Board of Trustees. Councilor Marble seconded the motion. Unanimous vote in favor.*
- f. *Appointment of Nicole Aronowitz to the Edythe Dyer Library Board of Trustees – recommended by Services Committee – Councilor McAvoy made a motion to appoint Nicole Aronowitz to the Edythe Dyer Library Board of Trustees. Councilor Marble seconded the motion. Unanimous vote in favor.*
- g. *Appointment of Margaret Frazier to the Edythe Dyer Library Board of Trustees – recommended by Services Committee – Councilor McAvoy made a motion to appoint Margaret Frazier to the Edythe Dyer Library Board of Directors. Councilor Marble seconded the motion. Unanimous vote in favor.*
- h. *Re-appointment of Nancy Fenders to the Recreation Board of Directors – recommended by Services Committee – Councilor McAvoy made a motion to re-appoint Nancy Fenders to the Recreation Board of Directors. Councilor Marble seconded the motion. Councilor Marble prefaced the vote by stating for the public that all nominees went before the Services Committee for review by Councilors and that the Town is fortunate to have such a high level of candidacy. Motion was brought to vote. Unanimous vote in favor.*

4. UNFINISHED BUSINESS – None

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5. NEW BUSINESS

- a. Council approval of the annual Bingo and Games of Chance license for calendar year 2017, to be granted to the Whitcomb-Baker VFW Post 4633, located at 41 Canoe Club Rd. – *Councilor McAvoy made a motion to approve the annual Bingo and Games of Chance license for Whitcomb-Baker VFW Post 4633 for 2017. Councilor Marble seconded the motion. Unanimous vote in favor.*
- b. Request for Council referral to Public Hearing the proposed repeal of the Town of Hampden Conservation Ordinance – *referral from Services Committee – Councilor Marble stated that he is voting against this as he feels that even though the committee has not been active for years, the town is growing and he feels like there is still a need for this ordinance. He stated that he feels that once an ordinance is repealed, it is hard to get it back. There were no further comments. Councilor McAvoy made a motion to refer to Public Hearing on January 17th, the proposed repeal of the Conservation Ordinance. Councilor McPike seconded the motion. Councilors McAvoy, Cormier, McPike and Wilde voted in favor. Councilor Marble voted in opposition. Motion carries.*
- c. Request for authorization for the expenditure of Voting Machine Reserve funds (01-451-00) in the amount of \$1,959.00 for the purpose of paying for the lease on three tabulators and all components – *referral from Finance Committee – Councilor Marble made a motion to authorize the expenditure of \$1,959 out of the Voting Machine Reserve account for the purpose of paying for the lease on three tabulators. Councilor McAvoy seconded the motion. Unanimous vote in favor.*
- d. Request for authorization for the expenditure of Municipal Building Reserve funds (03-702-00) in the amount not to exceed \$3,295.00 for the purpose of paying for new and replacement lighting at the Town offices – *referral from Finance Committee – Councilor Marble made a motion to authorize the expenditure in an amount not to exceed \$3,295 out of the Municipal Building Reserve funds for the purpose of paying for new and replacement lighting at the town offices, as recommended by DPW Director Currier. Councilor McAvoy seconded the motion. Unanimous vote in favor.*
- e. Council approval and execution of the Certificate of Settlement and the Certificate of Re-Commitment of taxes to transfer custody of the Town of Hampden tax lists from retiring Tax Collector

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Cheryl Johnson to incoming Tax Collector Barbara Geaghan, pursuant Title 36 MRSA § 763 – *Manager Jennings explained that when the taxes are committed in August, that commitment is given to a Tax Collector who is responsible for raising that amount. When a collector leaves in the middle of the year, there has to be a settlement of what has been collected and a re-commitment of anything that is outstanding in both the current and prior years. Anything prior to FY 2015 represents personal property because anything older than that in real estate would have gone to foreclosure by now. Manager Jennings reported that in the Finance Committee, discussion included whether some of the oldest outstanding personal property taxes should be written off, or be issued some sort of abatement which will be reviewed by the Tax Collector. At the conclusion of his statement, he invited Barbara Geaghan to come to the podium and expound on anything he may have missed. Barbara approached the podium and stated that she is always available for questions, but that Manager Jennings had covered everything quite well. Councilor Wilde welcomed her to the Town of Hampden. Councilor Marble inquired as to whether the Council could vote the Settlement as a block of all years; to which the clerk stated that is an acceptable motion. Councilor Marble made a motion to approve and execute the Certificates of Settlement from outgoing Tax Collector Cheryl Johnson, to the incoming Tax Collector Barbara Geaghan as a block from years 2010-2017. Councilor McAvoy seconded the motion. Unanimous for in favor. Councilor McPike made a motion to approve and execute the recommitment of the current tax lists of the Town of Hampden to Barbara Geaghan. Councilor McAvoy seconded the motion. Unanimous vote in favor. Councilor Wilde then offered thanks and appreciation to Cheryl Johnson for having done an extraordinary job for all of these years.*

- f. *Presentation by Matt Reynolds of Drumlin, LLC and Steve Rabasca of SoilMetrics, regarding the review of the Pine Tree Landfill post-closure monitoring and reports – referral from Infrastructure Committee – Matt Reynolds of Drumlin, LLC approached the podium and presented a power point presentation regarding the post closure monitoring of the Pine Tree Landfill. He was joined by Steve Rabasca of SoilMetrics. At the conclusion of the presentation, Steve Rabasca remained and answered questions put forth by the Council as well as members of the public, Bill Lippincott and Doug Poulin. The written report is attached to these minutes as **Exhibit A**. Content of the power point, as well as technical questions and answers are available for viewing online at www.hampdenmaine.gov.*

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e. COMMITTEE REPORTS -

Finance & Administration – Councilor Wilde reported that items voted on tonight were referred and discussed in Finance Committee

Infrastructure – Councilor Marble reported that this committee has not met since the last Council meeting, but the next meeting is scheduled for December 27th.

Planning & Development – Councilor McPike reported that this committee met on December 12th. They discussed the water situation for Fiberight/MRC, but the primary goal was to discuss the market study. Manager Jennings added that the focus of the study was to gain a better understanding of the demographics, spending trends and such for Hampden. A meeting with land and building owners has taken place with approximately 30 people in attendance to gain a better understanding of the feel for the direction of the town.

Services Committee – Councilor McAvoy reported that all of the committee appointments voted on tonight had previously been discussed and interviewed in committee. The committee also discussed the Conservation Ordinance. The next meeting is January 9th, 2017.

f. MANAGER'S REPORT – *Manager Jennings recapped items presented in his written report, attached to these minutes as **Exhibit B***

g. COUNCILORS' COMMENTS

Councilor McPike – No comment

Councilor Marble – No comment

Councilor Cormier – No comment

Councilor McAvoy – Wished everyone a Merry Christmas and a healthy and prosperous New Year. He reminded everyone to shop local and buy American.

Councilor Wilde – Also wished everyone a Merry Christmas

h. ADJOURNMENT – *With no further business to conduct, Councilor McAvoy made a motion to adjourn at 9:00 p.m. Councilor McPike seconded the motion. Unanimous vote in favor.*

Respectfully Submitted,



Paula A. Scott, CCM
Town Clerk

Exhibit A

	Drumlin Environmental, LLC <i>Hydrogeologic and Engineering Consultants</i>	
Soil Metrics, LLC		

MEMORANDUM

To: Angus West & Hampden Town Council
From: Matt Reynolds & Steve Rabasca
Date: November 21, 2016 (*updated from March 15, 2016*)
Subject: Pine Tree Landfill –Post-Closure Monitoring Review & Update

This memorandum has been prepared to provide the Town with an overview of recent monitoring data and associated corrective actions and post-closure conditions at the Pine Tree Landfill (PTL). The review is based on data provided in the 2015 Annual Report, water quality data from 2015, April 2016 and July 2016, and 2015 and 2016 memoranda prepared by Richard Heath of the Maine Department of Environmental Protection (MDEP).

The goal of this memorandum is to update the March 15, 2016 memorandum and provide the Town with a general overview of conditions associated with the landfill since closure in 2010. The March 2016 memo was prepared prior to the issuance of the 2015 Annual Report. However the March 2016 memo did include review of water quality data collected during 2015. This updated memorandum includes review of the 2015 Annual Report as well as April 2016 water quality data

Figure 1-1 from Attachment C of the 2015 Annual Report (prepared by Sevee & Maher Engineers) is attached to this memorandum for reference and shows the configuration of the landfill and location of the monitoring points and other site features. This update does not include detailed graphs and figures, however, we would be glad to prepare these if it would assist the Town and/or address specific questions.

I. Landfill Closure Status

In accordance with the October 2006 Schedule of Compliance agreed to by the Maine Department of Environmental Protection (MDEP) and the Town of Hampden, PTL completed closure of the landfill in 2010. Since that time, monitoring of water quality, gas, settlement, etc. has continued in accordance with the Environmental Monitoring Plan (EMP) for the site. Landfill gas containing methane has also been collected and used to fuel the Landfill Gas to Energy (GTE) facility constructed in 2007. Additionally, some of the leachate collected by the leachate collection system and groundwater extracted from wells at the perimeter of the landfill is being recirculated into the landfill with the approval of the MDEP.

II. Corrective Action Summary

Prior to closure, a number of corrective actions were implemented to mitigate impacts from the PTL facility. Corrective actions systems that control and/or mitigate impacts to groundwater and surface water include the following.

- Gas collection systems were installed in the Conventional Landfill and Secure Landfills to collect a portion of the landfill gas generated by decomposition of waste. Both gas collection systems are connected to the GTE plant.
- The Secure landfill liner system functions as a cover for the Conventional Landfill and the cover system for the Secure Landfills was completed in 2010;
- The perimeter drain (PDPS) borders the west, south and east sides of the Conventional Landfill and intercepts some shallow groundwater;
- Six groundwater extraction wells have been installed near the edge of the landfill (shown on Figure 1-1). Wells EW-2R and EW-3R are located adjacent to the southeast corner of the landfill. Wells EW-5R, EW-6R, EW-101 and EW-102 are located adjacent to the northeast corner of the landfill. There is also a perimeter drain (PDPS) located along the perimeter of the Conventional Landfill that intercepts leachate and groundwater. The gallons of leachate and groundwater extracted by these wells and drain during 2013, 2014 and 2015 are summarized below.

Year	Northeast (EW-5R, -6R, -101, -102)	South (EW-2R, -3R)	PDPS	Total (gallons)
2013	2,687,000	1,121,000	3,721,000	7,529,000
2014	1,857,000	506,000	3,802,000	6,165,000
2015	3,112,039	781,344	3,356,269	7,249,652

- PTL began constructing an active gas collection system along the edge of the landfill in 2009 to collect landfill gas (e.g., methane and carbon dioxide) that was migrating away from the landfill. This external landfill gas (LFG) collection system consists of 6 gas collection wells and a passive gas collection trench. The gas extracted from the collection wells (shown in Figure 1-1) during 2013, 2014 and 2015 is summarized below.

Year	PTGW08-1 (MMSCF/Tons)	PTGW08-11 (MMSCF/Tons)	PTGW08-12 (MMSCF/Tons)	PTGW08-13 (MMSCF/Tons)
2013	20.8/218	2.0/17	0.5/2	0.6/4
2014	19.7/220	2.6/22	0.1/0.3	0.4/6
2015	19.2/200	2.5/19	2.1/10	1.7/8

Notes: 1. MMSCF = Million Standard Cubic Feet. Tons = Tons of Methane Extracted

2. Estimate of Tons is Based on Volume Extracted and Percent Methane

3. No Gas Was Extracted from PTGW08-3, -9 During 2013 to 2015 Due to Low Gas & Methane

Based on the water quality data collected at the site, these corrective actions appear to be improving the groundwater quality in certain areas around the landfill. Of particular note from the 2015 Annual Report is that increased extraction of landfill gas from wells -12

and -13 in 2015 resulted in a decrease in the dissolved methane concentrations compared to 2014 in downgradient monitoring wells located southwest of the landfill (e.g., MW-03-802A, -802B, -803B).

III. Water Quality Target Criteria

The MDEP Closure Order identified 5 specific criteria for determining “successful corrective action” at PTL under the MDEP Solid Waste Regulations. These criteria incorporate the state Maximum Exposure Guideline (MEG) values and the federal Maximum Contaminant Level (MCL) and Ambient Water Quality Criteria (AWQC) values.

These criteria are as follows.

- Groundwater Quality on PTL Property:
 - Specific Conductance must be less than 500 umhos/cm
- Groundwater Quality off of PTL Property:
 - Groundwater must be below the applicable MCLs and MEGs;
 - Specific Conductance must be less than 400 umhos/cm
 - Dissolved Methane must be below 700 ug/L
- Surface Water Quality:
 - Surface water quality must existing water quality classification standards

These criteria must be met at the PTL monitoring locations during the 30 year post-closure period in order for the MDEP to determine that corrective actions have been successful. The 30-year post-closure period began in 2010, so it is premature to expect that monitoring locations will meet these criteria currently. However, tracking data against these criteria allows PTL, the MDEP and the Town to judge whether the existing corrective actions will be sufficient to meet these criteria over time, or whether supplemental corrective actions may be necessary in the future.

IV. Water Quality Overview

In accordance with the Post-Closure Environmental Monitoring Plan, water quality is monitored two or three times each year at a network of sampling locations around PTL. These monitoring points are located in different regions around the landfill and include groundwater monitoring wells, residential wells and surface water, as summarized in Table 1.

An overview of the data is reflected in Table 1 and discussed below.

Discussion of Water Quality Monitoring. As noted in Table 1, the majority of monitoring locations have improved (i.e., a downward trend) since 2008, although the improvements have generally been gradual.

Table 1
PTL 2014, 2015 & April 2016 Water Quality Monitoring Summary

Monitoring Pt	2011-2015 Analysis ¹ (Frequency/yr)	2016-2020 Analysis ¹ (Frequency/yr)	Specific Cond. Range ² (umhos/cm)	Predominant Trend Since 2008 ³
South/Southeast				
200*	F, L (3)	F, L (2)	440 - 691	Down
641	F, L (3), M (2)	F, L (2), M (1)	922 – 1,368	Down
MW-906B*	F, L (3), M (2)	F, L (2)	427 - 513	Down
MW02-801A	F, L (3), M (2)	F, L (2), M (1)	2776 – 3530	Down
MW02-801B	F (3)	F (2)	2320 – 3700	None**
MW03-802A	F, L (3), M (2)	F, L (2), M (1)	470 – 837	Down
MW03-802B	F (3), M (1)	F (2), M (1)	1077 – 1323	Up
MW03-803A	F (3), M (1)	F (2), M (1)	1264 – 1343	Up
MW-03-803B	F, L (3), M (2)	F, L (2), M (1)	1157 - 1423	Up
West & North				
MW03-804A	F (3)	F (2)	682 – 854	None***
P-914A	F, L (3)	F, L (2)	683 – 828	Up
P-914B	F (3)	F (2)	589 – 747	None
516B-B	F, L (3)	F, L (2)	981 – 1103	Up
Northeast & East				
MW98-601A	F (2)	F (2)	2270 – 2880	None
MW96-601B	F (2)	F (2)	1176 – 1730	None
MW01-602B*	F (2)	F (2)	259 - 520	Down
MW97-123	F, L (3)	F, L (2)	866 – 1414	None**
509A	F (3)	F (2)	841 – 1144	None
509B	F, L (3), M (2)	F, L (2)	827 – 1120	Up
P-911B	F (3)	F (2)	768 – 959	None
916*	F, L (3), M (2)	F, L (2), M (1)	257 – 616	Down
917	F, L (3), M (2)	F, L (2), M (1)	354 – 1007	Down**
Residential				
DW04-109****	F (3), L (1), M (3)	F (2), L (1), M (2)	215 – 793	
DW-103	F (3), L (1), M (3)	F (2), L (1), M (2)	409 – 482	
DW-111	F (3), L (1), M (3)		Not Accessible	
Surface Water				
SW-A	F, L (3)	F, L (2)	89 – 126	
SW-C	F, L (3)	F, L (2)	66 – 145	
SW-D	F, L (3)	F, L (2)	197 – 788	
SW-E	F, L (3)	F, L (2)	241 – 914	

Notes: 1. Analyses: F=Field Parameters, L=Laboratory Parameters, M= Methane

2. SC Range Reflects Data from 2014, 2015 & April 2016

3. Trend Identification Reflects Statistical Analysis in 2015 Annual Report and Review by Richard Heath of the MDEP, Independent evaluation was not conducted for this review.

4. Wells in **BOLD*** are close to or below Corrective Action Criteria.

5. ** = 2015 Specific Conductance Generally Lower than 2014, Increased Conductance in April 2016

6. *** = Increase in 2015 Specific Conductance

7. **** = DW08-109 2015 & 4/ 2016 Specific Conductance below Off-Site Criteria: 400 umho/cm

Comparison to of 2014, 2015 & April 2016 Data to the Target Criteria

- Prior to 2013, all on-site groundwater was above the 500 umhos/cm criteria. However, groundwater at MW-200 was below the 500 umhos/cm target criteria for 5 of the 7 sampling events during 2014, 2015 and April 2016. Groundwater at MW-906B has been below 500 umhos/cm since July 2014 (6 of 7 events). Groundwater at MW01-602B was below 500 umhos/cm for the 6 events in 2014 and 2015 and was 520 umhos/cm in April 2016. Groundwater at MW-916 has been below 500 umhos/cm for 6 of 7 events since 2014.
- Groundwater at off-site well DW09-109 was below the 400 umhos/cm target criteria during the 3 sampling rounds in 2015 and in April 2016.
- Groundwater exceeds several MCL and/or MEG values for arsenic and sodium at off-site monitoring location DW-103. Monitoring locations MW-916 and MW-917 are close to but not on property owned by PTL and the MDEP and PTL have not resolved whether these locations are to be considered on-site or off-site for the purposes of compliance with the post-closure criteria. However, at MW-916 arsenic exceeded the MCL or MEG value in all 2014 and the July and October 2015 sampling events. At MW-917, arsenic exceeded the MCL or MEG at 7 of 7 events. Secondary drinking water criteria of iron and manganese are also exceeded at MW-916 and MW-917.
- Groundwater was below the 700 ug/L methane target criteria for off-site well DW-103 (and also for MW-916 and MW-917) in 2014 and 2015. Methane concentrations have been below the 700 ug/L criteria in DW04-109 since the September 2014 sampling event.
- Surface water meets the applicable classification criteria and AWQC standards.

As noted above, there has been a gradual improving trend in specific conductance and related cations and anions in many of the locations included in the monitoring network at the PTL site. There are several locations where significant improvements have been observed as a result of specific actions.

- Groundwater quality improved significantly at MW01-602B near the northeast corner of the landfill after repairs were made to the leachate collection system in this area in 2008 and 2009.
- Groundwater quality related to migration of landfill gas to the east has improved significantly in several wells east of the landfill (e.g. MW-916, MW-917, DW04-109) since PTL began operation of external gas extraction wells, particularly PTGW08-1, in this area. Prior to 2010, methane concentrations in MW-916 and MW-917 exceeded 5,000 ug/L compared to 2015 when methane concentrations were 140 ug/L or less.

- The overall trend in water quality at well MW97-123 in the northeast corner of the landfill rose from 2008 through 2011. From 2012 through July 2015, the specific conductance in MW97-123 declined from approximately 1700 umhos/cm to a low of 866 umhos/cm in July 2015. In the 2014 Annual Report, Sevee & Maher Engineers suggests that the changed in this well are related to the repair of the leachate collection system in the vicinity of MW01-602 in 2008 and 2009. However, the specific conductance in this well was 1190 and 1382 umhos/cm in October 2015 and April 2016, respectively, suggesting that there may be multiple influences on groundwater quality at this location

There are also several locations noted in Table 1 where the rising trends have been observed. A review of data at these locations is discussed below.

- MW03-802B, -803A, -803B: These monitoring wells are along the south side of the landfill and have generally shown elevated and increasing concentrations of specific conductivity and other parameters since the wells were installed in 2003. During 2012, PTL began operation of 2 gas extraction wells PTGW08-12 and -13 in the vicinity of the 802 and 803 wells. In response to the gas extraction, the methane concentrations in these wells have decreased, particularly in 2015, when an effort was made to extract landfill gas on a more consistent basis (see Section II). However the decrease in methane concentration in these wells has not resulted in a significant decrease in specific conductance, suggesting the potential for leachate migration in this area that is influencing the rising trend in these wells.

Discussion of Arsenic in Groundwater. The 2014 Annual Report identified that the concentration of arsenic exhibited a 3-year increasing trend in 9 of the 12 on-site locations where arsenic is analyzed. The increase was attributed to a combination of factors related to closure (e.g., completing the cover, decreasing recharge to the waste mass, etc.). During 2015, arsenic concentrations continued to increase in 4 wells, decreased in 2 wells and the rest of the wells remained in the same (elevated) range as was measured in 2014.

In response to this trend, the MDEP requested and PTL agreed to conduct a residential well sampling event in 2014 to gather data on the concentration of arsenic off-site wells around the landfill. Twenty-one sampling locations were identified and access was obtained to wells at 14 of these locations. The June 2014 arsenic concentrations were below the detection limit at all off-site wells except DW-103, where the concentration was 0.012 mg/L, slightly above the MCL and MEG concentrations for arsenic of 0.010 mg/L. Arsenic was detected at concentrations below the MCL & MEG at the PTL office well and the well at the Gas to Energy plant.

After reviewing the data, the MDEP concluded that the arsenic sampling program “did not suggest widespread impact of the closed landfill on water quality of the surrounding residential wells included in the investigation”. To provide further confirmation of this initial conclusion, the MDEP requested and PTL agree to include the historically sampled

residential wells in the three rounds of sampling planned for 2015. Wells identified as DW-103 and DW04-109 (east), DW-104 (south) and DW-105 (west) were sampled and analyzed for arsenic in April, July and October 2015. The 2015 data were as follows.

- Arsenic was detected in the 0.014 to 0.019 mg/L range in DW-103, which is above the MCL/MEG value of 0.010 mg/L but within the historical range for this well.
- Arsenic was detected in the 3 sampling events in DW04-109 at concentrations of 0.005 to 0.006 mg/L, which is below the MCL/MEG and below concentrations of 0.036 to 0.042 mg/L detected in 2013 and 2014.
- Arsenic was detected in the 3 sampling events in DW-104 at concentrations of 0.005 to 0.007 mg/L, which is below the MCL/MEG and below concentrations of 0.011 to 0.012 mg/L detected in 2010 and 2011.
- Arsenic was detected in July and October in DW-105 at 0.006 mg/L, which is below the MCL/MEG and below concentrations of 0.011 to 0.015 mg/L detected in 2010 and 2011.

The 2014 and 2015 data from off-site residential wells do not appear to indicate that the landfill is causing elevated arsenic concentrations off-site.

Water Quality Monitoring - 2016 to 2020. In March 2016, Sevee & Maher Engineers (SME) on behalf of PTL sent an e-mail to the MDEP with suggested changes to the ongoing Environmental Monitoring Plan (EMP) for 2016 to 2020. The MDEP provided comments and the 2015 Annual Report included proposed changes to the Environmental Monitoring Plan. Table 1 above includes a comparison of the sampling regime from 2011 to 2015 versus 2016 to 2020. The primary changes are as follows.

- Reducing the sampling from 3 times per year (spring summer and fall) to 2 times per year (spring and fall).
- Reducing the sampling of dissolved methane to one time per year in monitoring wells;
- Eliminating off-site well DW-111 (which has not been accessible during 2014 and 2015 sampling events) unless this well has not been sealed and would not be reused in the future.
- Reducing the number of locations where leachate quality is sampled regularly from 7 to 2 (i.e., PDPS and LCS-3C, which have the largest flows). The remaining leachate flow locations will be each be sampled once during the 5 year period.

V. Geotechnical Monitoring

The geotechnical monitoring program for the landfill is summarized in a report prepared by Dr. Richard Wardwell, PE, who has been involved with the geotechnical monitoring at that site for many years. The observational approach is utilized in the monitoring, based primarily on topographic surveying of the surface and surveying of multiple survey

monuments that were embedded in the surface of the landfill cover system. The primary purposes of the geotechnical monitoring are to assess if the internal waste mass and foundation soils are stable, and to assess if the cover system is performing as-designed.

Internal and Waste Mass Stability: The internal and waste mass stability is assessed by an evaluation of the horizontal and vertical deformation of four displacement monuments at the toe of the landfill along the east side. The horizontal and vertical movements measured do not indicate that there are any detrimental large-scale movements occurring that would be indicative of large-scale waste-mass or foundation soil movements. There is a significant amount of scatter in the data, but the overall trends indicate that the foundation soils and waste mass are not undergoing detrimental displacements. There was some settlement measured in three of the four monuments in the last survey date, but there was no unusual horizontal movement associated with this reading. The cause of the settlement is being investigated, but since there was no unusual horizontal movement, these settlement readings were not thought to be related to instabilities. It is also noted that if there were instabilities, the most likely movement would have been heave at these locations, not settle.

Cover System Monitoring: The performance of the cover system is also assessed using survey measurements of embedded displacement monitors. Several monuments are installed in each phase of the closure, and horizontal and vertical measurements have been made at least quarterly since those phases were closed. The report includes the plots of horizontal and vertical deformation.

- The horizontal deformation plots for all phases do not indicate any trends that would be indicative of large scale movements that would be detrimental to the cover system integrity. The data are scattered, and some general downslope creep is evident but this is expected given the overall large deformation of the waste mass due to secondary settlement.
- The vertical displacement plots all indicate that the rate settlement is diminishing with time. This is also expected especially since waste loading has stopped and the landfill is now covered. These vertical displacement plots are also used to calculate strain that has likely occurred in the liner. Excessive strain could result in a rupture of the primary geomembrane liner, therefore these periodic assessments of liner strain are important to demonstrate that the movements that are occurring are within those originally predicted during the design phase. The strain calculations are summarized in a table and indicate that the likely strain incurred to date is well within the allowable strain for this type of membrane. The current rate of strain is also extrapolated over the 30-year closure period and those extrapolations are also well within the allowable strain for the liner.

Topographic and Drainage Swale Surveying: Topographic surveying of the landfill is also performed on a regular basis. The results of these surveys do not show any unusual features on the topographic surface that would indicate large scale movements. The drainage ditch invert elevations were recently surveyed for baseline elevations. These surveys indicate that overall the drainage swales are draining in a positive direction and

shedding surface and water that has infiltrated through the surficial cover soils. The survey did show some localized low spots, which are highlighted for surveillance and if necessary, remedial repairs in the future to restore positive drainage. The reason for remediating these low spots is that if left to pond water, excessive seepage could enter the drainage layer on top of the liner leading to liner system instabilities (i.e. sloughing of the liner system). The routine inspections are an important maintenance for the system to ensure it is operating effectively, given the large amount of yearly settlement that occurs.

One additional point that was not indicated, is that the overall side slopes of the landfill are becoming flatter. The side slopes were designed originally at a 2.5H:1V slope angle. As the waste mass consolidates, these side slopes have gradually flattened and will continue to flatten. It is estimated that the slopes may be on the order of 2.65 to 2.75H to 1V as of the 2015 survey. The flatter slopes will result in an overall increase in the factor of safety from that calculated after construction, provided the drainage system in the cover system remains functional as-designed.

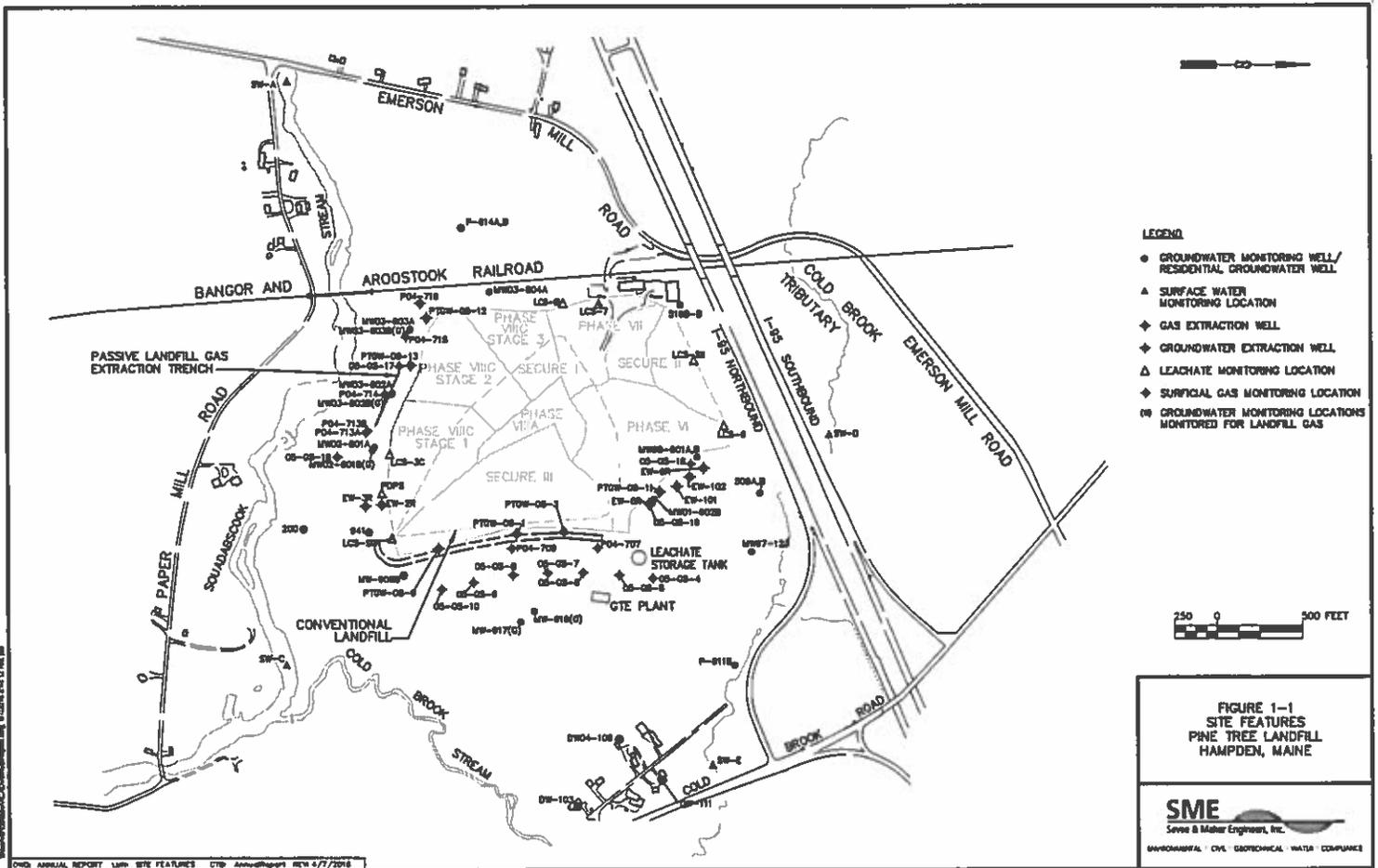
VI. Closing

Overall, the water quality monitoring data from PTL reflected in the 2014 and 2015 Annual Reports indicate that there has been gradual improvement at many monitoring locations. There are several on-site locations that are close to or meet the corrective action criteria, compared to 2013 when no locations met these criteria. However, groundwater in several wells south and southwest of the landfill has exhibited increasing concentration trends.

Operation of the corrective action systems (groundwater extraction and external gas extraction) should be continued to maintain the improvement and PTL should be encouraged to look for opportunities to improve and enhance the correction action systems to accelerate the rate of improvement in the future.

The geotechnical monitoring at the landfill indicates that the cover system is performing as designed, and that there are no indications of large-scale waste mass or foundation instabilities.

We hope that the information summarized in this memorandum is helpful to the Town. If there are any questions or a more detailed review would be appropriate, please give me a call at your convenience.



Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
Email:
townmanager@hampdenmaine.gov

TO: Town Council
FROM: Angus Jennings, Town Manager
DATE: December 19, 2016
RE: Town Manager's Report to Town Council meeting

This report is intended to provide brief updates regarding current matters of potential interest that are not otherwise addressed on the Council agenda.

Town Office Schedule for Holidays

Christmas will be recognized as a holiday on Monday, December 26, and the Town Offices, Public Works and the Library will be closed that day. Recreation and Pool will be closed on Saturday and Sunday December 24-25. The Transfer Station will close at noon on December 24 and will be closed on December 25. As it is every Monday and Tuesday, the Transfer Station will be closed next Monday and Tuesday.

The Town Offices will be closed this Thursday December 22 from 11:30-1:30 for the annual Christmas Party.

New Year's Day will be recognized as a holiday on Monday, January 2. The Town Offices, Public Works, Library and Recreation Department will be closed that day. The Pool will be open on January 2, but will be closed on January 1 and will close early on December 31. The Transfer Station will be closed on Sunday, January 1 and will be closed on January 2 and 3 as it is every Monday and Tuesday.

Health Insurance Rate Increase

Effective January 1, 2017, both the Town and its employees will see increases in health insurance costs. For an employee/spouse/family, withholdings will increase \$5.53 per week. Town cost increases were in line with what was expected and what was budgeted in FY17.

My office recently reviewed the Town's insurance costs relative to what they would have been if we had not changed to the HRA model (using Med-A-Vision) in July 2015. Prior to the current HRA model, Town employees were all enrolled in "Plan C" of the Association options. Based on the cost changes taking effect in a couple of weeks, Plan "C" today would cost the Town \$1023.73 per month or \$12,284.76 annually. The PPO-\$2500 HRA Plan cost the Town \$692.81 per month or \$8,313.72 annually. The difference in fixed cost premiums this coming year is

\$3,971.04 per employee. Our additional costs for the HRA are covered by budgeting about \$50 per month or \$600 a year per person (including dependents) for HRA reimbursements. This model appears to be a win for the Town and a win for the employee.

Tax Collector Cheryl Johnson Retiring / Welcome to Barbara Geaghan

After nearly 17 years serving as the Tax Collector / General Assistance Administrator / Motor Vehicle Agent / Deputy Clerk and a host of other functions, Cheryl Johnson will retire later this week. Speaking as the Town Manager, and on behalf of other Town staff, I will be very sorry to see Cheryl go, and we wish her every happiness!

With Cheryl's retirement, we're pleased to welcome Barbara Geaghan as the new Tax Collector and General Assistance Administrator. Barbara has over twenty years of relevant municipal experience, and will be an asset to our community. I hope you will join me in welcoming Barbara to our staff.

C-3-a

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
email: info@hampdenmaine.gov

December 15, 2016

Tammy Costa
DMCP Group LLC
Dunkin Donuts
PO Box 2767
Acton, Ma. 01720

RE: Victualer's license for Dunkin Donuts

Dear Sir/Madam:

Your application for renewal of your Victualer's License has been approved. Accordingly, I am enclosing the license, which under Section 5.A of the Town of Hampden Victualer's Ordinance, must be displayed in a place within the establishment where it can be readily viewed by any member of the public.

Please call if you have any questions.

Sincerely,

Paula A Scott

Paula A Scott COM
Town C

Enclosi

VICTUALER'S LICENSE CERTIFICATE

No. 16-21

MUNICIPALITY OF HAMPDEN, MAINE

To all whom these presents may concern: Date: Dec 15, 2016

KNOW YE, that Tammy Costa, doing business as Dunkin Donuts has been duly licensed as a Victualer at 76 Main Rd N in the Municipality of Hampden by said Municipality until 01/07, 2018, and has paid to the Municipal Treasurer the fee of One hundred Dollars (\$100.00).

Myles P. Blac
Authorized Municipal Officer CODE ENFORCEMENT OFFICER

TOWN OF HAMPDEN, MAINE

HAMPDEN

APPLICATION FOR VICTUALER'S LICENSE

DATE: 11/21/2016 PHONE NUMBER: 978-263-6200

NAME(S): DMCP Group LLC / CRTXXIV, LLC

ADDRESS: PO Box 2767, Acton MA 01720

NAME OF BUSINESS: Dunkin Donuts

LOCATION OF BUSINESS: 76 Main Road N, Hampden

SIGNATURE: Jimmy M. Costa

***** (FOR TOWN USE ONLY)

*This facility has been inspected and meets ordinance criteria.

Town of Hampden RECEIVED NOV 29 2016 Code Enforcement Office

[Signature] Code Enforcement Officer

[Signature] Fire Inspector/Building Inspector

*All sewer user fees and personal property taxes are paid in full to date.

[Signature] Tax Collector

[Signature] Town Treasurer

Please return completed form to: Town Clerk Town of Hampden 106 Western Avenue Hampden, ME 04444

LICENSE FEE: \$100.00 Date Received/Fee Paid: NOV 29 2016 / \$100.00



TOWN OF HAMPDEN
TOWN CLERK'S OFFICE

COMMENTS ON:

Public Hearing Date: N/A
(If applicable)

- Application for Liquor License
- Application for Victualer's License
- Application for Off-premises Catering
- Application for Outdoor Wood-burning Furnace License
- Application for Special Amusement License

NAME: DMCP Group, LLC (Dunkin Donuts) Tammy Costa
Business Name Individual

ADDRESS: POB 2767 Acton, MA 01720 PHONE: 978-263-6200
Location: 76 Main Rd N

MAP/LOT: 32-22 DATE: 11/29/16

DEPARTMENT REPORT:

0 issues

DATE: 12/14/16

BY: [Signature]
Title: CEO

BY: [Signature]
Title: Fire Inspector

C-3-b



MAINE MUNICIPAL ASSOCIATION

Risk Management Services

60 Community Drive
P.O. Box 9109
Augusta, Maine 04332-9109

Telephone No.

(207) 626-5583
(800) 590-5583 Maine Only
Fax No. (207) 626-0513

December 28, 2016

Dear Members of the MMA Property and Casualty Pool:

Enclosed is your copy of the Pool's audited financial statement for the year ending June 30, 2016. I am pleased to report the Pool had another excellent year financially and the contingency fund continues to grow nicely.

The financial highlights for the combined Pool years and the developments in the fiscal year ending June 30, 2016 are:

- The Net Position as of June 30, 2016 was \$41,737,039, an increase of 6.58% over the prior year.
- Cash and investments totaled \$45,505,038, an increase of 4.6%.
- Operating revenues in 2016 totaled \$14,338,273, an increase of 5.6%.
- Operating expenses in 2016 totaled \$11,759,797, an increase of 5.6%.

The Pool gained 1 new member since 7/1/16 for a total of 460 participating municipalities and quasi-municipal entities. The Pool is also pleased to report that it retained 100% of its members for the July 1, 2016 to July 1, 2017 renewal. This has occurred in 3 of the last 4 years. We very much appreciate the continued commitment of all our members.

Several coverage changes were made to the program for the current policy period. The limits for rental reimbursement coverage were increased as the cost for renting larger municipal vehicles and equipment has risen over the last several years and prior limits were inadequate. Effective July 1, 2016, the coverage limits for rental reimbursement were increased to \$250 per day/21 day maximum for trucks and \$200 per day/14 day maximum for Mobile Equipment. One of the Pool's goals is to reduce the out of pocket expenses for our members. This was accomplished by keeping base rates steady for all members and reducing the rate for road salt treatment coverage by 50%.

The MMA Risk Management Services (RMS) Department works closely with its members to ensure everyone understands their responsibility to the other members of the Pool to sustain a strong financial position to ensure everyone's claims can be covered. We are pleased to have many members proactively managing their activities and property. The RMS staff is also committed to the Pool's long term financial success. If you have any concerns, issues, or suggestions, please contact Pat Kablitz, Director of Risk Management Services. She would be pleased to speak with you.

The Board wants to extend their sincere gratitude to you, our members, for another excellent year with the Property and Casualty Pool. We thank you for your participation and continued support of this program. Please do not hesitate to contact me or any member of the Board if you have any questions.

Sincerely,

Stephen Bunker, Chairperson
Property and Casualty Pool
Board of Directors

Enc.

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL**

Financial Statements

For the Years Ended June 30, 2016 and 2015

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
For the Years Ended June 30, 2016 and 2015**

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Independent Auditor's Report

Board of Directors
Maine Municipal Association
Property and Casualty Pool

We have audited the accompanying financial statements of Maine Municipal Association Property and Casualty Pool as of and for the years ended June 30, 2016 and 2015, and the related notes to the financial statements, which collectively comprise the Pool's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of Maine Municipal Association Property and Casualty Pool, as of June 30, 2016 and 2015, and the respective changes in financial position and, where applicable, cash flows thereof for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that management's discussion and analysis on pages 1 through 4 and the ten year claim's development information on page 22 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Maine Municipal Association Property and Casualty Pool's basic financial statements. The supplementary schedules presented in schedules 2 through 4 are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The supplementary schedules are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the supplementary schedules are fairly stated in all material respects in relation to the basic financial statements as a whole.



December 12, 2016
South Portland, Maine

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Management's Discussion and Analysis
For the Year Ended June 30, 2016**

This section of the Maine Municipal Association Property and Casualty Pool (the Pool) annual financial report sets forth a narrative overview of its financial activities for the year ended June 30, 2016. Please read it in conjunction with the Pool's financial statements and accompanying notes.

FINANCIAL HIGHLIGHTS

For all Pool years combined, developments in fiscal year ended June 30, 2016 included:

- The net position as of June 30, 2016 was \$41,737,039, an increase of 6.58% over the prior year.
- Cash and investments totaled \$45,505,038, an increase of 4.6%.
- Operating revenues in 2016 totaled \$14,338,273, an increase of 5.6%.
- Operating expenses in 2016 totaled \$11,759,797, an increase of 5.6%.

OVERVIEW OF THE FINANCIAL STATEMENTS

The Pool's fiscal year is July 1 through June 30. The annual financial report consists of five parts:

- Management's Discussion and Analysis
- Basic Financial Statements
- Notes to the Financial Statements
- Required Supplementary Information
- Supplementary Information (Schedules)

Management's Discussion and Analysis provides a narrative overview of the statements and comments on significant developments during the reporting period.

Basic Financial Statements include: Statements of Net Position; Statements of Revenues, Expenses, and Changes in Net Position; Statements of Changes in Net Position; and Statements of Cash Flows.

These statements present the Pool's status at June 30, 2016 and financial developments during fiscal year 2016 for all Pool years combined.

Notes to the Financial Statements provide explanations of the accounting principles followed and of key items in the statements.

Required Supplementary Information provides a history of claims development for the past ten years.

Supplemental Information includes analysis of Fund assets and revenues and expenses by fund year.

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Management's Discussion and Analysis
For the Year Ended June 30, 2016**

FINANCIAL ANALYSIS

The following table summarizes the Statements of Net Position.

	2016	2015
ASSETS		
Current assets	\$ 46,529,498	\$ 43,726,967
Computer equipment	1,077,529	621,061
Software upgrade in progress	-	214,132
Accumulated depreciation	(367,399)	(290,084)
Net capital assets	710,130	545,109
Total Assets	\$ 47,239,628	\$ 44,272,076
LIABILITIES		
Net claims and service fee reserves	\$ 5,497,301	\$ 5,102,517
Accounts payable	5,288	10,996
Total Liabilities	\$ 5,502,589	\$ 5,113,513
NET POSITION		
Reserve for adverse development	\$ 1,306,918	\$ 1,049,694
Safety enhancement fund	213,385	202,589
Net investment in capital assets	710,130	330,977
Software-in-progress	-	214,132
Contingency reserve	39,506,606	37,361,171
Total Net Position	\$ 41,737,039	\$ 39,158,563

The following table summarizes the Statements of Revenues, Expenses and Changes in Net Position during fiscal years 2015-2016 and 2014-2015 for all Pool years combined.

	2016	2015
REVENUE		
Member contributions	\$ 12,917,524	\$ 12,774,818
Investment income	714,564	591,806
Unrealized gain on investments	681,185	161,334
Grant income	25,000	50,000
Total Revenues	\$ 14,338,273	\$ 13,577,958
EXPENSES		
Net claims expense	\$ 4,814,077	\$ 4,006,877
Reinsurance and premium remitted	3,356,820	3,660,666
Other expenses	3,588,900	3,468,774
Total Expenses	\$ 11,759,797	\$ 11,136,317
CHANGE IN NET POSITION	\$ 2,578,476	\$ 2,441,641
NET POSITION BEGINNING OF YEAR	\$ 39,158,563	\$ 36,716,922
NET POSITION END OF YEAR	\$ 41,737,039	\$ 39,158,563

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Management's Discussion and Analysis
For the Year Ended June 30, 2016**

ANALYSIS OF FINANCIAL DEVELOPMENTS IN FISCAL YEAR 2015-2016

The following table compares ultimate results for the 2016 fund year as projected at June 30, 2016 with the original budget. Investment income and net claims expense projections are based on an analysis by an independent actuary:

	Funding model	Projected ultimate results
REVENUE		
Member contributions	\$12,593,213	\$12,916,522
Investment and other revenues	140,000	122,220
Total Revenues	\$12,733,213	\$13,038,742
EXPENSES		
Net claims expense at 95% confidence level	\$5,401,702	\$4,621,409
reinsurance and premiums remitted	3,242,038	3,358,136
Other expenses	3,768,851	3,681,709
Total Expenses	\$12,412,591	\$11,661,254
GAIN OR LOSS FROM OPERATIONS	\$320,622	\$1,377,488

The single year development explains the variance from the expected investment income. This comparison of the expected gain of \$1,377,488, as a result of better than expected net claims, is above budget for fiscal year 2015-2016. Net claims expense at the 95% confidence level includes claims payments, reserves on open claims, actuarial estimates of claims development in the future (IBNR) and additional reserves recommended by the actuary to fund Pool claims to the 95% confidence level. Other expenses include a provision of \$550,000 for member dividends. The Board of Directors will determine the amount of 2015-2016 to be paid during the 2017-2018 fiscal year.

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Management's Discussion and Analysis
For the Year Ended June 30, 2016**

POOL FINANCIAL POSITION AT JUNE 30, 2016

At June 30, 2016, net position totaled \$41,737,039, an increase of \$2,578,476; 6.58% over the prior year. Net position is divided into four components:

Net investment in capital assets, maintained to record capital assets less depreciation.	\$ 710,130
Reserve for adverse development, maintained to increase claims reserves to the 95% confidence level	1,306,918
Safety enhancement fund, maintained to provide grants and scholarships to assist members in strengthening their work place safety practices	213,385
Contingency reserve, maintained to provide resources to meet other challenges and opportunities	<u>39,506,606</u>
Total net position	<u>\$ 41,737,039</u>

CAPITAL ASSETS

At June 30, 2016, the Pool had capital assets of \$1,077,529, net of accumulated depreciation of \$367,399, for a net capital asset balance \$710,130. These assets are the Pool's investment in a claims and underwriting system jointly owned with the MMA Workers' Compensation Fund. The capital asset includes an underwriting system put in service January 2015 and a claims system put into service December 2015. The asset is jointly owned under a 50/50 arrangement with MMA Workers' Compensation Trust.

CONDITIONS WHICH MAY IMPACT THE POOL'S FINANCIAL CONDITION IN THE FUTURE

Management is aware of no conditions, decisions or contingencies which are expected to significantly impact on the Pool's financial position in the future.

REQUEST FOR INFORMATION

This financial report is designed to provide our members, customers, investors and creditors with a general overview of MMA Property and Casualty's finances and to show MMA's accountability for the money it receives. If you have any questions about this report or need additional information, contact Martin Hanish, Chief Financial Officer, at (207) 623-8428.

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Statements of Net Position
(All Fund Years)
June 30, 2016 and 2015**

	2016	2015
ASSETS		
Cash and cash equivalents	\$ 13,496,774	10,597,556
Certificates of deposit	5,820,428	6,758,180
U.S. government and agency securities	26,187,836	26,147,820
Prepaid expense	813,233	48,350
Accounts receivable	68,634	35,365
Accrued interest receivable	142,593	139,696
Total current assets	46,529,498	43,726,967
Capital assets:		
Computer equipment	1,077,529	621,061
Software upgrade in progress	-	214,132
Accumulated depreciation	(367,399)	(290,084)
Net capital assets	710,130	545,109
Total assets	\$ 47,239,628	44,272,076
LIABILITIES		
Liabilities:		
Accounts payable	5,288	10,996
Claims loss reserves:		
Claims loss reserves	5,204,950	4,943,244
Reinsurance recoverable	(139,554)	(199,793)
Net claims loss reserves	5,065,396	4,743,451
Claims service reserves	431,905	359,066
Total liabilities	\$ 5,502,589	5,113,513
NET POSITION		
Net investment in capital assets	710,130	545,109
Unrestricted:		
Board designated:		
Reserve for adverse development	1,306,918	1,049,694
Safety enhancement fund	213,385	202,589
Contingency reserve	39,506,606	37,361,171
Total net position	\$ 41,737,039	39,158,563

See accompanying notes to financial statements.

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL**
Statements of Revenues, Expenses and Changes in Net Position
(All Fund Years)
For the Years Ended June 30, 2016 and 2015

	2016	2015
Operating revenues:		
Member contributions	\$ 12,917,524	12,774,818
Investment income	714,564	591,806
Unrealized gain on investments	681,185	161,334
Grant income	25,000	50,000
Total operating revenues	14,338,273	13,577,958
Operating expenses:		
Claims paid less:		
Deductible recovery	5,091,432	5,051,278
Salvage recovery	(251,358)	(398,032)
Subrogation recovery	(36,556)	(22,079)
	(311,386)	(372,851)
Net claims paid before reinsurance	4,492,132	4,258,316
Reinsurance recovery	-	(263,558)
Net claims paid after reinsurance	4,492,132	3,994,758
Claims reserve adjustment:		
Established claims	261,706	(216,164)
Less reinsurance recoverable estimate	60,239	228,283
Net claims expense adjustment	4,814,077	4,006,877
Reinsurance premium	2,972,239	3,234,562
Premiums remitted	384,581	426,104
Administrative fee	2,757,864	2,709,383
Claims service reserve adjustment	72,839	32,254
Consultants and legal fees	44,680	86,583
Maintenance contracts	86,727	68,075
Dividends	549,475	549,959
Depreciation	77,315	22,520
Total operating expenses	11,759,797	11,136,317
Change in net position	\$ 2,578,476	2,441,641

See accompanying notes to financial statements.

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Statements of Changes in Net Position
(All Fund Years)
For the Years Ended June 30, 2016 and 2015**

	Net Investment in capital assets	Reserve for adverse development	Safety enhancement fund	Contingency reserve	Total net position
Net position at June 30, 2014	\$ 390,576	1,107,494	167,589	35,051,263	36,716,922
Excess (deficiencies) of revenues over (under) expenses	154,533	(57,800)	35,000	2,309,908	2,441,641
Net position at June 30, 2015	545,109	1,049,694	202,589	37,361,171	39,158,563
Excess of revenues over expenses	165,021	257,224	10,796	2,145,435	2,578,476
Net position at June 30, 2016	\$ 710,130	1,306,918	213,385	39,506,606	41,737,039

See accompanying notes to financial statements.

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Statements of Cash Flows
(All Fund Years)
For The Years Ended June 30, 2016 and 2015**

	2016	2015
Cash flows from operating activities:		
Receipts from net contributions	\$ 12,909,255	12,808,857
Payments for net claims	(4,492,132)	(3,994,758)
Payments for reinsurance premium	(2,972,239)	(3,234,562)
Payments for premiums remitted	(1,149,464)	(368,166)
Payments for administrative fees	(2,757,864)	(2,709,383)
Payments to suppliers	(137,115)	(165,404)
Payments for dividends paid	(549,475)	(549,959)
Net cash and cash equivalents provided by operating activities	850,966	1,786,625
Cash flows from capital and related financing activities:		
Purchase of computer equipment	(242,336)	(177,053)
Net cash and cash equivalents used in capital and related financing activities	(242,336)	(177,053)
Cash flows from investing activities:		
Purchase of investments	(14,149,979)	(7,277,076)
Sale of investments	15,047,715	8,808,289
Receipts from investment income	1,392,852	761,294
Net cash and cash equivalents provided by investing activities	2,290,588	2,292,507
Net change in cash and cash equivalents	2,899,218	3,902,079
Cash and cash equivalents, beginning of year	10,597,556	6,695,477
Cash and cash equivalents, end of year	\$ 13,496,774	10,597,556
Reconciliation of change in net position to net cash and cash equivalents provided by operating activities:		
Change in net position	\$ 2,578,476	2,441,641
Adjustments to reconcile change in net position to net cash and cash equivalents provided by operating activities:		
Depreciation	77,315	22,520
Investment income	(714,564)	(591,806)
Unrealized loss on investments	(681,185)	(161,334)
(Increase) decrease in assets:		
Accounts receivable	(33,269)	(15,961)
Prepaid expense	(764,883)	57,938
Increase (decrease) in liabilities:		
Accounts payable	(5,708)	(10,746)
Claims loss reserves	261,706	(216,164)
Reinsurance recoverable	60,239	228,283
Claims service reserves	72,839	32,254
Net cash and cash equivalents provided by operating activities	\$ 850,966	1,786,625

See accompanying notes to financial statements.

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Notes to Financial Statements**

SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES AND POOL DESCRIPTION

The Maine Municipal Association Property and Casualty Pool (the Pool) was established on March 1, 1987 as a self-insured pool for the purpose of providing liability and property coverage to municipalities and qualified local government instrumentalities or subdivisions who choose to participate. During the fiscal years ended June 30, 2016 and 2015, there were 459 and 457 governmental entities, respectively, which participated in the Pool. The Pool provides the following coverage: automobile liability; commercial general liability; police professional liability; ambulance/nurse malpractice liability; firefighters liability; public officials liability, including employment practices liability; automobile physical damage coverage; property and inland marine coverage; and comprehensive crime coverage. In addition, the Pool offers coverage for forest fire suppression, earthquake, and flood on a pooled basis. The Pool also assists members in the purchase of other fully insured coverage through the services of its broker. The Pool is administered by the Maine Municipal Association for which a management fee is assessed and is included in expense. For the years ended June 30, 2016 and 2015, the Pool was assessed management fees totaling \$2,757,864 and \$2,709,383, respectively. These financial statements include only the accounts of the Maine Municipal Association Property and Casualty Pool.

The municipality or qualified local government instrumentality or subdivision must be a member of the Maine Municipal Association to participate in the Pool.

Tax Exempt Status - The Pool is exempt from income taxes.

Fund Accounting - Each year a new fund is established to cover the potential claims made for that specific period. Each fund year has a separate set of self-balancing accounts which comprise its assets, liabilities, fund balances, revenues, and expenses.

Basis of Accounting – The financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses recorded when a liability is incurred, regardless of the timing of the related cash flows. The Pool follows the provisions of Government Accounting Standards Board (GASB) Statement No. 10, *Accounting and Financial Reporting for Risk Financing and Related Insurance Issues*, as amended by GASB Statement No. 30, *Risk Financing Omnibus*. Contributions are recognized as revenue over the contract period for which risk protection is provided which corresponds to a fund year. A liability for unpaid claims, including estimated claims incurred but not reported, is accrued when insured events occur. Anticipated investment income is considered in determining whether a contribution deficiency exists.

Cash and Cash Equivalents - Cash and cash equivalents include bank balances and balances in money markets and mutual funds. Amounts in the mutual fund investment sweep and the money market mutual fund are indirectly invested in U.S. government obligations.

Investments - All investments are carried at fair value, based on quoted market prices, in a single pooled investment account for all of the Property and Casualty fund years. The Pool's investments include U.S. government and agency securities, CDARS and ICS, none of which are held for trading purposes. The Pool estimates that the fair value of all financial instruments at June 30, 2016 and 2015 does not differ materially from the aggregate carrying values of its financial instruments recorded in the accompanying statements of changes in net position. Each fund year's portion of principal, interest, capital gains and losses is determined by its cash and investments in the pooled investments.

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Notes to Financial Statements, Continued**

SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES AND POOL DESCRIPTION, CONTINUED

Accounts Receivable - Accounts receivable has been adjusted for all known uncollectible accounts. No allowance for bad debts is considered necessary at June 30, 2016 and 2015.

Capital Assets - The cost of computer hardware and software is depreciated on a straight-line basis over their estimated useful lives of three to five years. The Pool's policy is to capitalize items with a unit cost of \$2,000 or more and an estimated useful life of two years or more.

Claims Loss Reserves - Claims loss reserves represent the estimated ultimate cost of settling all reported and unreported losses at the balance sheet date, including the effects of inflation and other factors, as determined by an independent actuary. Management believes that the reserves are adequate, but the ultimate cost of settling this liability may vary from the estimated amount. Accordingly, this estimate is reviewed annually. Any adjustments resulting from the settlement of losses will be reflected in the combined statements of revenues and expenses at the time the adjustments are determined.

Claims Service Reserves - The claims service reserves are actuarially determined and consist of estimates for service fees for future claims. Management believes that the reserves are adequate, but the ultimate net cost of settling this liability may vary from the estimated amount. Accordingly, this estimate is reviewed annually.

Reinsurance - The Pool uses reinsurance agreements to reduce its exposure to large losses on insured events. Reinsurance permits recovery of a portion of losses from reinsurers, although it does not discharge the primary liability of the Pool as direct insurer of the risks reinsured. The Pool does not report reinsured risks as liabilities unless it is probable that those risks will not be covered by reinsurers.

Management Estimates - The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenue and expenses during the reporting period. Actual results could differ from those estimates.

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Notes to Financial Statements, Continued**

DEPOSITS AND INVESTMENTS

Deposits

Cash and cash equivalents are composed of cash management accounts (CMA) and money market instruments, and bank balances consisted of the following at June 30:

	<u>2016</u>	<u>2015</u>
CMA - deposit account	\$ 7,803	3,850
CMA - mutual fund investment sweep account	-	9,106,830
CMA - LOC Sweep	1,166,190	-
CMA - ICS deposit account	8,310,011	-
Money market mutual fund	4,012,770	1,486,872
Money market mutual - CDARS PT	-	4
Totals	\$ 13,496,774	10,597,556

The bank balances for the Pool reflect a reduction for outstanding checks at that date. Amounts in the cash management-deposit accounts that exceed the \$250,000 FDIC insured limit are considered uninsured and uncollateralized.

The Mutual fund investment sweep account was replaced in fiscal year 2016 with an Interest Bearing Sweep account backed by a Federal Home Loan Bank Letter of Credit with \$17,000,000 security coverage providing a minimum .1% rate of return. The sweep account is made up of assets of the Maine Municipal Association (MMA), Workers' Compensation Fund, Unemployment Compensation Group Fund, and Property and Casualty Pool.

The ICS Depository Account is through Promontory and is backed by bank CD's. The terms of the account allow for up to six transfers out and unlimited transfers into the account each month. BSB guarantees a minimum of .2% rate of return. Amounts placed in any one depository institution do not exceed \$250,000 including interest.

Custodial Credit Risk-Fund Deposits: Custodial credit risk is the risk that in the event of a bank failure, the Pool's deposits in excess of the Federal Deposit Insurance Corporation (FDIC) insured limit may not be recoverable. These balances are fully FDIC insured under regulations in effect through June 30, 2016. Additional balances are swept daily, either to cover checks presented against zero balance based checking accounts or to money market mutual funds outside the bank. The CMA-mutual fund investment sweep and the money market mutual fund are mutual funds outside the bank, invested in short term government securities. These funds are uninsured and uncollateralized.

Money Market Mutual Fund – CDARS PT: The money market mutual CDARS-PT is a pass through account used for the purchase of CDARS fully insured certificates of deposit and includes funds from all the programs. Only the assets belonging to the Property and Casualty program are included in these financial statements.

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Notes to Financial Statements, Continued**

DEPOSITS AND INVESTMENTS, CONTINUED

Investments

The Pool categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs.

At June 30, 2016, the Pool had the following investments and maturities:

	<u>Fair Value</u>	<u>Less than 1 year</u>	<u>1-5 years</u>	<u>More than 5 years</u>	<u>Level 1 inputs</u>
Certificates of Deposit *	\$ 5,820,428	2,863,762	2,956,666	-	5,820,428
U.S. Government and <u>Agency Securities</u>	<u>26,187,836</u>	<u>-</u>	<u>10,954,954</u>	<u>15,232,882</u>	<u>26,187,836</u>
<u>Total Investments</u>	<u>\$ 32,008,264</u>	<u>2,863,762</u>	<u>13,911,620</u>	<u>15,232,882</u>	<u>32,008,264</u>

At June 30, 2015, the Pool had the following investments and maturities:

	<u>Fair Value</u>	<u>Less than 1 year</u>	<u>1-5 years</u>	<u>More than 5 years</u>	<u>Level 1 inputs</u>
Certificates of Deposit *	\$ 6,758,180	3,116,278	3,641,902	-	6,758,180
U.S. Government and <u>Agency Securities</u>	<u>26,147,820</u>	<u>903,144</u>	<u>10,247,977</u>	<u>14,996,699</u>	<u>26,147,820</u>
<u>Total Investments</u>	<u>\$ 32,906,000</u>	<u>4,019,422</u>	<u>13,889,879</u>	<u>14,996,699</u>	<u>32,906,000</u>

* Of the certificates of deposit bank balances, the full \$5,820,428 and \$6,758,180 were covered by federal depository insurance for 2016 and 2015, respectively.

Interest Rate Risk: Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. The Pool's investment policy requires that, to the extent possible, the Pool attempts to match investments with anticipated cash requirements. Purchases of securities are guided by the need to provide flexibility in the portfolio to meet expected cash flows, with a prudent margin for the unexpected, for the next five years. Further, to obtain the highest yield available within the context of the asset allocation target levels noted below. Liquidity risk, as defined by the Pool's investment policy, is the risk that funds may not be available as needed, or may be available only by liquidating investments with a resultant capital loss. The Pool's investment policy requires that investment maturities be timed to meet projected cash flow requirements, with a margin for the unexpected. The maximum maturities permitted under Board policy in 2016 and 2015 is ten years.

Credit Risk: Credit risk is the risk that the entity in which the Pool has invested may be unable to redeem investments when they mature. The Pool's investment policy limits investments to entities that have high ratings by recognized rating agencies. Management monitors the ratings of entities in which it has invested and would sell investments should a significant rating decline occur. No such issues were noted in 2016 or 2015, and the Pool had no investments in corporate stocks or bonds as of June 30, 2016 and 2015.

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Notes to Financial Statements, Continued**

DEPOSITS AND INVESTMENTS, CONTINUED

Custodial Credit Risk-Fund Investments: For investments, custodial credit risk is the risk that, in the event of failure of the custodian, the Pool will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. The Pool addresses this risk by having the custodian hold investments to the Pool's benefit, by maintaining high quality standards for the entities in which it invests and by monitoring the ratings of entities in which it has invested.

Concentration of Credit Risk: It is the Pool's policy that investments will be primarily U.S. Government and Agency securities and certificates of deposit. The portfolio composition for the 2015-2016 fund year was as follows: cash and money market funds-30%; certificates of deposit-13%; government securities-57%. (24%, 16%, 60%), in 2014-2015.

NET APPRECIATION OR DEPRECIATION IN FAIR VALUE

Net appreciation (depreciation) in fair value during the years ended June 30, 2016 and 2015 by type of investment was as follows. Such amounts are included in investment income on the statements of revenues, expenses and changes in net position.

	<u>2016</u>	<u>2015</u>
U.S. Government and Agency Securities	\$ 681,185	161,334
Totals	\$ 681,185	161,334

CAPITAL ASSETS

Capital asset activity for the year ended June 30, 2016 was as follows:

	<u>Balance 06/30/15</u>	<u>Additions</u>	<u>Deletions</u>	<u>Balance 06/30/16</u>
Capital assets not being depreciated:				
Computer software-in-progress	\$ 214,132	-	214,132	-
Capital assets, not being depreciated	214,131	-	214,132	-
Capital assets, being depreciated:				
Computer equipment and software	621,061	456,468	-	1,077,529
Less: accumulated depreciation	(290,084)	(77,315)	-	(367,399)
Capital assets, being depreciated, net	330,977	379,153	-	710,130
Total capital assets, net	\$ 545,109	379,153	214,132	710,130

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Notes to Financial Statements, Continued**

UNPAID CLAIMS LIABILITIES

The Pool establishes liabilities for the estimated costs of both reported and unreported losses, which includes estimates of both future payments of losses and related claims service reserves. The following represents changes in those aggregate liabilities for the years ended June 30, 2016 and 2015.

	<u>2016</u>	<u>2015</u>
Claims loss and claims service reserves at beginning of year	\$5,102,517	\$5,058,144
Provision for insured events - current year	4,199,646	4,731,207
Decrease in provision for insured events - prior years	687,270	(692,076)
Total incurred claims and claims service reserve expenses	4,886,916	4,039,131
Claims paid on losses incurred in the current year	1,583,971	2,089,882
Claims paid on losses incurred in prior years	2,908,161	1,904,876
Total paid claims	4,492,132	3,994,758
Claims loss and claims service reserves at end of year	\$5,497,301	\$5,102,517
Unpaid claims liabilities are reported on the combined statement of net position as follows:		
Claims loss reserves, net	\$5,065,396	\$4,743,451
Claims service fee reserves	431,905	359,066
Totals	\$5,497,301	\$5,102,517

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Notes to Financial Statements, Continued**

CLAIMS LOSS RESERVES AND REINSURANCE RECOVERABLE

The amounts shown for claims reserves prior to reinsurance recoveries are developed from an actuarially determined loss analysis as of June 30, 2016 and were as follows:

Fund Year	Established on known claims	Actuarial reserves	Total reserves	Net paid claims	Actuarially determined ultimate losses
1987-88	-	-	-	747,447	747,447
1988-89	-	-	-	978,303	978,303
1989-90	-	-	-	850,237	850,237
1990-91	-	-	-	2,012,344	2,012,344
1991-92	-	-	-	1,644,215	1,644,215
1992-93	-	-	-	2,400,514	2,400,514
1993-94	-	-	-	1,991,992	1,991,992
1994-95	-	-	-	1,167,065	1,167,065
1995-96	-	-	-	1,862,642	1,862,642
1996-97	-	-	-	1,225,327	1,225,327
1997-98	-	-	-	1,984,393	1,984,393
1998-99	-	-	-	1,910,173	1,910,173
1999-00	-	-	-	1,234,131	1,234,131
2000-01	-	-	-	3,938,762	3,938,762
2001-02	-	-	-	2,540,376	2,540,376
2002-03	-	-	-	2,826,748	2,826,748
2003-04	-	-	-	2,743,247	2,743,247
2004-05	-	-	-	4,559,790	4,559,790
2005-06	641	-	641	4,313,835	4,314,476
2006-07	260,071	5,601	265,672	4,728,650	4,994,322
2007-08	11,468	53,158	64,626	4,421,865	4,486,491
2008-09	38,705	69,917	108,622	4,752,860	4,861,482
2009-10	12,973	31,938	44,911	3,415,563	3,460,474
2010-11	7,099	36,742	43,841	3,203,143	3,246,984
2011-12	7,750	71,442	79,192	3,404,582	3,483,774
2012-13	155,447	44,228	199,675	3,299,885	3,499,560
2013-14	687,606	204,766	892,372	4,090,050	4,982,422
2014-15	713,731	376,293	1,090,024	3,460,966	4,550,990
2015-16	1,715,538	699,836	2,415,374	1,583,970	3,999,344
Totals	\$ 3,611,029	\$ 1,593,921	\$ 5,204,950	\$ 77,293,075	\$ 82,498,025

Each fund year has a Loss Fund that is established from the fund members' annual contributions. For each fund year, the Pool also purchases specific reinsurance that provides coverage for claims exceeding \$100,000 per occurrence for fund years through 2002-03 and for future years the retention was increased to \$300,000 per occurrence. Beginning in 2013-14 the equipment breakdown line of business was added to the Pool rather than being fully insured. A specific retention of \$100,000 per occurrence was purchased for these claims.

In addition, for the fund years through 2001-2002, the Pool purchased aggregate reinsurance of \$1,000,000 in excess of the reinsurance attachment point. No aggregate coverage was purchased for the 2002-2003 through the current fund year.

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Notes to Financial Statements, Continued**

CLAIMS LOSS RESERVES AND REINSURANCE RECOVERABLE, CONTINUED

An analysis of the reinsurance attachment points, ultimate losses, reinsurance recovery, and ultimate net losses was as follows:

<u>Fund year</u>	<u>Aggregate reinsurance attachment</u>	<u>Actuarially Determined ultimate losses</u>	<u>Reinsurance recovered</u>	<u>Reinsurance recoverable</u>	<u>Ultimate losses net of reinsurance</u>
1987-88	\$ 845,834	747,447	185,928	-	561,519
1988-89	1,406,720	978,303	211,859	-	766,444
1989-90	963,226	850,237	-	-	850,237
1990-91	1,095,964	2,012,344	916,532	-	1,095,812
1991-92	1,564,127	1,644,215	280,538	-	1,363,677
1992-93	1,712,586	2,400,514	687,934	-	1,712,580
1993-94	2,362,467	1,991,992	472,013	-	1,519,979
1994-95	2,403,851	1,167,065	138,764	-	1,028,301
1995-96	2,250,000	1,862,642	135,385	-	1,727,257
1996-97	1,733,027	1,225,327	22,015	-	1,203,312
1997-98	1,633,873	1,984,393	492,574	-	1,491,819
1998-99	1,620,352	1,910,173	330,195	-	1,579,978
1999-00	1,741,520	1,234,131	77,859	1	1,156,271
2000-01	2,508,266	3,938,762	1,492,364	-	2,446,398
2001-02	3,128,504	2,540,376	327,483	-	2,212,893
2002-03	-	2,826,748	144,666	-	2,682,082
2003-04	-	2,743,247	-	-	2,743,247
2004-05	-	4,559,790	612,647	-	3,947,143
2005-06	-	4,314,476	174,678	-	4,139,798
2006-07	-	4,994,322	107,481	-	4,886,841
2007-08	-	4,486,491	50,992	-	4,435,499
2008-09	-	4,861,482	56,309	-	4,805,173
2009-10	-	3,460,474	-	-	3,460,474
2010-11	-	3,246,984	-	-	3,246,984
2011-12	-	3,483,774	-	-	3,483,774
2012-13	-	3,499,560	-	-	3,499,560
2013-14	-	4,982,422	263,558	139,553	4,579,311
2014-15	-	4,550,990	-	-	4,550,990
2015-16	-	3,999,344	-	-	3,999,344
Totals	\$ 26,970,317	\$ 82,498,025	\$ 7,181,774	\$ 139,554	\$ 75,176,697

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Notes to Financial Statements, Continued**

A.M. BEST RATINGS

The following companies have provided reinsurance or excess insurance for the various fund years. The A.M. Best rating for each company is also listed.

Fund Year	Reinsurance Carrier	Type of Coverage	A.M. Best Rating	Fin Size Category
1987-1988 through 1988-1989	Lloyd's of London	Aggregate & Specific	A	XV
	Fireman's Fund Ins. Co.	Excess Property	A+	XV
	International Ins. Co.	GL/Auto Excess	not rated	
	CAN Insurance Companies (formerly CNA Casualty)	Prop & Liab Excess	A	XV
	Hartford Steam & Boiler Group	Boiler & Machinery	A++	X
1989-1990 through 1992-1993	Lloyd's of London	Aggregate & Specific	A	XV
	Fireman's Fund Ins. Co.	Excess Property	A+	XV
	International Ins. Co.	GL/Auto Excess	not rated	
	CAN Insurance Companies (formerly CNA Casualty)	Prop & Liab Excess	A	XV
	ACE Prop & Casualty Ins Co.	Following Form	A++	XV
	Hartford Steam & Boiler Group	Boiler & Machinery	A++	X
1993-1994 through 1998-1999	Munich Reinsurance America	Aggregate & Specific	A+	XV
	Royal Insurance Group	Excess Property	not rated	
	Hartford Steam & Boiler Group	Boiler & Machinery	A++	X
1999-2000	Munich Reinsurance America	Aggregate & Specific	A+	XV
	Swiss Re America Group	Excess Property	A+	XV
	Hartford Steam & Boiler Group	Boiler & Machinery	A++	X
2000-2001	Munich Reinsurance America	Aggregate & Specific	A+	XV
	Liberty Mutual Insurance Co.	Excess Property	A	XV
	Hartford Steam & Boiler Group	Boiler & Machinery	A++	X
2001-2002	Munich Reinsurance America	Aggregate & Specific	A+	XV
	Liberty Mutual Insurance Co.	Excess Property	A	XV
	Factory Mutual Insurance Company	Boiler & Machinery	A+	XV

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Notes to Financial Statements, Continued**

A.M. BEST RATINGS, CONTINUED

Fund Year	Reinsurance Carrier	Type of Coverage	A.M. Best Rating	Fin Size Category
2002-2003	Munich Reinsurance America	Specific	A+	XV
	Essex Insurance Co.	Excess Property	not rated	XIV
	Federal Insurance Co.	Excess Property	A++	XV
	Lexington Insurance Co.	Excess Property	A	XV
	St Paul Fire & Casualty Ins Co.	Excess Property	A++	XV
	Travelers Casualty and Surety Co.	Excess Property	A++	XV
	Wausau Business Insurance Co.	Excess Property	A	XV
	Westchester Surplus Lines Ins Co.	Excess Property	A++	XV
	Hartford Steam & Boiler Group	Boiler & Machinery	A++	X
2003-2004	Munich Reinsurance America	Specific	A+	XV
	Federal Insurance Co.	Excess Property	A++	XV
	Lexington Insurance Co.	Excess Property	A	XV
	St Paul Fire & Casualty Ins Co.	Excess Property	A++	XV
	Travelers Casualty and Surety Co.	Excess Property	A++	XV
	U S Fire Insurance Co.	Excess Property	A	XIII
		Hartford Steam & Boiler Group	Boiler & Machinery	A++
2004-2005	Munich Reinsurance America	Specific	A+	XV
	Discover Property & Casualty Ins Co.	Excess Property	A++	XV
	Essex Insurance Co.	Excess Property	Not rated	XIV
	Federal Insurance Co.	Excess Property	A++	XV
	Lexington Insurance Co.	Excess Property	A	XV
	Liberty Mutual Insurance Co.	Excess Property	A	XV
	Travelers Casualty and Surety Co.	Excess Property	A++	XV
	U S Fire Insurance Co.	Excess Property	A	XIII
	Hartford Steam & Boiler Group	Boiler & Machinery	A++	X
2005-2006	Discover Property & Casualty Ins Co.	Specific & Excess Property	A++	XV
	Essex Insurance Co.	Excess Property	Not Rated	XIV
	Federal Insurance Co.	Excess Property	A++	XV
	Lexington Insurance Co.	Excess Property	A	XV
	Clarendon National Ins Co.	Excess Property	Not Rated	
	Travelers Casualty and Surety Co.	Excess Property	A++	XV
		Hartford Steam & Boiler Group	Boiler & Machinery	A++
2006-2007	Discover Property & Casualty Ins Co.	Specific & Excess Property	A++	XV
	Landmark American Insurance Co.	Excess Property	A+	XIV
	Federal Insurance Co.	Excess Property	A++	XV
	U S Fire Insurance Co.	Excess Property	A	XIII
	Liberty Mutual Insurance Co.	Excess Property	A	XV
	Travelers Casualty and Surety Co.	Excess Property	A++	XV
	Hartford Steam & Boiler Group	Boiler & Machinery	A++	X

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Notes to Financial Statements, Continued**

A.M. BEST RATINGS, CONTINUED

Fund Year	Reinsurance Carrier	Type of Coverage	A.M. Best Rating	Fin Size Category
2007-2008	Discover Property & Casualty Ins Co.	Specific & Excess Property	A++	XV
	Homeland Insurance Company of New York	Excess Property	A	X
	Liberty Mutual Insurance Co.	Excess Property	A	XV
	Landmark American Insurance Co.	Excess Property	A+	XIII
	Federal Insurance Co.	Excess Property	A++	XV
	Travelers Casualty and Surety Co.	Excess Property	A++	XV
	Lexington Insurance Co.	Excess Property	A	XV
	Hartford Steam & Boiler Group	Boiler & Machinery	A++	X
2008-2009	Discover Property & Casualty Ins Co.	Specific Casualty	A++	XV
	Munich Re America	Specific Property	A+	XV
	Homeland Insurance Company of New York	Excess Property	A	X
	Federal Insurance Co.	Excess Property	A++	XV
	Travelers Casualty and Surety Co.	Excess Property	A++	XV
	Lexington Insurance Co.	Excess Property	A	XV
	Hartford Steam & Boiler Group	Boiler & Machinery	A++	X
2009-2010	Discover Property & Casualty Ins Co.	Specific Casualty	A++	XV
	Munich Re America	Specific Property	A+	XV
	Homeland Insurance Company of New York	Excess Property	A	X
	Federal Insurance Co.	Excess Property	A++	XV
	Travelers Casualty and Surety Co.	Excess Property	A++	XV
	Lexington Insurance Co.	Excess Property	A	XV
	Hartford Steam & Boiler Group	Boiler & Machinery	A++	X
2010-2011	Discover Property & Casualty Ins Co.	Specific Casualty	A++	XV
	Munich Re America	Specific Property	A+	XV
	Homeland Insurance Company of New York	Excess Property	A	X
	Federal Insurance Co.	Excess Property	A++	XV
	Travelers Casualty and Surety Co.	Excess Property	A++	XV
	Lexington Insurance Co.	Excess Property	A	XV
	Travelers Casualty and Surety Co.	Boiler & Machinery	A++	XV
2011-2012	Discover Property & Casualty Ins Co.	Specific Casualty	A++	XV
	Munich Re America	Specific Property	A+	XV
	General Reinsurance America	Liability/Casualty	A++	XV
	Homeland Insurance Company of New York	Excess Property	A	X
	Federal Insurance Co.	Excess Property	A++	XV
	Travelers Casualty and Surety Co.	Excess Property	A++	XV
	Lexington Insurance Co.	Excess Property	A	XV
	Travelers Casualty and Surety Co.	Boiler & Machinery	A++	XV

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Notes to Financial Statements, Continued**

A.M. BEST RATINGS, CONTINUED

Fund Year	Reinsurance Carrier	Type of Coverage	A.M. Best Rating
2012-2013	Discover Property & Casualty Ins Co.	Specific Casualty	A++
	Munich Re America	Specific Property	A+
	General Reinsurance America	Liability/Casualty	A++
	Homeland Insurance Company of New York	Excess Property	A
	Federal Insurance Company	Excess Property	A++
	Travelers Indemnity	Excess Property	A++
	Lexington Insurance Co.	Excess Property	A
	Travelers Casualty and Surety Co.	Excess Property	A++
	RSUI Indemnity Company	Excess Property	A+
	Markel Insurance Company	Excess Property	A
	ACE American Insurance Company	Excess Property	A++
	Aspen Specialty Insurance Company	Excess Property	A
Travelers Casualty and Surety Co.	Boiler & Machinery	A++	
2013-2014	ACE American Insurance Company	Specific Casualty	A++
	Munich Re America	Specific Property	A+
	ACE American Insurance Company	Excess Liability/Casualty	A++
	Zurich American Insurance Company	Excess Property	A+
	Federal Insurance Company	Excess Property	A++
	Travelers Idemnity Company	Excess Property	A++
	Lexington Insurance Co.	Excess Property	A
Travelers Casualty and Surety Co.	Boiler & Machinery	A++	
2014-2015	ACE American Insurance Company	Specific Casualty	A++
	Munich Re America	Specific Property	A+
	ACE American Insurance Company	Excess Liability/Casualty	A++
	Zurich American Insurance Company	Excess Property	A+
	Federal Insurance Company	Excess Property	A++
	Travelers Idemnity Company	Excess Property	A++
	Lexington Insurance Co.	Excess Property	A
Travelers Casualty and Surety Co.	Boiler & Machinery	A++	
2015-2016	ACE American Insurance Company	Specific Casualty	A++
	Munich Re America	Specific Property	A+
	ACE American Insurance Company	Excess Liability/Casualty	A++
	Zurich American Insurance Company	Excess Property	A+
	Federal Insurance Company	Excess Property	A++
	Travelers Idemnity Company	Excess Property	A++
	Lexington Insurance Co.	Excess Property	A
Travelers Idemnity Company	Boiler & Machinery	A++	

**MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Notes to Financial Statements, Continued**

EXPENSES

Estimates of reinsurance premiums, claims service fees and administrative fees are recorded as expenses in the initial fiscal year of each Pool for all of the services expected to arise out of that fund year. Changes in these estimated expenses are treated as current income or expenses in each fund year.

NET POSITION

Under a policy adopted by the Board of Directors, net position is segregated into four components.

Net Investment in Capital Assets - Net position invested in capital assets represent the Pool's investment in computer equipment and software, less related accumulated depreciation. The net investment in capital assets, including the investment in software-in-progress at June 30, 2016 and 2015, amounted to \$710,130 and \$545,109 respectively.

Reserve for Adverse Development - The reserve for adverse development is maintained to recognize the possibility that actual loss development may vary from the expected development underlying the loss projections. The amount of the reserve is based on recommendations from an independent actuary. The reserve is established at the 95% confidence level, as calculated by the actuary. At June 30, 2016 and 2015, the reserve for adverse development totaled \$1,306,918 and \$1,049,694, respectively.

Safety Enhancement Fund - The safety enhancement fund represents net position maintained to provide grants and scholarships to assist in safeguarding municipal properties and the safety of parties with whom municipalities interact. Total net position designated for the safety enhancement fund at June 30, 2016 and 2015 amounted to \$213,385 and \$202,589, respectively.

Contingency Reserve - The contingency reserve is calculated as the unrestricted net position less the reserve for adverse development. The contingency reserve at June 30, 2016 and 2015 was \$39,506,606 and \$37,361,171, respectively. The contingency reserve represents accumulated funding in excess of the board-designated reserves. The Property and Casualty Pool Trustees have established this reserve to be held for the financial stability of the Pool.

INTERFUND TRANSFERS

In order to provide full funding, the Property and Casualty Pool Trustees have approved various transfers from some fund years to others. All transfers made between Property and Casualty Pool fund years since inception are reflected in Schedule 4.

CONTINGENT LIABILITY

As reported last year, the Pool remains a defendant in litigation that was a result of a suit filed by a Member against the Pool seeking coverage for a claim that had been disclaimed. The Pool prevailed on a motion for summary judgement and that decision has been appealed by the Member.

MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Ten Year Claims Development Information

Schedule 1

	June 30, 2016									
	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year
Required contributions and investment revenue:										
Earned	\$ 12,993,369	12,766,097	12,550,568	11,643,521	11,419,232	11,508,400	11,294,637	12,054,384	12,772,812	13,038,742
Ceded	3,378,053	3,374,440	3,261,098	2,673,438	2,860,835	2,649,308	3,387,000	3,372,395	3,656,079	3,358,136
Net earned revenue	9,615,316	9,391,657	9,289,470	8,970,083	8,558,397	8,859,092	7,907,637	8,681,989	9,116,733	9,680,606
Unallocated expenses:	2,512,805	2,660,809	2,760,794	2,571,617	2,708,275	2,733,083	2,836,968	2,885,305	3,059,760	3,131,708
Estimated net incurred claims and expense, end of policy year										
Incurred	5,779,666	5,232,566	7,659,582	5,032,317	4,784,569	4,650,987	4,121,425	4,693,778	4,524,453	3,999,345
Ceded	430,000	221,920	-	208,910	135,000	-	-	-	-	-
Net incurred claims	5,349,666	5,010,646	7,659,582	4,823,407	4,649,569	4,650,987	4,121,425	4,693,778	4,524,453	3,999,345
Paid claims (cumulative) as of:										
End of policy year	2,211,892	2,055,110	2,712,283	2,096,083	2,037,267	1,819,632	2,201,529	2,880,250	2,378,887	1,901,550
One year later	3,748,408	3,088,993	4,069,491	2,688,454	3,078,206	2,661,029	2,900,987	4,109,300	3,951,079	-
Two years later	5,032,510	3,644,632	5,176,208	3,393,940	3,641,177	2,948,683	3,349,386	4,680,067	-	-
Three years later	5,313,683	4,452,107	5,299,693	3,571,548	3,711,792	3,736,497	3,853,427	-	-	-
Four years later	5,433,964	4,825,580	5,444,846	3,817,811	3,718,052	4,083,590	-	-	-	-
Five years later	5,447,681	4,914,520	5,539,886	3,910,807	3,722,009	-	-	-	-	-
Six years later	5,472,885	4,982,645	5,547,359	3,937,320	-	-	-	-	-	-
Seven years later	5,484,843	5,008,606	5,550,023	-	-	-	-	-	-	-
Eight years later	5,556,637	5,013,192	-	-	-	-	-	-	-	-
Nine years later	5,583,936	-	-	-	-	-	-	-	-	-
Reestimated ceded claims	107,481	50,992	56,309	-	-	-	-	403,112	-	-
Reestimated incurred net claims as of:										
End of policy year	5,349,666	5,010,646	7,659,582	4,823,407	4,649,569	4,650,987	4,121,425	4,693,778	4,524,453	3,999,345
One year later	5,737,635	4,847,030	6,433,600	4,175,623	4,286,428	3,426,949	3,380,471	4,601,620	4,550,990	-
Two years later	5,039,062	4,554,849	5,477,755	3,663,048	4,031,315	3,260,825	3,388,751	4,579,310	-	-
Three years later	4,835,184	4,157,434	4,704,594	3,251,829	3,340,155	3,593,889	3,499,559	-	-	-
Four years later	4,641,930	4,401,812	4,817,847	3,526,896	3,224,830	3,483,774	-	-	-	-
Five years later	4,751,416	4,424,396	4,752,555	3,442,678	3,246,984	-	-	-	-	-
Six years later	4,590,621	4,467,170	4,765,763	3,460,474	-	-	-	-	-	-
Seven years later	4,737,240	4,405,717	4,805,173	-	-	-	-	-	-	-
Eight years later	4,699,233	4,435,499	-	-	-	-	-	-	-	-
Nine years later	4,886,841	-	-	-	-	-	-	-	-	-
Increase (decrease) in estimated net incurred claims from end of policy year	\$ (462,825)	(575,147)	(2,834,409)	(1,362,933)	(1,402,585)	(1,167,213)	(621,866)	(114,468)	26,537	-

MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Statements of Net Position by Fund Year
June 30, 2016

Schedule 2

	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07
	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year
ASSETS												
Cash and cash equivalents	\$ 22,887	-	-	-	31,527	84,029	237,135	585,134	1,374,608	1,167,916	931,191	872,424
Certificates of deposit	9,870	-	-	-	13,596	36,237	102,263	252,317	592,794	503,659	401,572	376,279
U.S. government and agency securities	44,408	-	-	-	61,171	163,041	460,113	1,135,337	2,667,156	2,246,112	1,806,792	1,692,767
Prepaid expense	-	-	-	-	-	-	-	-	-	-	-	-
Accounts receivable	-	-	-	-	-	-	-	-	-	-	-	-
Accrued interest receivable	242	-	-	-	338	887	7,505	6,182	14,523	12,339	9,838	9,217
Total current assets	77,407	-	-	-	106,627	284,194	802,016	1,978,990	4,649,081	3,950,026	3,149,393	2,950,637
Capital assets:												
Computer equipment	-	-	-	-	-	-	-	-	-	-	-	-
Software upgrade in progress	-	-	-	-	-	-	-	-	-	-	-	-
Accumulated depreciation	-	-	-	-	-	-	-	-	-	-	-	-
Net capital assets	-	-	-	-	-	-	-	-	-	-	-	-
Total assets	\$ 77,407	-	-	-	106,627	284,194	802,016	1,978,990	4,649,081	3,950,026	3,149,393	2,950,637
LIABILITIES												
Liabilities:												
Accounts payable	-	-	-	-	-	-	-	-	-	-	-	-
Claims loss reserves:												
Claims reserves	-	-	-	-	-	-	-	-	-	-	-	-
Reinsurance recoverable	-	-	-	-	-	-	-	-	-	-	641	265,672
Net claims loss reserves	-	-	-	-	-	-	-	-	-	-	641	265,672
Claims service fee reserve	-	-	-	-	-	-	-	-	-	-	962	9,162
Total liabilities	\$ -	-	-	-	-	-	-	-	-	-	1,603	274,834
NET POSITION												
Net investment in capital assets	-	-	-	-	-	-	-	-	-	-	-	-
Unrestricted:												
Board designated:												
Reserve for adverse development	-	-	-	-	-	-	-	-	-	-	165	68,422
Safety enhancement fund	-	-	-	-	-	-	-	-	-	-	-	-
Contingency reserve	77,407	-	-	-	106,627	284,194	802,016	1,978,990	4,649,081	3,950,026	3,147,790	2,607,381
Total net position	\$ 77,407	-	-	-	106,627	284,194	802,016	1,978,990	4,649,081	3,950,026	3,147,790	2,675,803

MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Statements of Net Position by Fund Year
June 30, 2016

Schedule 2, continued

	2007-08 Fund Year	2008-09 Fund Year	2009-10 Fund Year	2010-11 Fund Year	2011-12 Fund Year	2012-13 Fund Year	2013-14 Fund Year	2014-15 Fund Year	2015-16 Fund Year	P&C Safety Fund	Totals (memorandum only)	
											2016	2015
ASSETS												
Cash and cash equivalents	\$ 1,021,591	685,547	1,094,715	934,411	904,843	788,336	639,136	999,415	1,058,837	63,092	13,496,774	10,597,556
Certificates of deposit	440,557	295,639	472,091	401,961	390,210	339,967	275,625	430,994	456,619	27,208	5,820,428	6,758,180
U.S. government and agency securities	1,982,196	1,330,169	2,124,080	1,813,041	1,755,671	1,529,612	1,240,118	1,939,169	2,054,465	122,418	26,187,836	26,147,820
Prepaid expense	-	-	-	-	-	-	-	-	813,233	-	813,233	48,350
Accounts receivable	-	-	-	-	-	663	3,500	3,714	60,757	-	68,614	35,365
Accrued interest receivable	10,793	7,243	11,566	9,873	9,580	8,328	6,752	10,556	11,187	667	142,593	139,696
Total current assets	3,455,137	2,318,598	3,702,452	3,160,286	3,060,284	2,666,906	2,165,131	3,383,850	4,455,098	213,385	46,529,498	43,726,967
Capital assets:												
Computer equipment	-	-	-	-	-	-	-	-	1,077,529	-	1,077,529	621,061
Software upgrade in progress	-	-	-	-	-	-	-	-	-	-	-	214,132
Accumulated depreciation	-	-	-	-	-	-	-	-	(367,399)	-	(367,399)	(290,084)
Net capital assets	-	710,130	-	710,130	545,109							
Total assets	\$ 3,455,137	2,318,598	3,702,452	3,160,286	3,060,284	2,666,906	2,165,131	3,383,850	5,165,228	213,385	47,239,628	44,272,076
LIABILITIES												
Liabilities:												
Accounts payable	-	-	-	-	-	-	-	5,288	-	-	5,288	10,996
Claims loss reserves:												
Claims reserves	64,626	108,622	44,911	43,841	79,192	199,675	892,372	1,090,024	2,415,374	-	5,204,950	4,943,244
Reinsurance recoverable	-	-	-	-	-	-	(139,554)	-	-	-	(139,554)	(199,793)
Net claims loss reserves	64,626	108,622	44,911	43,841	79,192	199,675	752,818	1,090,024	2,415,374	-	5,065,396	4,743,451
Claims service fee reserve	2,050	9,062	9,012	6,507	8,321	23,064	51,551	121,713	200,301	-	431,905	359,066
Total liabilities	\$ 66,676	118,684	47,923	50,348	87,713	222,739	804,369	1,217,025	2,615,675	-	5,902,589	5,113,513
NET POSITION												
NET investment in capital assets	-	-	-	-	-	-	-	-	710,130	-	710,130	545,109
Unrestricted:												
Board designated:												
Reserve for adverse development	16,644	27,975	11,567	11,291	20,395	51,425	196,240	280,729	622,065	-	1,506,918	1,049,694
Safety enhancement fund	-	-	-	-	-	-	-	-	-	213,385	213,385	202,589
Contingency reserve	3,371,817	2,176,939	5,642,962	3,059,647	2,952,176	2,392,742	1,164,522	1,886,096	1,217,358	-	19,506,606	17,361,171
Total net position	\$ 3,388,481	2,294,914	3,654,529	3,109,938	2,972,571	2,444,167	1,360,762	2,166,825	2,549,553	213,385	41,737,019	39,158,563

**MARINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL**
Statements of Revenues and Expenses by Fund Year
For the Period Ended June 30, 2016

Schedule 8

	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07
	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year
Operating revenues:												
Member contributions	\$ -	-	-	-	-	-	-	-	-	-	-	-
Investment income	1,193	-	-	-	1,643	4,201	12,355	30,488	71,412	61,475	48,518	45,722
Unrealized gain (loss) on investments	1,117	-	-	-	2,518	4,101	11,571	28,554	67,080	57,999	45,440	42,745
Grant income	-	-	-	-	-	-	-	-	-	-	-	-
Total operating revenues	2,910	-	-	-	3,161	8,487	23,926	59,042	138,702	119,466	93,958	88,467
Operating expenses:												
Claims paid less:												
Deductible recovery	-	-	-	-	-	348	-	-	-	130,282	140	27,299
Salvage recovery	-	-	-	-	-	-	-	-	-	-	-	-
Subrogation recovery	-	-	-	-	-	-	(211)	-	-	(150)	(275)	-
Net claims paid before reinsurance	-	-	-	-	-	348	(211)	-	-	130,132	(135)	27,299
Reinsurance recovery	-	-	-	-	-	-	-	-	-	-	-	-
Net claims paid after reinsurance	-	-	-	-	-	348	(211)	-	-	130,132	(135)	27,299
Claims reserve adjustment:												
Established claims	-	-	-	-	-	(3,907)	-	-	-	(76,376)	(140)	160,309
Less reinsurance recoverable estimate	-	-	-	-	-	-	-	-	-	-	-	-
Net claims expense adjustment	-	-	-	-	-	(3,559)	(211)	-	-	51,756	(275)	187,608
Reinsurance premium	-	-	-	-	-	-	-	-	-	-	-	-
Premiums remitted	-	-	-	-	-	-	-	-	-	-	-	-
Administrative fee	-	-	-	-	-	-	-	-	-	-	-	-
Claims service reserve adjustment	-	-	-	-	-	-	-	-	-	-	-	-
Consultants and legal fees	-	-	-	-	-	(2,656)	-	-	-	(1,328)	(384)	1,082
Maintenance contracts	-	-	-	-	-	-	-	-	-	-	-	-
Dividends	-	-	-	-	-	-	-	-	-	-	-	-
Depreciation	-	-	-	-	-	-	-	-	-	-	-	-
Total operating expenses	-	-	-	-	-	(6,715)	(211)	-	-	52,428	(641)	188,690
Change in net position	\$ 2,910	-	-	-	3,161	14,897	24,137	59,042	188,702	67,030	94,399	(100,223)

MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Statements of Revenues and Expenses by Fund Year
For the Period Ended June 30, 2016

Schedule 3, continued

	2007-06 Fund Year	2008-09 Fund Year	2009-10 Fund Year	2010-11 Fund Year	2011-12 Fund Year	2012-13 Fund Year	2013-14 Fund Year	2014-15 Fund Year	2015-16 Fund Year	P&C Safety Fund	Totals (memorandum only)	
											2016	2015
Operating revenues:												
Member contributions	\$ -	-	-	-	-	-	508	494	12,916,522	-	12,917,524	12,774,818
Investment income	53,267	35,713	57,229	48,737	50,094	45,749	37,389	55,554	53,435	-	714,564	591,806
Unrealized gain (loss) on investments	49,695	33,444	51,490	45,838	45,177	42,180	34,501	47,948	68,783	-	681,185	161,334
Grant income	-	-	-	-	-	-	-	-	-	25,000	25,000	50,000
Total operating revenues	103,152	69,157	110,719	94,375	95,271	87,929	72,398	103,994	13,038,742	25,000	14,338,273	13,577,958
Operating expenses:												
Claims paid less:	4,586	2,664	26,513	3,957	347,093	504,041	570,767	1,572,192	1,901,550	-	5,091,432	5,051,278
Deductible recovery	-	-	39	-	-	(8,646)	(38,408)	(93,131)	(111,212)	-	(251,358)	(398,032)
Salvage recovery	-	-	-	-	-	-	-	(6,889)	(29,667)	-	(36,556)	(22,079)
Subrogation recovery	-	(1,774)	(500)	(420)	(1,050)	(25,200)	(4,018)	(101,082)	(178,200)	-	(311,886)	(272,851)
Net claims paid before reinsurance	4,586	890	26,052	3,537	346,043	470,195	528,341	1,371,084	1,563,971	-	4,491,131	4,258,316
Reinsurance recovery	-	-	-	-	-	-	-	-	-	-	-	(263,558)
Net claims paid after reinsurance	4,586	890	26,052	3,537	346,043	470,195	528,341	1,371,084	1,563,971	-	4,492,132	3,994,758
Claims reserve adjustment:												
Established claims	25,196	38,520	(8,356)	18,617	(458,158)	(359,386)	(147,540)	(1,344,547)	2,415,374	-	261,706	(216,164)
Less reinsurance recoverable estimate	-	-	-	-	60,239	-	-	-	-	-	60,239	228,283
Net claims expense adjustment	25,196	38,520	(8,356)	18,617	(458,158)	(359,386)	(147,540)	(1,344,547)	2,415,374	-	261,706	(216,164)
Reinsurance premium	29,782	39,610	17,796	22,154	(49,878)	110,809	380,801	26,537	3,999,345	-	4,816,077	4,006,877
Premiums reutilized	-	-	-	-	-	-	-	(1,316)	2,973,555	-	2,972,239	3,234,563
Administrative fee	-	-	-	-	-	-	-	-	384,581	-	384,581	426,104
Claims service reserve adjustment	129	(363)	(1,678)	2,239	(4,165)	(9,284)	(28,031)	(85,041)	200,301	-	72,879	32,254
Consultants and legal fees	-	-	-	-	-	-	-	20,975	9,501	18,204	48,680	66,583
Maintenance contracts	-	-	-	-	-	-	-	-	86,727	-	86,727	68,075
Dividends	-	-	-	-	-	-	549,475	-	-	-	549,475	549,959
Depreciation	-	-	-	-	-	-	-	-	77,315	-	77,315	22,520
Total operating expenses	29,911	39,047	16,118	24,393	(54,041)	101,525	904,245	(38,845)	10,489,189	18,204	11,759,297	11,136,317
Change in net position	\$ 73,241	30,110	94,601	69,982	149,312	(13,596)	(81,847)	142,839	2,549,553	16,796	2,578,976	2,441,641

MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Cumulative Statements of Revenues and Expenses
For the Period March 1, 1987 through June 30, 2016

Schedule 4

	1987-89	1993-98	1998-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07
	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year
Operating revenues:													
Contributions	\$ 28,353,996	4,600,925	3,549,224	3,372,596	3,375,157	3,687,177	5,147,451	6,208,414	8,825,598	10,486,038	12,037,771	12,370,086	12,811,051
Investment income	2,727,775	359,184	473,658	84,095	17,134	280,109	230,998	416,200	751,345	1,209,261	1,108,468	964,124	772,726
Grant income													
Total operating revenues	31,081,771	4,960,109	4,023,084	3,456,691	3,392,291	3,967,281	5,377,449	6,624,614	9,576,943	11,695,299	13,146,239	13,334,210	13,583,777
Operating expenses:													
Claims paid	12,914,810	2,012,365	1,275,736	2,041,100	2,041,548	1,341,859	4,192,280	2,719,663	3,280,678	2,932,899	5,079,435	4,750,925	5,583,936
Less: Deductible recovery	(740,006)	(26,086)	(6,000)	(6,419)	(4,723)	(4,534)	(109,381)	(65,969)	(106,371)	(89,701)	(294,855)	(176,145)	(652,763)
Salvage recovery	(43,567)	(8,827)	(7,228)	(7,171)	(16,884)	(16,434)	(17,170)	(13,863)	(28,741)	(6,628)	(28,477)	(14,635)	(22,484)
Subrogation recovery	(319,120)	(115,030)	(37,183)	(43,117)	(109,766)	(86,736)	(126,947)	(99,455)	(323,818)	(113,327)	(198,313)	(248,310)	(180,039)
Net claims paid before reinsurance	11,792,117	1,862,842	1,225,327	1,984,393	1,910,173	1,234,131	3,938,762	2,540,576	2,826,748	2,741,247	4,559,790	4,313,835	4,728,850
Reinsurance recovery	(2,397,203)	(135,385)	(22,015)	(493,574)	(100,533)	(77,859)	(1,276,748)	(327,483)	(144,666)	-	(612,647)	(174,878)	(107,481)
Reinsurance recovery aggregate	(496,366)	-	-	-	(229,682)	-	(215,618)	-	-	-	-	-	-
Net claims paid after reinsurance	8,896,549	1,727,257	1,203,312	1,491,819	1,579,978	1,156,272	2,662,398	2,212,893	2,682,082	2,741,247	3,947,143	4,139,157	4,621,169
Claims reserve adjustment:													
Established claims	-	-	-	-	-	-	-	-	-	-	-	641	265,872
Less reinsurance recoverable estimate	-	-	-	-	-	(1)	-	-	-	-	-	-	-
Net claims expense adjustment	8,896,549	1,727,257	1,203,312	1,491,819	1,579,978	1,156,271	2,662,398	2,212,893	2,682,082	2,741,247	3,947,143	4,139,798	4,886,841
Reinsurance premium	12,463,606	1,502,842	1,079,765	973,632	866,631	802,491	1,492,095	1,707,245	2,119,070	1,970,970	2,525,573	2,478,472	2,817,521
Premiums forfeited	392,463	119,937	211,736	240,911	248,803	331,911	417,165	461,578	516,502	791,892	918,154	553,758	547,725
Claims service fee	156,236	14,000	-	7,000	9,500	7,000	7,000	-	-	-	-	-	-
Administrative fee	1,442,078	930,104	1,024,453	1,051,088	1,081,080	1,120,190	1,194,708	1,307,772	1,471,659	1,535,480	1,643,475	1,941,174	2,184,295
Loss prevention services	408,476	(2,095)	-	-	-	-	-	-	-	-	-	-	-
Claims service reserve adjustment	-	-	-	-	-	-	-	-	-	-	-	982	9,162
Consultants and legal fees	-	-	-	-	-	11,982	971	18,542	20,652	11,225	18,094	130,716	27,854
Maintenance contracts	-	339	1,746	2,821	3,916	1,810	30,024	1,045	9,019	8,145	20,650	51,606	44,073
Depreciation	-	29,427	35,061	36,343	37,044	31,156	29,853	30,013	27,766	24,436	44,806	41,926	46,372
Dividends	320,072	152,646	175,756	163,885	172,123	171,980	174,665	172,543	174,875	199,574	249,387	299,360	349,129
Total operating expenses	26,091,478	4,474,457	3,729,829	3,967,519	3,999,073	3,816,591	5,774,827	5,811,651	7,015,625	7,287,069	9,367,292	9,637,772	10,907,974
Excess (deficiency) of revenue over (under) expenses	4,990,293	485,652	299,255	(510,828)	(606,781)	310,690	(401,378)	712,943	2,561,318	4,408,230	3,778,947	3,696,438	2,675,801
Transfer to fund year:													
1996-97	(772,855)	-	772,855	-	-	-	-	-	-	-	-	-	-
1997-98	(522,307)	-	-	522,307	-	-	-	-	-	-	-	-	-
1998-99	(659,100)	-	-	-	659,100	-	-	-	-	-	-	-	-
1999-00	(380,929)	-	-	-	-	380,929	-	-	-	-	-	-	-
2000-01	(685,572)	-	-	-	-	-	685,572	-	-	-	-	-	-
2001-02	(500,000)	-	(65,066)	-	-	-	-	585,066	-	-	-	-	-
2002-03	(348,772)	-	-	-	-	-	-	-	348,772	-	-	-	-
2003-04	(240,851)	-	-	-	-	-	-	-	-	740,851	-	-	-
2004-05	(171,079)	-	-	-	-	-	-	-	-	-	171,079	-	-
2005-06	-	-	-	-	-	-	-	-	-	-	-	-	-
2006-07	-	-	-	-	-	-	-	-	-	-	-	-	-
2007-08	(411,343)	(282,379)	-	-	111,343	-	-	-	-	-	-	-	-
2008-09	(297,485)	(125,866)	-	-	-	-	-	-	-	-	-	-	-
2009-10	-	-	(400,000)	-	-	-	(330,261)	-	-	-	-	-	-
2010-11	-	-	-	-	-	-	-	(259,515)	(500,000)	-	-	-	-
2011-12	-	-	(465,652)	-	-	-	-	-	-	-	-	-	-
2012-13	-	-	(135,392)	(11,479)	(163,654)	(274,731)	(250,000)	(216,494)	-	-	-	-	-
2013-14	-	-	-	-	-	-	-	-	-	-	-	(548,648)	-
2014-15	-	-	-	-	-	-	-	-	(433,100)	-	-	-	-
2015-16	-	-	-	-	-	-	-	-	-	-	-	-	-
Transfer from POL to PBC	-	-	-	-	-	-	250,000	-	-	-	-	-	-
Transfer to WC Training Fund	-	-	-	-	-	-	-	-	-	-	-	-	-
Net position	\$ 77,867	\$ 77,867	\$ 77,867	\$ 77,867	\$ 77,867	\$ 77,867	\$ 77,867	\$ 77,867	\$ 77,867	\$ 77,867	\$ 77,867	\$ 77,867	\$ 77,867

MAINE MUNICIPAL ASSOCIATION
PROPERTY AND CASUALTY POOL
Cumulative Statements of Revenues and Expenses
For the Period March 1, 1997 through June 30, 2016

	2007-06	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	P&C Safety	Total
	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund Year	Fund	
Operating revenues:											
Contributions	\$ 12,592,937	12,437,549	12,161,514	11,418,967	11,488,984	11,301,395	11,989,009	12,773,306	12,916,527		221,902,659
Investment income	654,579	353,744	363,787	267,363	740,156	184,881	199,445	161,866	122,220		11,945,318
Grant income										307,305	307,305
Total operating revenues	13,247,516	12,791,293	12,527,301	11,686,330	11,729,140	11,486,276	12,188,454	12,935,172	13,038,747	307,305	236,150,282
Operating expenses:											
Claims paid	5,013,192	5,530,023	3,937,320	3,722,009	4,081,590	3,655,427	4,680,067	3,951,079	1,901,550		46,859,491
Less: Deductible recovery	(184,872)	(456,993)	(241,174)	(271,445)	(354,822)	(175,857)	(218,959)	(238,371)	(111,212)		(4,616,060)
Salvage recovery	(7,052)	(13,363)	(16,791)	(11,130)	(20,952)	(20,410)	(25,047)	(21,366)	(29,667)		(391,693)
Subrogation recovery	(299,403)	(327,407)	(263,793)	(235,283)	(305,234)	(357,275)	(346,012)	(230,378)	(176,700)		(4,558,663)
Net claims paid before reinsurance	4,421,865	4,732,666	3,415,363	3,203,141	3,404,582	3,299,889	4,090,049	3,460,966	1,583,971		77,293,075
Reinsurance recovery	(50,992)	(56,309)					(261,558)				(8,740,130)
Reinsurance recovery aggregate											(84,164)
Net claims paid after reinsurance	4,370,873	4,696,351	3,415,363	3,203,141	3,404,582	3,299,889	3,828,491	3,460,966	1,583,971		70,111,301
Claims reserve adjustment:											
Established claims	64,626	108,622	44,911	43,841	79,192	199,675	892,372	1,090,024	2,415,374		5,204,950
Less reinsurance recoverable estimate							(199,353)				(139,554)
Net claims expense adjustment	64,626	108,622	44,911	43,841	79,192	199,675	892,372	1,090,024	2,415,374		5,065,396
Reinsurance premium	2,617,164	2,738,893	3,681,134	2,621,188	2,248,872	2,072,310	3,041,278	3,230,664	2,973,555		58,216,991
Premiums remitted	552,569	922,923	571,260	421,987	402,206	320,316	335,704	424,099	384,581		9,700,208
Claims service fee											210,736
Administrative fee	3,372,928	2,388,968	2,280,502	2,387,654	2,445,921	2,517,602	2,614,787	2,709,383	2,757,864		42,407,163
Loss prevention services											406,381
Claims service reserve adjustment	2,050	5,067	3,012	6,507	8,521	23,064	51,551	121,713	200,301		431,905
Consultants and legal fees	18,424	30,515	16,191	29,076	24,872	58,113	58,945	74,003	9,501	88,920	643,738
Maintenance contracts	31,887	58,430	51,928	56,666	55,360	51,193	64,180	68,075	86,727		679,266
Depreciation	47,211	50,353	36,939	16,550	8,230	1,806	1,130	22,520	77,315		8,221,257
Dividends	349,653	399,413	499,593	549,283	549,365	549,959	549,475				6,222,746
Total operating expenses	10,627,381	11,009,730	9,603,035	9,315,907	9,272,221	10,093,863	11,296,340	11,201,447	10,489,189	88,920	194,769,190
Excess (deficiency) of revenue over (under) expenses	2,620,135	1,781,563	2,924,266	2,335,423	2,506,919	1,392,413	892,114	1,733,725	2,549,558	213,385	41,381,092
Transfer to fund year											
1996-97											
1997-98											
1998-99											
1999-00											
2000-01											
2001-02											
2002-03											
2003-04											
2004-05											
2005-06											
2006-07											
2007-08	582,379										
2008-09		422,351									
2009-10			730,261								
2010-11				759,515							
2011-12					465,852						
2012-13						1,051,754					
2013-14							548,648				
2014-15								433,100			
2015-16											439,947
Transfer from P&C to P&C	185,947										(80,000)
Transfer to WC Training Fund								(80,000)			
Net position	\$ 3,888,461	3,204,914	8,634,529	5,189,938	2,972,571	2,444,167	1,380,762	2,384,825	2,949,353	213,385	41,737,039

FINANCE & ADMINISTRATION COMMITTEE MEETING

Monday, December 5th, 2016

MINUTES

Hampden Town Office

Attending:

Councilor Greg Sirois, Chair

Mayor David Ryder

Councilor Mark Cormier

Councilor Terry McAvoy

Councilor Ivan McPike

Councilor Stephen Wilde

Councilor Dennis Marble

Town Manager Angus Jennings

Chairman Sirois called the meeting to order at 6:30 p.m.

1. Meeting Minutes

- a. **November 14, 2016** – *Motion by Councilor McAvoy seconded by Councilor Marble to approve the minutes as written. Motion passed 7-0.*
- b. **November 21, 2016** – *Motion by Councilor McAvoy seconded by Councilor Marble to approve the minutes as written. Motion passed 7-0.*

2. Review & Sign Warrants – *Warrants were reviewed and signed by Committee members.***3. Old Business** – *None***4. New Business**

- a. **Request for recommendation for Council award of contract – Old County Road Storm Drain Sliplining** – *referral from Infrastructure Committee – Based on review of the bid tab and the written recommendation from the Public Works Director, there was a motion by Councilor McPike seconded by Councilor Marble to recommend Council award of contract to CLH. Motion passed 7-0.*
- b. **Request for recommendation for Council authorization of \$800.00 in funding from the Library reserve fund (3-763-00) for the purpose of paying for roof repair** – *Councilor McAvoy made a*

motion to not recommend Council authorization of reserve funding, saying that this expense should be paid out of the Library building maintenance operating budget and that reserve should only be spent if operating budget is expended. Councilor McPike seconded the motion. Councilor McAvoy modified the motion to recommend that the Council authorize reserve funding, but noting that he would vote against the motion. Councilor Marble seconded. The modified motion passed 6-1 with Councilor McAvoy opposed.

- c. Request for recommendation for Council ratification for the prior expenditure of Matching Grant Reserve funds (3-780-00) in the amount of \$737.30 for the purpose of the town's share of the MMA Emergency Vehicle Operation Course equipment – Manager Jennings summarized his memo in the packet. There was a motion by Councilor Wilde seconded by Councilor Marble to recommend Council ratification of the prior expenditure of Matching Grant Reserve funds in the amount of \$737.30 for the purpose of the town's share of the MMA Emergency Vehicle Operation Course equipment. The motion passed 7-0.**

5. Public Comment – None.

6. Committee Member Comments – None.

7. Adjournment

There being no further business, the meeting was adjourned at 6:40 p.m.

Respectfully submitted –
Angus Jennings, Town Manager

INFRASTRUCTURE COMMITTEE MEETING

Monday, November 28, 2016

MINUTES

Attending:

*Councilor Dennis Marble, Chair
Mayor David Ryder
Councilor Terry McAvoy
Councilor Mark Cormier
Councilor Stephen Wilde
Councilor Ivan McPike*

*Councilor Greg Sirois
Town Manager Angus Jennings
DPW Director Sean Currier
Rosemary Bezanson (staff)
Public Attendances:
William Lippincott – Wilbur Dr.
Rebecca McElrath & Dean Turner
Main Rd. South*

Chairman Marble called the meeting to order at 6 PM.

1. **MINUTES** – 9/12/2016 Meeting, The October 12, 2016 minutes. 7-0 vote in favor.

2. **OLD BUSINESS**

- a. **Review of Drumlin LLC report on landfill monitoring.**

Manager Angus Jennings spoke about the March report from Drumlin on the now closed Pine Tree Landfill.

Mr. Lippincott stated the wells overall are improving, ten (10) wells are showing contamination, nine (9) out of the twelve (12) detecting arsenic. Mr. Lippincott went on to say there are many indicators with arsenic and contaminants, in the wells.

It was suggested that the report be put in "layman" terms. Manager Jennings said he would convey these comments to the consultant, who will be presenting their report at the Town Council meeting on December 19, 2016.

- b. **Review of speed enforcement on Maine Road South and jake brakes Ordinance – request of Councilor Wilde**

Chief Rogers spoke about the use of engine brakes, they are on the dump trucks and other big trucks for safety reasons. This past spring the Council repealed the ordinance prohibiting the use of Jake Brakes.

Rebecca McElrath spoke about the use of the jake brakes coming down the hill, by her residence at Main Road South, to slow down coming into the school zone at the bottom of the hill.

Ms. McElrath asked if a sign could be put up asking to "please refrain from use of Engine brakes".

DPW Director Carrier stated he would have signs created and installed.

Manager Jennings, asked that the Committee take up item 3 C under new business out of order, since Jamie Holyoke, from the Hampden Water District is present for this item.

3. NEW BUSINESS

c. Update on upcoming (November 30) working meeting regarding route and financing for water supply to Fiberight/MRC and Coldbrook Road area – Angus Jennings, Town Manager

Manager Jennings spoke about the MRC/Fiberight development and their proposal to run water via the Ammo Park easement, rather than going the Coldbrook Road route, as the original approved plan proposed. Manager Jennings stated that this would limit the development potential in the Hampden Business Park. He has been asking Greg Louder of the MRC for some numbers on the estimated costs between the two routes that water could be supplied. As of tonight's meeting there have been no costs (numbers) supplied.

There is a scheduled meeting on Wednesday November 30th at 12:30 p.m. with the MRC, Town and Water District, and major landowners.

Jamie Holyoke, Superintendent Hampden Water District, stated that up to just a few weeks ago the route for the water (plan) was the Coldbrook Road corridor, which was the original approved plan for the MRC/Fiberight development. Now the proponent would like to run water via the Ammo Park easement, which makes it harder to maintain the line, and which would limit future development. Mr. Holyoke stated the Water District Board could not bear the cost (at this time) of putting in a new water line.

In the event of an MRC funding shortfall, TIF money and the Environmental Trust were discussed as potential funding options if the Town were to contribute.

Manager Jennings stated that he would need to see the numbers on the cost estimates between the two proposed routes.

2. OLD BUSINESS

c. Proposed amendments to Sewer Ordinance – abatement policy, summer meters, testing standards etc. – DPW Director Carrier

DPW Director Currier stated he has spent a lot of time working on this ordinance. Council decided to go through the edit process and forward those edits with feedback to Director Currier.

- d. **Update regarding consideration of LED streetlights; updated proposal from Pemco, and review of information from Realterm Energy – Angus Jennings, Town Manager**
Due to the length of the meeting this item was postponed.

3. **NEW BUSINESS**

- a. **Recommendation of vendor for Old County Road Storm Drain slip lining project – DPW Director Currier**

DPW Director Currier stated that Emery Lee & Sons was the low bidder on the slip lining project. However, some requirements in the bid process were missing. Director Currier asked the Council what their feel is on the bid. It was agreed that Director Currier check the references provided by Emery Lee & Sons.

It will be on the December 5th Finance meeting for recommendation to Council.

- b. **Stockpiled brush at Transfer Station – DPW Director Currier**
Due to the length of the meeting this item was postponed.
- d. **Discussion of timeline for consideration of sewer rates taking into account borrowing authorized by local ballot questions, and notice from Bangor WWTP regarding unbudgeted sewer repairs – Angus Jennings, Town Manager**
Manager Jennings, informed the Committee on the sewer rates and the borrowing of funds to pay the outstanding balance authorized by the local ballot. He is working to update cost and revenue projections in anticipation of a public hearing regarding sewer rates in February 2017.
- e. **Discussion of potential amendments to Transfer Station policy – Angus Jennings, Town Manager**
Manager Jennings stated that due to the length of the meeting this item would be discussed at a future meeting.

4. **PUBLIC COMMENTS**

5. **COMMITTEE MEMBER COMMENTS**

Motion to adjourn 8:17 PM



Town of Hampden
Planning and Development Committee
 Wednesday December 12, 2016, 6:00 pm
 Municipal Building Council Chambers
Minutes

Attending:

Committee/Council

Ivan McPike-Chair
 Stephen Wilde
 Terry McAvoy
 Mark Cormier
 Dennis Marble

Staff

Angus Jennings, Town Manager
 Karen Cullen, Town Planner
 Myles Block, CEO

Chairman McPike called the meeting to order at 6:00 p.m.

1. Approval of November 16, 2016 Minutes – Motion to approve as submitted made by Councilor McAvoy with second by Councilor Wilde; carried 5/0/0.
2. Committee Applications: None.
3. Updates:
 - A. Status of MRC/Fiberight: The meeting packet included a copy of the MRC's newsletter. Town Manager Jennings said there will be a meeting of the key parties, including Fiberight and MRC, this Wednesday morning to continue discussions on the water supply situation. Staff said the road/infrastructure construction is scheduled to continue through February 2017.
 - B. Staff Report – nothing outside of agenda items to report tonight.
4. Old Business:
 - A. Business Park TIF: Town Manager Jennings said we are expecting to receive a draft of the TIF document from our consultant this week; comments on it from staff and Sargent Corp. will be sent back to the consultant. This will be on the December 21 agenda for P&D. In response to an email inquiry from the consultant, after discussion the P&D by consensus agreed the official name of the TIF should be "Hampden Business Park Omnibus Municipal Development and Tax Increment Financing District." The Committee also agreed that it should be an omnibus district. On a 3-2 straw poll, the Committee decided to – for the draft – include transit oriented designation. These decisions are not binding, as the full Council will be the final vote on the TIF documents following a referral out from the P&D Committee.

- B. **Market Study:** Manager Jennings introduced Sarah Woodworth of W-ZHA, our consultant on the market study. Ms. Woodworth led a discussion with the Councilors on what is working and what is not in terms of economic development in town, and what the town's weaknesses are – barriers to investment – as well as our strengths. Sarah will return to Hampden in February 2017 for a presentation of her report, which will include a statistical analysis of demographic and economic data as well as a preliminary analysis of market factors that impact future business development.
5. **New Business:** None.
6. **Zoning Considerations/Discussion:** None.
7. **Citizens Initiatives:** None.
8. **Public Comments:** None.
9. **Committee Member Comments:** None.
10. **Adjournment:** Motion to adjourn at 7:55 pm by Councilor Marble; seconded by Councilor McAvoy, carried 4/0/0 (Councilor Wilde left at 7:30).

*Respectfully submitted by
Karen Cullen, Town Planner*



COPY

Check One:

Reappointment Application

E-3-a

TOWN OF HAMPDEN

APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: GRESSER VIVIAN M
LAST FIRST MI

ADDRESS: 19 CARVER RD HAMPDEN 04444
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 862-3676 _____
HOME WORK

EMAIL: vivgresser@gmail.com

OCCUPATION: Retired

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: Historic Preservation

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? _____

Current member of Hampden Historical Society
Former town employee

Are there any issues you feel this board or committee should address, or should continue to address? _____

- CONSERVATION COMMITTEE
- BOARD OF ASSESSMENT REVIEW
- PERSONNEL APPEALS BOARD
- LURA HOIT MEMORIAL POOL
- ECONOMIC DEVELOPMENT COMMITTEE
- FRIENDS OF DOROTHEA DIX PARK

3 YEAR

- DYER LIBRARY
- RECREATION COMMITTEE
- BOARD OF APPEALS
- HISTORIC PRESERVATION COMMITTEE
- TREE BOARD

5 YEAR PLANNING BOARD

Town of Hampden RECEIVED

FOR TOWN USE ONLY Date Application Received: DEC 14 2016

COUNCIL COMMITTEE ACTION: Referred to Council by P+D DATE: 12/21/16 Office of the Town Clerk

COUNCIL ACTION: _____ DATE: _____

NEW APPT REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____

Emailed Vivian 12/15/16



COPY

Check One: Initial

Reappointment Application

E-3-b

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: SIMONS Jeff

ADDRESS: 43 Cottage Street Hampden ME 04444

MAILING ADDRESS (if different):

TELEPHONE: 207-460-1953 HOME

EMAIL: tamseffsimons@gmail.com

OCCUPATION: Manager Sandollar

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: Historic Preservation

SECOND CHOICE (OPTIONAL):

How would your experience, education and/or occupation be a benefit to this board or committee? life time in construction business and love of architecture.

Are there any issues you feel this board or committee should address, or should continue to address?

- 3 YEAR: CONSERVATION COMMITTEE, BOARD OF ASSESSMENT REVIEW, PERSONNEL APPEALS BOARD, LURA HOIT MEMORIAL POOL, ECONOMIC DEVELOPMENT COMMITTEE, FRIENDS OF DOROTHEA DIX PARK, DYER LIBRARY, RECREATION COMMITTEE, BOARD OF APPEALS, HISTORIC PRESERVATION COMMITTEE, TREE BOARD
5 YEAR: PLANNING BOARD

FOR TOWN USE ONLY
Date Application Received: RECEIVED
COUNCIL COMMITTEE ACTION: Referred to Council by P+D DATE: DEC 14 2016
COUNCIL ACTION: DATE:
NEW APPT REAPPOINTMENT DATE APPOINTMENT EXPIRES:

Emailed Jeff 12/15/16

TOWN OF HAMPDEN
BID OPENING
Interest Rate: Sewer Bills
December 27, 2016 @ 9:00 a.m.

BIDDER	INTEREST RATE
Androscoggin Bank	5 year 4.75
	7 year 5.11
	10 year 5.71
Camden National	5 year 3.69
	7 year 3.99
	10 year Did not bid
The First	5 year 2.38
	7 year 2.61
	10 year 2.97
Katahdin Trust	5 year 3.71
	7 year 4.09
	10 year 4.46
Bangor Savings Bank	5 year 3.27
	7 year 3.43
	10 year Did not bid

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
Email:
townmanager@hampdenmaine.gov

REQUEST FOR INTEREST RATE BID
\$258,810 Loan
Town of Hampden, Maine

The Town of Hampden is seeking interest rate bids for a \$258,810 loan in order to pay past due amounts to the City of Bangor for sewage treatment and pump station maintenance. Authorization for this borrowing was granted by referendum vote on November 8, 2016.

The Town Council is evaluating alternative repayment periods, and we invite interest rates for terms of five (5), seven (7) and ten (10) years. Proposal must specify how long the quoted interest rates will be honored. Borrowing would be repaid from sewer revenues. The Town's Bond Counsel, Dan Pittman at Eaton Peabody, has advised that, due to the nature of the expenses, this borrowing would not be tax exempt.

Enclosed please find a copy of the Town's most recent audit (FY15) as well as a copy of the current year budget. If you require additional information, please contact Angus Jennings, Town Manager at 862-3034 no later than Monday, December 19. Information provided in response to a prospective bidder's request will be provided as an Addendum to all prospective bidders who have expressed interest in receiving such information.

Bids shall be sealed and clearly marked as "Interest Rate Bid: Sewer Bills" on the exterior envelope when submitted. Bids shall be submitted to the following address:

Town of Hampden
106 Western Avenue
Hampden, ME 04444
Attn: Town Manager

Bids shall be due by 9 a.m. on Tuesday, December 27, 2016 and shall be opened at that time. The winning bid shall be awarded at the Town Council meeting on Tuesday, January 3, 2017.

The Hampden Town Council reserves the right to accept or reject any and all bids.



TOWN OF HAMPDEN CLERK'S CERTIFICATE

I, Paula A. Scott, Clerk of the Town of Hampden, do hereby certify that the following is a true and accurate record of a vote taken by the Town Council of said Hampden, at a regular meeting held on September 8, 2016, a majority of the Councilors being present:

VOTED: Motion by Councilor McAvoy, seconded by Councilor McPike - ordinance authorizing appropriation and borrowing of funds to finance the Town of Hampden's overdue sewer treatment and maintenance costs due to the City of Bangor and to cure such financial obligations through the issuance of General Obligation Bonds or Notes of the Town of Hampden which may be callable in the principal amount not to exceed \$258,810.00 -Unanimous vote in favor.

Ordinance authorizing said appropriation and borrowing of funds was approved by a majority of those councilors present and placed on the ballot of the Municipal and Referendum election held on November 8th, 2016.

I, Paula A. Scott, Clerk of the Town of Hampden, do hereby further certify that the following is a true and accurate record of the return of votes cast by the townspeople of the Town of Hampden and entered into the permanent record of the Town of Hampden, Maine.

Referendum Ballot Question 3 – Overdue Wastewater Treatment and Maintenance Costs

Yes 2868 No 1465

Dated: December 8, 2016



Clerk, Town of Hampden

December 23, 2016

Town of Hampden
Attn: Town manager Angus Jennings
106 Western Avenue
Hampden, ME. 04444

Re: "Interest Rate Bid: Sewer Bills"

Dear Town Manager Jennings:

In response to the Interest Rate Bid Request recently received from your office, we are pleased to offer the rates listed below for borrowing of \$258,810.

- Option A. For the 5-year term, we offer a taxable rate of **4.75%** per annum.
- Option B. For the 7-year term, we offer a taxable rate of **5.11%** per annum.
- Option C. For the 10-year term we offer a taxable rate of **5.71%** per annum.

It is our understanding the Town Council will take action on this matter January 3rd, 2017. As no closing date was specified, we have used January 31, 2017 as a closing date for computational purposes. Public sector interest rates are volatile and time sensitive. If the borrowing contemplated by this proposal does not close within 30 days of the proposal date specified in this letter, the bank reserves the right to adjust the above noted rates to reflect changes in public sector index values necessary to retain the yields upon which this proposal is based.

The Town will repay this Note via annual principal and interest payments over the selected loan term. The initial payment will be due on or about the note anniversary date, with the remaining payments scheduled on the same date in each subsequent year. Interest will be calculated on an amortized / 360 day basis on the note, which will be issued without prepayment penalty.

Our borrowing proposals are predicated on receipt of an unqualified legal opinion from bond counsel acceptable to the bank attesting to the validity and non-arbitrage nature of this borrowing and designating the note as a qualified taxable obligation under existing tax laws. We understand that the Town will use Dan Pittman of Eaton & Peabody as bond counsel to provide the necessary legal opinion, related note documentation, and all legal work for this borrowing, and that the cost of these services will be borne by the Town. We will be pleased to work with Attorney Pittman to assist in the timely note closing.

On behalf of Androscoggin Bank, I would like to thank you for providing us with the opportunity to submit this proposal for the Town's sewer department financing needs. We look forward to the opportunity to serve you. If I can be of further assistance to the Town in any facet of its financial activities, please do not hesitate to contact me.

Sincerely,

John Simko, Vice President
Government Finance

ACKNOWLEDGEMENT / AWARD

This proposal,

Option A. _____ Option B. _____ Option C. _____

is accepted and this financing is awarded to Androscoggin Bank.

_____ Date _____
Name & Title

December 27, 2016

Angus Jennings, Town Manager
Town of Hampden
106 Western Ave
Hampden, ME 04444

Dear Mr. Jennings:

Thank you for the opportunity to bid on your request for municipal funds for the Town of Hampden, in the amount of Two Hundred, Fifty-eight Thousand, Eight Hundred, Ten Dollars (\$258,810.00). This bid is submitted as per your request for proposal specifications. Camden National Bank (the "Bank"), is pleased to offer this Note subject to the following conditions:

- 1) ISSUER: Town of Hampden
- 2) ISSUE DATE: The Note will be issued in January 2017
- 3) DENOMINATION OF NOTES: Single Note
- 4) INTEREST RATES/MATURITY DATES:

Based on the interest rate bid request, below are the quotes:

Five (5) years fixed at 3.69%

Seven (7) years fixed at 3.99%

Ten (10) years – Camden National Bank declines to bid a rate

- 5) PREPAYMENT PROVISION: The Note may be prepaid at any time without penalty.
- 6) LEGAL OPINION: This bid is subject to a legal opinion from bond counsel acceptable to the Bank, the cost of which will be borne by the Town of Hampden. The opinion must include a statement that the Note represents a valid and binding obligation of the issuer. The issuer's counsel will be responsible for preparing the required loan documents and filing the necessary forms with the Internal Revenue Service.



- 7) **CONFIRMATIONS:** The Town of Hampden must confirm in writing that: The Town of Hampden will comply with all of the Tax Reform Act of 1986, as amended, including all provisions relating to arbitrage and rebate.
- 8) **SUBMISSION OF FINANCIAL STATEMENTS:** The Town of Hampden will provide the Bank with year-end audited financials within one hundred twenty (120) days of the Town's fiscal year-end. Such statements are to be prepared by an independent certified public accountant.

This commitment shall expire if it is not accepted in writing by January 31, 2017 and may be withdrawn if any adverse information relating to the issuer's affairs is discovered prior to closing.

Should you have any questions regarding this proposal or require additional information, please contact me at (207) 299-1318. Thank you for considering Camden National Bank for your financial needs. Your municipality is very important to us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brent A. Folster".

Brent A. Folster
Vice President

December 21, 2016

Town of Hampden
106 Western Avenue
Hampden, ME 04444
Attn: Town Manager

Dear Mr. Jennings:

Thank you for the opportunity to provide this commitment letter for financing for the Town of Hampden in the amount of \$258,810.00 to pay past due amounts to the City of Bangor for sewage treatment and pump station maintenance. The Note is offered subject to the following conditions:

1. **Issue DATE:** On or about January 10, 2017.
2. **MATURITY:** Principal and interest will be payable via level monthly payments over one of three term options to be determined at the Town's discretion as follows:
 - a) Five years, with maturity on January 10, 2022;
 - b) Seven years, with maturity on January 10, 2024; or
 - c) Ten years, with maturity on January 10, 2027.
3. **INTEREST RATE:** The rate of interest will be fixed for the repayment term based upon a 360 day depending on the term option selected above as follows:
 - a) **2.38%** for five years;
 - i. Total interest will be approximately **\$16,179**.
 - b) **2.61%** for seven years; or
 - i. Total interest will be approximately **\$24,989**.
 - c) **2.97%** for ten years.
 - i. Total interest will be approximately **\$41,245**.
4. **DENOMINATION:** There will be one (1) Note issued in the denomination of two hundred fifty eight thousand, eight hundred ten dollars (\$258,810).
5. **PREPAYMENT PROVISION:** The Note may be prepaid at any time without penalty.

6. FEES: Waived.
7. LEGAL OPINION: This commitment is subject to a legal opinion from bond counsel acceptable to the Bank, the cost of which we be borne by the Town. The opinion must include a statement that the Bond represents a valid and binding obligation of the issuer.
8. CONFIRMATIONS: The Town must confirm in writing that:
 - a) The anticipated total tax exempt borrowings for 2017 will not exceed \$10,000,000; and
 - b) The Town will comply with all aspects of the Tax Reform Act of 1986, as amended, including all provisions relating to arbitrage and rebate.
9. SUBMISSION OF FINANCIAL STATEMENTS: The Town has already provided access to any necessary financial information including a recent financial statement audit.
 - a) Going forward, the Town will provide the Bank with year-end audited financial statements within one hundred fifty (150) days of the Town's fiscal year-end. Such statements are to be prepared by an independent certified public accountant.
 - b) The enclosed Municipal Fact Sheet will be completed and returned with the signed commitment letter.

This commitment shall expire if it is not accepted in writing by a qualified officer of the Borrower by 5:00 P.M. on January 15, 2017. Five (5) business days shall normally be required to prepare for a closing. Should you require any further information, please feel free to contact me as listed above. Again, thank you for allowing **First National Bank** to participate in this bid.

Very Truly Yours,



Tony C. McKim,
President & Chief Executive Officer

AGREED TO ON BEHALF OF TOWN OF HAMPDEN

Date: _____

By: _____

Print Name: _____

Its: _____

Municipal Fact Sheet Municipality of Hampden, Maine

Annual Report/Audit Date 20 20 20

- 1. Assessed Valuation: _____
- 2. Tax Rate/Thousand: _____
- 3. Gross Tax Levy: _____
- 4. Net Tax Levy:
(after abatements & exemptions) _____
- 5. Tax Collections - Current: _____
- Arrears (\$): _____
- Arrears (%): _____
- Note: 15% or less is considered a healthy benchmark
- 6. TAN Borrowings: _____
- 7. Operations - Revenues: _____
- Expenditures: _____
- Net Revenue (Expenditures) _____
- 8. Fiscal Year-End Unappropriated
Surplus (Deficit): _____
- 9. Population: _____
- 10. Auditor: _____
- 11. Legal Counsel: _____
- 12. The Municipality's Fiscal Year: _____ to _____
- 13. Property Tax Due Date: _____ Interest Rate on Delinquent Taxes: _____
- 14. Date of last municipal valuation: _____
- 15. Five Largest Taxpayers:

<u>Name</u>	<u>Type/Business</u>	<u>% of Current Tax Levy</u>	<u>\$ Amount Delinquent (if any)</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

16. Five Largest Employers:

<u>Name</u>	<u>Type/Business</u>	<u># of Employees</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

17. Notes Outstanding as of _____, 20____:
- Tax Anticipation: _____ due _____
 - Bond Anticipation: _____ due _____
 - Grant Anticipation: _____ due _____
18. Total Long-Term Debt Outstanding as of _____, 20____:
_____ (Not Including Items Listed in #17 Above)
19. Additional Borrowings Anticipated: _____
20. Less than \$10,000,000 of tax-exempt debt issues or outstanding to remain in compliance with the Tax Reform Act of 1986? ___ YES ___ NO
(If no, please give details on a separate sheet.)
21. In compliance with all aspects of the Tax Reform Act of 1986, as amended, including provisions relating to arbitrage and rebate? ___ YES ___ NO
(If no, please give details on a separate sheet.)
22. All previous municipal obligations paid when due? ___ YES ___ NO
(If no, please give details on a separate sheet.)
23. Any unpaid bills carried forward to next year? ___ YES ___ NO
(If yes, please give details on a separate sheet.)
24. Any proceeds of new Tax Anticipation borrowing be used to pay bills or expenses carried forward from previous year? ___ YES ___ NO
(If yes, please give details on a separate sheet.)



Town of Hampden
\$258,810
Interest Rate Bid – Sewer Loans
Proposal for Loan

December 16, 2016

Angus Jennings, Town Manager
Town of Hampden
106 Western Avenue
Hampden, Me. 04444

Sewer Loan Bid

Dear Angus:

Thank you for the opportunity to bid on your upcoming sewer loan. Outlined below is our proposal.

Option #1.

Five year term fully amortizing 3.71%

Option #2.

Seven year term fully amortizing 4.09%

Option #3.

Ten year term fully amortizing 4.46%

In view of the town's relationship with the bank we can guaranty these rates for 30 days from the date of this letter. After that time, if the proposal is not accepted, the rates will be subject to change.

Respectively submitted,

52 Springer Drive · Bangor, ME 04401 · Telephone (207) 941-6762 (877) 525-4401 · Fax (207) 942-6036

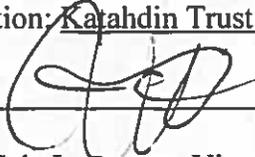
www.katahdintrust.com

Member
FDIC



Name of Institution: Katahdin Trust Company

By: _____



Print Name: Cale L. Burger, Vice President

Address: 52 Springer Drive

Bangor, Maine 04401

Telephone: 207-941-6762

Accepted:

Borrower: Town of Hampden

By: _____
Angus G. Jennings, Town Manager

Date

Bangor Savings Bank

You matter more.

December 22, 2016

Angus Jennings, Town Manager
Town of Hampden
106 Western Ave
Hampden, ME 04444

RE: General Obligation Bond - \$258,810.00

Dear Mr. Jennings:

Bangor Savings Bank is pleased to submit our Bid on your request for a General Obligation Bond in the amount of \$258,810.00 in order to pay past due amounts to the City of Bangor for sewage treatment and pump station maintenance. Our proposal is subject to the following:

1. A taxable fixed interest rate for a five (5) year term is 3.27%, drawn on lump sum basis. Or;
2. A taxable fixed interest rate for a seven (7) year term is 3.43%, drawn on lump sum basis.
3. One Note, representing the full amount of the obligation, to be issued on or about January 03, 2017.
4. Interest is to be calculated based on 365 days. Total interest for a five (5) year term is calculated to be \$25,593.63. Total interest for a seven (7) year term is calculated to be \$36,705.08.
5. Payments of principal and interest will be due annually beginning on January 03, 2018 and all interest and principal will be paid no later than January 03, 2022. The Note may be prepaid at any time.
6. The issue of the Note is to be accompanied by an unqualified legal opinion of recognized Bond Counsel, the cost of which will be borne by the Town, that the Note has been duly authorized by the Town, and is a legal and valid obligation of the Town.
7. In the event that the Bank is the winning bidder, the Town shall provide its three most recent audited financials and Municipal Fact Sheet and Cash Flow Projection (if applicable).

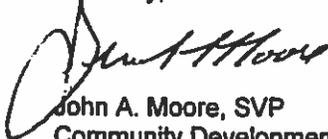
The commitment is subject to change if not accepted by January 10, 2017 and is subject to withdrawal if there is discovered, prior to loan disbursement, any adverse information relating to the Town's financial condition.

Please forward any correspondence relative to this request to my attention:

John A. Moore, SVP
Community Development Lending
Bangor Savings Bank
PO Box 930
Bangor, ME 04402-0930
Email: john.moore@bangor.com or Fax: 207.941.2796

We appreciate the opportunity to submit this proposal for the Town's financial requirements and look forward to working with you.

Sincerely,



John A. Moore, SVP
Community Development Lending

99 Franklin Street PO Box 930 Bangor, Maine 04402-0930 207.942.5211
www.bangor.com 1.877.Bangor1 (1.877.226.4671)
MEMBER FDIC  Equal Housing Lender

12/22/16

Loan Repayment Schedule

12:45:13

Name of client: TOWN OF HAMPDEN

Loan type: MUNICIPAL-TAX EXEMPT

Principal amount: 25881000

Interest rate: 003 270000

APR Value: 3.2700 %

Interest base: 0

Payment code: 0

Origination date: 010317

Date of first payment: 010318

Number of payments: 005

Payment frequency: 012 M

Semi-monthly days of the month: 00 00

Payment amount: 5694872

Last payment amount: 56,948.75

Miscellaneous Fees:

Print results: N

Total interest: 25,933.63

Total principal: 258,810.00

Total payments: 284,743.63

Insurance calculated on current balance only

F3=Exit F12=Previous

HELP=Help

F13=Codes

DATE: 12/22/16

Bangor Savings Bank

PAGE: 1

PREPARED FOR: TOWN OF HAMPDEN

RATE: 03.270000% PAYMENT:

56,948.72 TERM: 5M

DATE	NUMBER	INTEREST	PRINCIPAL	C/L	A/H	UN EMP	PAYMENT	TOTAL	BALANCE
1/03/18	1	8,463.09	48,485.63	.00	.00	.00	56,948.72	258,810.00	210,324.37
1/03/19	2	6,877.61	50,071.11	.00	.00	.00	56,948.72	160,253.26	160,253.26
1/03/20	3	5,240.20	51,708.52	.00	.00	.00	56,948.72	56,948.72	108,544.74
1/03/21	4	3,549.47	53,399.25	.00	.00	.00	56,948.72	56,948.72	55,145.49
1/03/22	5	1,803.26	55,145.49	.00	.00	.00	56,948.75	56,948.75	.00
CALENDAR YEAR 2022		25,933.63	258,810.00	.00	.00	.00		284,743.63	
GRAND TOTAL		25,933.63	258,810.00	.00	.00	.00		284,743.63	

12/22/16

Loan Repayment Schedule

12:47:17

Name of client: TOWN OF HAMPDEN

Loan type: MUNICIPAL-TAX EXEMPT

Principal amount: 25881000

Interest rate: 003 430000

APR Value: 3.4300 %

Interest base: 0

Payment code: 0

Origination date: 010317

Date of first payment: 010318

Number of payments: 007

Payment frequency: 012 M

Semi-monthly days of the month: 00 00

Payment amount: 4221646

Last payment amount: 42,216.32

Miscellaneous Fees:

Print results: N

Total interest: 36,705.08

Total principal: 258,810.00

Total payments: 295,515.08

Insurance calculated on current balance only

F3=Exit F12=Previous

HELP=Help

F13=Codes

DATE: 12/22/16

Bangor Savings Bank

PAGE: 1

PREPARED FOR: TOWN OF HAMPDEN

RATE: 03.430000% PAYMENT: 42,216.46 TERM: 7M

DATE	NUMBER	INTEREST	PRINCIPAL	C/L	A/H	UN EMP	ORIGINAL BALANCE	PAYMENT	TOTAL	BALANCE
1/03/18	1	8,877.18	33,339.28	.00	.00	.00	42,216.46	42,216.46	258,810.00	225,470.72
1/03/19	2	7,733.65	34,482.81	.00	.00	.00	42,216.46	42,216.46	160,987.91	160,987.91
1/03/20	3	6,550.79	35,665.67	.00	.00	.00	42,216.46	42,216.46	125,322.24	125,322.24
1/03/21	4	5,327.63	36,888.83	.00	.00	.00	42,216.46	42,216.46	118,433.41	118,433.41
1/03/22	5	4,062.27	38,154.19	.00	.00	.00	42,216.46	42,216.46	80,279.22	80,279.22
1/03/23	6	2,753.58	39,462.88	.00	.00	.00	42,216.46	42,216.46	40,816.34	40,816.34
1/03/24	7	1,399.98	40,816.34	.00	.00	.00	42,216.32	42,216.32	0.00	0.00
CALENDAR YEAR 2024		36,705.08	258,810.00	.00	.00	.00	.00	.00	295,515.08	295,515.08
GRAND TOTAL		36,705.08	258,810.00	.00	.00	.00	.00	.00	295,515.08	295,515.08

**Memorandum**

TO: Town Council, Town Manager
FROM: Paula Scott, Town Clerk
DATE: December 29, 2016
RE: Hampden Business Park TIF
Council referral to public hearing

The draft of the TIF document being prepared by consultant Noreen Norton was presented to committee members in the December 21st Planning & Development committee packet. As you may recall, it is still being reviewed and revised and is still in draft stage. In speaking with Town Planner Karen Cullen during the preparation of this Council packet, she confirmed that the revisions will be presented to committee members well before the proposed February 6th public hearing date. In the interim, please refer back to your P & D packet for proposed content.



TOWN OF HAMPDEN
DEPARTMENT OF PUBLIC WORKS

106 WESTERN AVE.
 HAMPDEN, ME 04444

TEL 862-3337

FAX 862-5067

December 22, 2016

To: Angus Jennings
 From: Sean Currier
 Subject: Sewer Ordinance Revisions

The Council stated that they would review the sewer ordinance and send any comments for incorporation in the revised version. Below are the comments received to date. I would like to review comments provided with the Infrastructure committee for approval to incorporate in the latest working draft of the sewer ordinance. The comments are as follows:

- 2.5. Suggest wording change instead of the "outside" phrase: "Private subsurface sewer systems installed more than 5 years earlier shall be grandfathered..."
- 3.2 First paragraph delete "and, in any event..." To the end so it reads "at any stage of construction."
- 3.4 Replace (?) "4" minus" with "material suitable to ensure that no seepage or tank fracturing occur."
- 4.2.4 Is a backwater valve installed inside the house? Who inspects it?

Response: The backwater valve should be in the house and where it can be inspected. Inspection at time of installation would be local plumbing inspector. After that, it would be the home owner's responsibility to inspect/maintain.

- 4.3 Should it be the Council that sets permit and inspection fees for commercial or industrial?

Response: For group discussion

- 4.7 The wording is confusing about the elevation and location of sewer.

Response: Revise section as follows: **Section 4.7. Elevation and Location of Sewer:** Whenever possible, the building sewer service shall exit the building below the basement finish floor elevation. No sewer service shall be installed parallel, less than (3) three feet from a foundation wall. The sewer service shall exit the building perpendicular to the foundation wall and be laid at a uniform slope draining away from the building in straight alignment where possible. Changes in direction shall be made only with approved pipe and fittings. The sewer service shall be a minimum of (5) five feet deep for frost protection or shall require rigid styrofoam

insulation at a rate of (2) two inches per foot of soil depth. Meaning, a sewer service with only 4 feet of cover would require 2 inches of insulation, 3 feet of cover would require 4 inches of insulation, etc.

Add Definitions in Section 1.1 Definitions:

Building Drain: The part of the lowest horizontal piping of a drainage system which receives the discharge from sewerage and other non-storm or ground water drainage pipes inside a building and conveys it to the building sewer beginning two (2) feet outside of the building wall.

Foundation or Perimeter Drain: The part of the lowest horizontal piping of a drainage system which receives the discharge from the soil, foundation or perimeter drain inside and outside of the building foundation or foundation footer.

4.8 Reference to "any building drain." Should this be revised so it's clear that things like storm drains can't tie in to sewer?

Response: In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer. Foundation or perimeter drains shall not be connected to the building sewer system.

4.13.1 The phrase "except that such interceptors shall be required for private living quarters or dwelling units".

Response: SHOULD READ: "except that such interceptors shall not be required for private living quarters or dwelling units"

5.3 Is the reference to "Great Lakes Upper Mississippi River Board of State----- Engineers " really necessary.

Response: This is a commonly cited standard for construction techniques.

5.3.1.4 Suggested wording: "A force main sewer may only be constructed if determination is reached and agreed to by all parties that a gravity sewer would not be feasible.

Response: Agreed.

5.1.3.7 Necessary to be reviewed and approved by the Town Council?

Response: For group discussion

5.3.4 There was a question about the need for spreading the bedding material over the entire width between the trench walls.

Response: Bedding material shall be the entire width to eliminate differential settling and poor compaction methods.

5.3.6 Why would riser rings be prohibited? Is this only on initial construction or permanently?

Response: "Riser" (SHOULD SAY) PRECAST CONCRETE GRADE RINGS, will not be accepted. Brick and mortar (CONTAINING SAND, PORTLAND CEMENT AND LIME, no pre-mixed mortar) will be used for final finish grade adjustment. Finish grade adjustment with bricks and mortar shall not exceed 14 inches (not

including frame height). If more than 14 inches is needed to adjust to finish grade, an additional manhole barrel section shall be used.

SAME SECTION, CHANGE THE FOLLOWING TO: Brick for manhole inverts shall meet Standard Specifications for Sewer Brick, AASHTO Designation M91-42, Grade SA, Size No. 1, wire cut. Mortar shall be a mixture of sand, **CEMENT AND LIME** consisting of one part **LIME**, three parts **CEMENT AND SIX PARTS** clean, well-graded hard, durable sand, and water. The amount of water shall be held to the minimum that yields a workable mortar.

5.5 Is 18-month guarantee standard? Is it enough?

Response: For group discussion

5.6.1 The need for filing of an annual report was questioned. This was seen as a burden both on the private party and on the Town, and the language is seen as setting both sides to fail. There should not be a requirement that we don't have the ability to enforce.

Response: Section 5.6. Should Read: Privately Owned Sewer Extension: Privately owned sewer extensions of the public sewer may be permitted with prior approval by the Town. Said sewer shall be constructed in strict compliance with this ordinance and be inspected by the Hampden Public Works Director or his/her designee during construction. All compliance with State, local and federal regulations, maintenance and repair shall be the responsibility of the owner.

Sec 6.1B should this include any connective reference to anything similarly referenced within Shore land Zoning?

Response: For group discussion

6.3.1 "though" should be "through"

Response: Agreed.

6.6.6 Should we add "or text or instant messages" to "immediately telephone"?

Response: For group discussion

6.10.7 Is \$2,500 per day still an appropriate maximum?

Response: For group discussion

Respectfully,



Sean Currier

Draft

The Town of Hampden Hereby Ordains
Proposed Amendments to the Fees Ordinance

Deletions are ~~Strikethrough~~ Additions are Double Underlined

**TOWN OF HAMPDEN, MAINE
SEWER ORDINANCE**

ADOPTED by Hampden Town Council, December 5, 2011
Effective Date: January 4, 2012

AMENDED: Hampden Town Council April 19, 2016
Effective: May 19, 2016

AMENDED: Hampden Town Council ~~February 17, 2016~~
Effective: ~~March 17, 2017~~

CERTIFIED BY: _____
— Paula Scott, Town Clerk
Name

Affix Seal

Town Clerk
Title Affix Seal

TOWN OF HAMPDEN, MAINE
SEWER ORDINANCE

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Preamble

An Ordinance to promote the general welfare, to prevent disease and to promote health, and to provide for the public safety by regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer systems, and providing penalties for violations thereof in the Town of Hampden, County of Penobscot, State of Maine.

**ARTICLE 1
GENERAL ADMINISTRATION**

Section 1.1. Definitions. As used in this Ordinance, "shall" is mandatory and "may" is permissive. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance will be as follows:

ACT OR THE ACT: The Federal Water Pollution Control Act, also known as the "Clean Water Act," 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY: The Maine Department of Environmental Protection.

ASTM: American Society for Testing and Materials.

AUTHORIZED REPRESENTATIVE OF THE USER:

(1) If the user is a corporation:

(a) The president, secretary, treasurer or a vice president of the corporation in charge of a principal business function or any other person who performs similar policymaking or decision making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.

(3) If the user is a federal, state or local government facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or his/her designee.

(4) The individuals described in Subsections (1) through (3) above may designate another authorized representative if the authorization is in writing; the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company; and the written authorization is submitted to the Town.

BEST MANAGEMENT PRACTICES (BMPs): Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 6.3. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter, (mg/l).

BUILDER: Any person, persons, or corporation who undertake to construct, either under contract or for resale, any habitable building.

BUILDING DRAIN: ~~The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside a building and conveys it to the building sewer beginning eight (8) feet outside of the building wall. The part of the lowest horizontal piping of a drainage system which receives the discharge from sewerage and other non-storm or ground water drainage pipes inside a building and conveys it to the building sewer beginning two (2) feet outside of the building wall.~~

BUILDING SEWER: The extension from the building drain to the point of connection to the public sewer or other place of disposal.

CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in Title 40 of the Code of Federal Regulations, Chapter 1, Subchapter N, Parts 405 through 471.

CATEGORICAL USER: Any user of the Town's wastewater treatment system whose discharges are regulated under 40 CFR 403 and 40 CFR 405 through 471 or who is otherwise subject to United States Environmental Protection Agency pretreatment requirements as a categorical user.

CITY: The City of Bangor, Maine.

CITY ENGINEER: The City official appointed and designated by the [Bangor](#) City Manager as the City Engineer for the City of Bangor.

CODE ENFORCEMENT OFFICER: The individual(s) retained or designated by the Manager to enforce provisions of this ordinance. For purposes of this Ordinance, the Local Plumbing Inspector shall act under the authority and direction of the Code Enforcement Officer.

COLOR: The optical density at the visual wavelength of maximum absorption, relative to distilled water. One-hundred-percent transmittance is equivalent to zero optical density.

COMBINED SEWER: A sewer receiving both surface runoff and sewage.

COMPOSITE SAMPLE: The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

CONTRACTOR: Any person, firm, or corporation approved by the Town Council to do work in the Town of Hampden.

DAILY MAXIMUM LIMIT: The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

DEP: Maine Department of Environmental Protection.

DEVELOPER: Any person, persons or corporation who undertake to construct simultaneously more than one housing unit on a given tract or land subdivision.

DISCHARGE: Any substance knowingly put or allowed to flow into any part of the Town's POTW.

DISCHARGER: All industrial users, including categorical users and significant industrial users as defined in this section. "Discharger" also refers to any nonindustrial user of the Town's POTW which discharges wastewater into the POTW.

DOMESTIC SEWAGE: Water and water-carried wastes and sewage normally discharged into the sanitary sewers from dwellings, including single-family homes, multifamily homes and hotels, and from office buildings, factories and institutions, but not including stormwater drainage or surface water drainage and not including industrial wastes as defined in this section.

ENVIRONMENTAL PROTECTION AGENCY: The United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized official of said agency.

EXCESSIVE LOADING: Any discharge resulting in a BOD or TSS loading in excess of 350 mg/l or a loading of fats, oils or greases of animal or vegetable origin or oil and grease or other petroleum or mineral oil products in excess of 140 mg/l. Where a correlation is established between BOD and COD or TOC, a discharge in excess of the equivalent COD or TOC loading shall constitute excessive loading.

EXISTING SOURCE: Any source of discharge the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Foundation or Perimeter Drain: The part of the lowest horizontal piping of a drainage system which receives the discharge from the soil, foundation or perimeter drain inside and outside of the building foundation or foundation footer.

GARBAGE: Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

GRAB SAMPLE: A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

HAZARDOUS WASTE: A hazardous waste as that term is defined in 40 CFR 261 or Maine Department of Environmental Protection regulations Chapter 850

HIGH-STRENGTH CONVENTIONAL WASTE: Any nonindustrial waste of a substantially greater density, toxicity or acidity than normal domestic sewage, including all wastes likely to cause excessive loading as defined in this section.

INDIRECT DISCHARGE or DISCHARGE: The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.

INDUSTRIAL USER or USER: A source of indirect discharge. This term covers discharges from any source, including agriculture, forestry, fishing, mining, manufacturing, transportation, communication, electrical, gas and sanitary services and other industrial services discharging into the POTW any industrial waste or discharging into the POTW any waste other than domestic sewage as defined in this section. This term may also apply to any other source of pollutant which adversely affects the POTW.

INDUSTRIAL WASTES: All water, water-carried solids, liquid and gas wastes resulting from any industrial, manufacturing or food processing operation or process or from the development of any natural resource or any mixture of these fluids and domestic sewage or any mixture of these fluids with any other water or with any other liquid.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT: The maximum concentration or loading of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE: A discharge that, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the Town's POTW, treatment processes or operations or its sludge processes, use

or disposal; and

(2) Which thus contributes to cause a violation of any requirement of the Town's MEPDES permit, including an increase in the magnitude or duration of a violation, or of the prevention of sludge use or disposal in compliance with statutory provisions and regulations or permits issued under Section 405 of the Clean Water Act, RCRA, the Clean Air Act, SWDA, the Toxic Substances Control Act, the Marine Protection, Research and Sanctuaries Act and any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of RCRA.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM (MEPDES): Permit program of the Maine Department of Environmental Protection.

MANAGER: The term Manager shall have the same meaning as Town Manager.

MASS-BASED LIMITATIONS: Users implementing process changes, including best management practices, may request permit discharge limitations be based on mass limitations in lieu of concentration-based limitations. The intent of mass-based limitations is to encourage and allow best management practices, pollution prevention and/or water conservation measures that may result in increased pollutant concentrations while not increasing actual mass of pollutant discharged. Mass-based limitations shall be calculated from current, pollutant-specific concentration and user discharge flow. Mass-based limitations shall not exceed the previous mass of specific pollutant discharged (prior to the implementation of process changes or best management practices) based on the historic performance of that user. Decisions on granting requests for mass-based limitations will be based on user-specific information and current operating conditions of the POTW and will be at the discretion of the Town. Implementation of mass-based limitations shall not contravene any requirements or limitations of federal or state law and/or regulations implemented thereunder and may not waive applicable categorical pretreatment standards.

MEDICAL WASTE: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

MILLIGRAMS PER LITER: A weight to volume ratio. The figure appearing before the symbol "mg/l" shall be the number of milligrams to be found in one liter of the substance being tested. This figure can be transposed to pounds per million gallons of water by multiplying said figure by 8.34.

NATURAL OUTLET: Any outlet into a watercourse, ditch, pond, lake, or other body of surface or ground water.

NEW SOURCE:

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section of the Act, provided that:

- (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (c) The production or wastewater-generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether the sources are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection 1.1(1)(b) or (c) above but otherwise alters, replaces or adds to existing process or production equipment.

(3) Construction of a new source as defined under this section has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on-site construction program, any placement, assembly or installation of facilities or equipment or significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in his or her operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

NONCONTACT COOLING WATER: Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

NORMAL DOMESTIC SEWAGE: Sewage in which the average concentration of TSS does not exceed 250 mg/l and in which the five-day BOD does not exceed 250 mg/l and fats, oils or greases of animal or vegetable origin or oil and grease and other petroleum or mineral oil products do not exceed 100 mg/l.

NPDES: The National Pollutant Discharge Elimination System permit program of the EPA.

OWNER: Any individual, firm, company, association, society, or group having title to real property.

PASS-THROUGH: Any discharge from the Town's POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, cause a violation of any requirement of the Town's MEPDES permit, including an increase in the magnitude or duration of a violation.

PERSON: Any individual, partnership, firm, company, association, society, corporation, group, joint-stock company, trust, estate, governmental entity or any other legal entity of whatever relationship or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

pH: The logarithm (base 10) of the reciprocal of the hydrogen ions concentration expressed in moles per liter. pH shall be determined by standard methods as defined in this section.

POLLUTANT: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sludge, pretreatment by-products, munitions, wastewater, medical wastes, chemical wastes, biological materials, metals, oil and grease, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes and other waste or material that alters or adversely affects the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, TTO, TOC or odor).

PREMISES: Any building or lot under individual ownership or individual use where water service is metered independently or that discharges wastewater to the POTW.

PRETREATMENT: The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes or by other means, except by diluting the concentration of the pollutants, unless allowed by an applicable pretreatment standard.

PRETREATMENT PROGRAM COORDINATOR: The Town's designated individual responsible for supervision of the Town's wastewater pretreatment program.

PRETREATMENT REQUIREMENTS: Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

PRETREATMENT STANDARD or STANDARDS: Prohibited discharge standards, categorical pretreatment standards and local limits.

PRIVATELY OWNED SEWER EXTENSION: An extension of the public sewer where ownership and maintenance is retained by the developer or property owner.

PRIVATE SUBSURFACE DISPOSAL SYSTEM: A disposal system generally consisting of a subsurface storage tank and leaching field most commonly used in residential housing.

PROHIBITED DISCHARGE STANDARD or PROHIBITED DISCHARGES: Absolute prohibitions against the discharge of certain substances. These prohibitions appear in Article 6 of this Ordinance.

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking, and dispensing of food or produce that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

PROPERTY LINE: The property boundary line if the building sewer is to connect with the public sewer in a public street, or the edge of a sewer right-of-way in those instances where the building sewers connect to the public sewer in a right-of-way.

PUBLICLY OWNED TREATMENT WORKS (POTW): A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned by the City/Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of wastewater of a liquid nature and any conveyances which convey wastewater to a treatment plant. Depending on the context, POTW may include the collection, transport and treatment facilities of the City of Bangor that handle wastewater from the Town's POTW.

PUBLIC SEWER: A sewer in which all owners of abutting property have equal rights and which is controlled by public authority.

PUBLIC WORKS DIRECTOR: The individual retained or designated by the Manager to supervise and oversee the operation and maintenance of the municipal sewer system and treatment facilities.

SANITARY SEWER: A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SEPTIC TANK WASTE: Any wastewater from holding tanks, such as vessels, chemical toilets, campers, trailers and septic tanks.

SEWAGE: A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such incidental ground, surface, and storm water that may be present.

SEWER: A pipe or conduit for carrying sewage.

SEWER EXTENSION: The connection of any public or private sewer to the existing sewer system, except as required under Section 5.1 of this Ordinance.

SIGNIFICANT INDUSTRIAL USER:

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW, excluding sanitary, noncontact cooling and boiler blowdown wastewater; or

(b) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW; or

(c) Is designated as such by the Town on the basis that it has a reasonable potential for

adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Town may at any time, on its own initiative or in response to a petition received from a user and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SIGNIFICANT NONCOMPLIANCE: Includes the following:

(1) Chronic violations of wastewater discharge limits, defined here as those violations in which 66% or more of all the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in Section 1.1;

(2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limit, as defined in Section 1.1, multiplied by the applicable criteria 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by Section 1.1 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Town or Pretreatment Program Coordinator determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public as defined in this section;

(4) Any discharge of a pollutant that has caused an imminent danger to human health, including the health of the Town's or City's POTW personnel, or to the environment or has required an exercise of the Town's or City's emergency authority to halt the discharge under 40 CFR 403.8(f)(2)(vi)(B);

(5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report any noncompliance with permit requirements; or

(8) Any other violation or group of violations, which may include a violation of best management practices, which the Town determines will adversely affect the operation or implementation of the Town's pretreatment program.

SLUDGE: A by-product of the primary and secondary treatment processes of the POTW, also known as "biosolids." This term does not include by-products resulting from the pretreatment of industrial wastes.

SLUG or SLUG LOAD: Any discharge at a flow rate or concentration which could cause a violation of the general prohibitions of Section 6.3.1 and the specific prohibitions of Section 6.3.2 of this Ordinance. A "slug discharge" is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass-through or in any other way violate the POTW's regulations, local limits or permit conditions.

STANDARD INDUSTRIAL CLASSIFICATION CODE: A classification pursuant to the Standard Industrial Classification Manual issued from time to time by the United States Office of Management and Budget.

STANDARD METHODS: Testing methods and techniques prescribed in 40 CFR Part 136 or, if not found therein, other appropriate procedures approved by the EPA.

STATE PLUMBING CODE: The latest edition of the State of Maine Plumbing Code.

STORM SEWER OR STORM DITCH: A pipe or conduit which carries storm, surface waters and drainage but excludes sewage and industrial wastes.

STORMWATER: Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

SUPERINTENDENT: The Wastewater Treatment Plant Superintendent of the City of Bangor POTW or his or her authorized deputy, agent or representative.

SUSPENDED SOLIDS: Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering in accordance with Standard Methods.

TOTAL TOXIC ORGANICS: The summation of all quantifiable values greater than 0.01 mg/l for the toxic organics listed at 40 CFR 413.02(i).

TOWN: The Town of Hampden, Maine.

TOWN MANAGER: The Town Manager of Hampden or the individual designated by the Town Council to perform this function, or the authorized deputy, agent, or representative of this individual which shall include but not be limited to the Code Enforcement Officer, Public Works Director, POTW Superintendent, City Engineer, etc.

TOWN COUNCIL: The duly elected Town Council of the Town of Hampden, Maine, or its authorized representative.

TOXIC POLLUTANT: One of 126 pollutants or a combination of those pollutants listed as toxic in regulations promulgated by the EPA pursuant to Section 307 (33 U.S.C. § 1317) of the Act. This term also includes any pollutants that may be added to this promulgated list by amendment.

TREATMENT PLANT EFFLUENT: The discharge from the POTW into waters of the United States.

TREATMENT PLANT INFLUENT: The wastewater in the POTW which is presented for treatment at the City's wastewater plant.

UPSET: An exceptional incident in which a discharger is in a state of noncompliance with the categorical pretreatment standards due to factors beyond the reasonable control of the discharger. This term excludes noncompliance due to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, careless or improper operation of the treatment facilities or other similar reason.

WASTEWATER: Liquid and water-carried industrial wastes and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the POTW.

WASTEWATER PLANT: Any facility owned by the City and used for receiving and treating wastewater.

WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently.

Subsection 1.1.1 Abbreviations.

The following abbreviations shall have the designated meanings:

ASTM	American Society for Testing and Materials
BOD	Biochemical oxygen demand
BMP	Best management practices
<u>CCTV</u>	<u>Closed Circuit Television</u>
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
DEP	Maine Department of Environmental Protection
EPA	United States Environmental Protection Agency
Gpd	Gallons per day
L	Liter
MEPDES	Maine Pollutant Discharge Elimination System
Mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operation(s) and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification Code
SWDA	Solid Waste Disposal Act
TOC	Total organic carbon
TSS	Total suspended solids
TTO	Total toxic organics
U.S.C.	United States Code
WEF	Water Environment Federation

Section 1.2. Powers and Authority of Inspectors: The Town Manager or his/her designee, shall administer, implement and enforce the provisions of this Ordinance. The appointed designee, including but not limited to Hampden Code Enforcement Officer, Public Works Director, and Superintendent of the POTW or their designee, shall be permitted to enter upon all properties for the purpose of inspection, observation, enforcement and measurement sampling and testing in accordance with the provisions of this Ordinance.

Section 1.3. Repeal of Prior Ordinances: The Sewer Ordinance enacted on June 19, 1978, as amended, shall stand repealed as of the effective date of this Ordinance. The enactment of this Ordinance, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any violation of the Ordinance repealed hereby.

Section 1.4. Conflict with Other Ordinances: Whenever the requirements of this Ordinance are in conflict with any other rule, regulation, or ordinance, that imposing the most restrictive or higher standard shall govern.

Section 1.5. Severability: In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 1.6 Effective Date: Pursuant to Section 213(c) of the Town Charter, this Ordinance shall become effective at the expiration of thirty (30) days after its adoption by the Town Council.

ARTICLE 2 USE OF PUBLIC SEWERS REQUIRED

Section 2.1. Discharges: It shall be unlawful to discharge to any watercourse, either directly or through any storm sewer, within the Town or to any area under the jurisdiction of the Town, any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with federal, state or local laws.

Section 2.2. Discharges to Land: It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner on public or private property within the Town or to any area under the jurisdiction of the Town, any human or animal excrement, garbage, or other objectionable waste. This section shall exclude normal agricultural practices.

Section 2.3. Private Sewers: Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, leaching pit, or other facility intended or used for the disposal of sewage.

Section 2.4. Connection of Plumbing Facilities to Public Sewers: The owner of any house, structure, building or property used for human occupancy, employment, recreation, or other purpose, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the Town, is hereby required, at owner's expense, to install suitable plumbing facilities therein, including but not limited to toilets, and to connect such facilities to the public sewer, in accordance with the provisions of this Ordinance, within ninety (90) days after the date of official notice to do so, provided that said public sewer is located opposite any portion of the frontage of the property to be served by said sewer.

Section 2.5. Waivers from Connecting to Public Sewer: The Town Council may waive the requirement to connect to the public sewer under certain circumstances. Waivers may be obtained where 1) unusual circumstances exist due to the presence of ledge, incompatible elevations, and financial hardship. 2) excavation of a public highway is prohibited by State law or regulation. 3) a new subsurface wastewater disposal system had been installed within the previous five (5) year period. —Private subsurface sewer systems installed more than five (5) years earlier shall be grandfathered outside of the

~~five (5) year period until such time as the system is in disrepair or is no longer operable. At that time, the owner shall connect to the public sewer system at the owner's cost.~~ The Town Council may impose conditions on waivers as they see necessary to carry out the intent of this ordinance. All waivers granted by the Town Council shall be recorded at the Penobscot Registry of Deeds.

ARTICLE 3 PRIVATE SEWAGE DISPOSAL

Section 3.1. Unavailability of Public Sewers: Where a public sanitary sewer is not available under the provisions of Section 2.4, the building sewer shall be connected to a private subsurface disposal system complying with the provisions of this Article and the State Plumbing Code.

Section 3.2. Construction of Private Subsurface Disposal Systems: Construction of private subsurface disposal systems shall comply in all respects with requirements of the State Plumbing Code. Before commencement of construction of a private subsurface disposal system, the owner shall first obtain a permit from the Town. The application for such permit shall be made on a form furnished by the Division of ~~Environmental Health Engineering~~, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Town.

A use permit for a private subsurface disposal system shall not become effective until the installation is completed to the satisfaction of the Town. The Town shall be allowed to inspect the work at any stage of construction ~~and, in any event, the~~ applicant for the permit shall notify the Town before any underground portions are covered and when the work is ready for final inspection, ~~and before any underground portions are covered.~~

No additional private subsurface disposal system serving more than one private residence or commercial establishment shall be connected to, nor in any way discharge to, any portion of the Town's POTW, except as provided in Article 5.

Whereas maintenance of the POTW in compliance with Federal and State pollution abatement legislation is essential to the public good; no existing private sewers discharge to the POTW shall be increased in extent or flow, and upon issuance of written notice by the Town Manager, all existing private sewers shall be maintained in full compliance with construction and infiltration standards of this Ordinance, at no expense to the Town.

Failure to maintain an existing private sewer in compliance with this Ordinance within 90 days of issuance of written notice shall be adequate cause for the Town ~~to seek penalties from the owner/resident to rectify the issue and to notify the State of Maine of the infraction, to cease accepting discharge from the private sewer into the sewage works and to take such action as necessary, including plugging of the private sewer at the point of connection to the sewage works, as necessary to protect the public interest.~~

Section 3.3. Division of ~~Environmental Health Engineering State Department of Health Recommendations:~~ The type, capacities, location, and layout of a private subsurface disposal system shall comply with all requirements of the Division of ~~Environmental Health Engineering~~, State of Maine.

Section 3.4. Conversion to Public Sewer: At such time as a public sewer system becomes available to a property served by a private sewer system, as provided in Section 2.4, connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools or similar private sewage disposal facilities shall be abandoned and filled with suitable material. Septic tanks, cesspools or similar private sewage disposal facilities shall be suitably cleaned and septage disposed of in accordance with current State and Federal regulations. ~~Tanks and similar structures shall be removed or broken and filled with minus 4" minus compacted well-graded granular material.~~

Section 3.5. Additional Requirements: No statement contained in this Article shall be construed to

Commented [AJ1]: Note – Code is looking into whether this is required by any non-local regulations.

interfere with any additional requirements that may be imposed by the Town.

Section 3.6. Septage Disposal: Septic tank waste and ~~private pump station hauled industrial~~ waste ~~originating from or generated in the Town of Hampden~~ may be introduced into the POTW only at the designated receiving structure of the ~~Bangor~~ POTW and at such times as are established by the Town ~~of Hampden and the City of Bangor~~. Such wastes shall not violate Section 6.3 of this Ordinance or any other requirements established or adopted by the Town ~~of Hampden or the City of Bangor~~. ~~Wastewater discharge permits for individual vehicles to use such facilities may be issued by the Town. In no circumstance will wastes be accepted without prior approval from the City of Bangor, Director of Water Quality (hereafter "Director") or his/her designee.~~

~~The Town may issue wastewater discharge permits to original sources of hauled industrial waste. The Town shall also have the authority to prohibit the disposal of hauled industrial wastes.~~

~~Waste haulers may only discharge loads at locations specifically designated by the Town. No load may be discharged without prior consent of the Town.~~ The Town ~~and/or City~~ may collect samples of each hauled load to ensure compliance with this Ordinance ~~and the City of Bangor's Chapter 252: Sewers and Drains Ordinance~~. The Town ~~and/or City~~ may require the hauler to provide a waste analysis of any load prior to discharge.

Waste haulers must provide ~~the POTW with a copy of~~ a waste-tracking form for every load ~~prior to discharge~~. This form shall include, at a minimum, the name and address of the waste hauler, ~~permit number,~~ truck identification, sources of waste and volume and characteristics of waste. ~~In addition, for hauled industrial waste, the form shall identify the type of industry, known or suspected constituents and whether any wastes are RCRA hazardous wastes.~~

~~Waste haulers must dispose of hauled wastewater at the designated receiving structure only during such days and times as designated by the Town.~~ Waste haulers using trucks having a volume gauge or sight glass will be charged at the applicable rate per 1,000 gallons of wastewater discharged. Trucks lacking such a volumetric measuring device or other means satisfactory to the Town to measure the volume of wastewater discharged will be presumed full and will be charged accordingly.

Any person who discharges hauled wastewater at any other location in the Town or at the designated receiving structure at other than the times allowed shall be subject to applicable civil and criminal penalties, including those prescribed at 30-A M.R.S.A. § 4452 and 38 M.R.S.A. §§ 349 and 1319-T.

A suitable odor-control chemical approved by the Town ~~and the Director or his/her designee~~ shall be introduced to the hauled wastewater prior to its transportation to the designated receiving structure. Sufficient quantities of such chemical shall be used by the waste hauler to adequately control odors emanating from the hauled wastewater.

If at any time, in the opinion of the Town ~~or the Director/Manager or his/her designee~~, the discharge of hauled wastewater is placing an excessive burden on the POTW's treatment process or is otherwise causing a nuisance, the Town ~~or City~~ can refuse to accept such wastewater for treatment in the POTW.

ARTICLE 4 BUILDING SEWERS AND CONNECTIONS TO PUBLIC SEWERS

Section 4.1. State Plumbing Code: The provisions of this article shall be deemed to supplement provisions of the State Plumbing Code with respect to building sewers and connections thereof to public sewers. In event of conflicts between this article and the state plumbing code, ~~the most restrictive or higher standard~~ ~~the provisions of this article~~ shall be deemed to apply. Permits and fees stipulated hereunder are additional to any permits or fees, or both, required under the State Plumbing Code.

Section 4.2. Connection to Public Sewers: No person shall uncover, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written Street Opening/Utility Connection permit from the Town. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Town at least 45 days prior to the proposed change or connection and pay applicable sewer connection fees.

- 4.2.1. **Street Opening/Utility Connection Permit:** Said Permit shall specify whether the connection is for residential or commercial service or for service to establishments producing or handling industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the Town. The permit application shall be accompanied by any plans, specifications, or other information required in accordance with the provisions in the Street Opening/Utility Connection Ordinance. The fee for the Street Opening/Utility connection permit is established in the Town of Hampden Fees Ordinance.
- 4.2.2. Except on an emergency basis to serve existing structures only (e.g. following a failure of an existing private septic system), no street opening/utility connection permit shall be issued authorizing connection to any public or private sewer line or sewer extension which is found by the Town to be inadequate, by reason of its design, condition or lack of hydraulic capacity, to accommodate the additional volume or flow or types of wastes to be discharged from the premises concerned; or which by reason of its design, condition or hydraulic capacity, causes or materially contributes to upsets, surcharges, slug loads or untreated outfalls at any downstream or other location. All permits issued on an emergency basis under this subsection shall bear the designation of "emergency permit" and shall be subject to annual review by the Public Works Director and/or the Town Manager. Any emergency permit shall be deemed terminated upon correction of the condition that led to its issuance.
- 4.2.3. Except for the purpose of correcting the violation concerned, no new street opening/utility connection permit shall be issued to any person who has been cited by the Public Works Director or the Town Manager for violations of this ordinance if such violation remains uncorrected at the time of application.
- 4.2.4. **Backwater Valves Required:** To protect from the possibility of backflow of sewage, backwater valves shall be required for all new connections to public sewers and shall also be required when existing sewer services are excavated.
 1. Material. All bearing parts of backwater valves shall be of corrosion-resistant material. Backwater valves shall comply with ASME A112.14.1, CSA B181.1 or CSA B181.2.
 2. Seal. Backwater valves shall be so constructed as to provide a mechanical seal against backflow.
 3. Diameter. Backwater valves, when fully opened, shall have a capacity not less than that of the pipes in which they are installed.
 4. Access. Backwater valves shall be installed so that access is provided to the working parts for service and repair.

Section 4.3. Permits and Connection Fees: There shall be two (2) classes of building sewer connection permits/fees:

1. residential service, and
2. commercial, industrial, and other nonresidential service.

In either case, the owner or owner's agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent to the judgment of the Town. A permit and inspection fee at the rate prevailing at the date of application shall be paid to the Town at the time an application is filed. ~~The Town Manager, with recommendation from the Public Works Director, Town Council shall establish~~ a permit and inspection fee for each commercial, industrial, or other non-residential building, ~~after recommendation of~~

~~the Town Manager~~ based on the size and nature of the operation proposed in such commercial, industrial, or other non-residential building as compared to the demands of a residential structure. The permit (or sewer connection fee) is calculated based on a form (Sewer Connection Fee Worksheet) provided by the Town. Final approval or revision of all commercial, industrial and other non-residential permit and inspection fees shall reside with the Town Council. No sewer connection fee will be required for repair of an existing sewer service, although a Street Opening/Utility Connection Permit will be required as applicable.

Section 4.4. Shared Building Sewers: A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, in which case the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Separate clean outs shall be provided for both buildings. Existing building sewers may be used in connection with new buildings only when they are demonstrated by examination to be in full conformance with all requirements of this ordinance.

Section 4.5. Quality and Weight of Materials: The building sewer shall be cast iron ~~soil~~-pipe, PVC pipe or other suitable materials approved by the Town and meeting current State Plumbing Code. The quality and weight of materials shall conform to the specifications of the State Plumbing Code. All joints shall be gastight and watertight. Where the building sewer is exposed to damage by tree roots or is installed in filled or unstable ground, the Town shall have the authority to stipulate such special pipe materials or installation provisions as it deems necessary for the circumstances. Testing of the building sewer installation shall be done at no cost to the Town, in the presence of the Town Representative and using a Town approved method.

Section 4.6. Size and Slope of Sewer: The size and slope of the building sewer shall be regulated by the State Plumbing Code, but in no event shall the diameter be less than 4 inches. The slope of a 4 inch pipe shall not be less than one-quarter inch per foot. The slope of a six-inch pipe shall not be less than one-eighth inch per foot.

Section 4.7. Elevation and Location of Sewer: ~~Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. If frost protection depth of (5ft. min) is not attainable due to ledge or other circumstances, rigid styrofoam insulation may be used at the rate of 1 inch per 12 inches of soil depth required. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with approved pipe and fittings. Whenever possible, the building sewer service shall exit the building below the basement finish floor elevation. No sewer service shall be installed parallel, less than (3) three feet from a foundation wall. The sewer service shall exit the building perpendicular to the foundation wall and be laid at a uniform slope draining away from the building in straight alignment where possible. Changes in direction shall be made only with approved pipe and fittings. The sewer service shall be a minimum of (5) five feet deep for frost protection or shall require rigid styrofoam insulation at a rate of (2) two inches per foot of soil depth. Meaning, a sewer service with only 4 feet of cover would require 2 inches of insulation, 3 feet of cover would require 4 inches of insulation, etc.~~

Section 4.8. Building Drains: In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer. Foundation or perimeter drains shall not be connected to the building sewer system.

Section 4.9. Excavations and Backfilling: All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Town. Pipe laying and backfill shall be performed in accordance with ASTM Specification C12 except that no backfill shall be placed until the work has been inspected by the Town. Refer to Section VI of the Street Opening/Utility Connection Ordinance for additional requirements.

Section 4.10. Joints and Connections:

4.10.1. Cast Iron Pipe: Cast iron pipe joints shall be of the push-on type and conform to ASTM 0564-70 (Rubber Gaskets) and ANSI (A21.11). Fittings shall be of the type specifically manufactured for the cast iron pipe used. Cast iron pipe, joints, and fittings shall be cement lined and double asphalt coated inside and bituminous coated outside. Lubricants shall be suitable for lubricating the gasket to facilitate assembly of the pipe joint. The lubricant shall be non-toxic, shall not support the growth of bacteria and shall have no deteriorating affects on the gasket material.

4.10.2. Plastic Pipe:

4.10.2.1. ABS pipe fittings and connection shall conform to ASTM (D1527) for Schedule 40, 80, 120 or ASTM (2661) for DMV Schedule 40.

4.10.2.2. Schedule 40 PVC fittings and connections shall conform to ASTM (D2665) for DMV Schedule 40 or ASTM (D1785) for Schedule 40, 80, 120 PVC. Fittings and connections shall be installed in accordance with the manufacturer's written instructions.

4.10.2.3. SDR 35 pipe fittings and accessories shall be as manufactured and furnished by the pipe supplier or approved equal and have a bell and/or spigot configuration compatible with SDR 35 PVC. Joints shall meet the requirements of ASTM (D3212) "Joints for Drain and Sewer Plastic Pipe Using Elastomeric Seals".

4.10.3. Joints: All Joints shall be sealed with gaskets of rubber, or other approved elastomeric material, as provided by the manufacturer of the pipe being installed. Joints shall be made up in conformance with the manufacturer's written installation instructions. Copies of the installation instructions shall be submitted to the Town a minimum of one week prior to the construction.

4.10.4. Alternate Materials and Methods: Alternate jointing materials and methods may be used only if of standard manufacture for the pipe and fittings being installed and submitted for approval to the Town.

Section 4.11. Connections: Connections of a building sewer into a public sewer shall be made, at a location determined by the Town.

4.11.1. Connections at Manholes: Where connection to the sewer main is not possible, connections to a manhole are permitted. Tapping of pre-cast manholes shall be done with core drill or other approved method. A flexible rubber pipe to manhole connector shall be employed in the connection of service lines to pre-cast manholes. The connector shall be the sole element relied on to assure a flexible watertight seal of the pipe to the manhole. No adhesives or lubricants shall be employed in the installation of the connector into the manhole. The rubber for the connector shall comply with ASTM C443 and ASTM C923 and consist of EPDM and elastomer designed to be resistant to ozone, weather elements, chemicals, including acids, alkalis, animal and vegetable fats, oils and petroleum products from spills.

All stainless steel elements of the connector shall be totally non-magnetic Series 304 Stainless, excluding the worm screw for tightening the steel band around the pipe which shall be Series 305 Stainless. The worm screw for tightening the steel band shall be torqued by a break-away torque wrench available from the pre-cast manhole supplier, and set 60 - 70 inch/lbs.

The connector shall be installed in the manhole wall by activating the expanding mechanism in strict accordance with the recommendation of the connector manufacturer.

The connector shall be of a size specifically designed for the pipe material and size being utilized on the project.

The contractor shall furnish evidence that materials meet or exceed the requirements given in ASTM Specification C923-84, which covers rubber seals used in concrete sewer pipe and culvert Joints.

	PHYSICAL PROPERTIES	ASTM C-023	ACTUAL
I.	Chemical Resistance		
	1 N Sulfuric Acid	No weight loss	No weight loss
	1 N Hydrochloric Acid	No weight loss	No weight loss
II.	Tensile, psi, min	1,200 psi	1,550 psi
	Elongation at break	350% min	450% min
	Hardness	+ 5 from the manufacturer's specified hardness	44 + 5
III.	Accelerated Oven Aging: 96 hrs @ 158°F		
	Tensile Change, % max	15	10.4
	Elongation Change, % max	20	14.0
IV.	Comp.Set, % max	25	19.6
V.	Water Absorption: 48 hrs @ 158°F	10	3.5
	Weight increase, % max		
VI.	Ozone Resistance 120 Hrs @ 100° + 02°F	0	0
VII.	Low-temperature brittle point Fracture @ -40°C	None	None
VIII.	Tear Resistance	200 lbf/in	200 lbf/in

On completion of the installation, the Contractor shall patch all cracks, gaps or other damage to the manhole with non-shrink epoxy grout or other approved material. Following installation the contractor shall pneumatically test the service per Article 5 - Section 5.4.2 of this Ordinance.

4.11.2. Connections at Wye Branches: When connecting a 4 or 6 inch building sewer to a public sewer, an inline wye branch fitting or tapped gasketed saddle connection shall be used. The fitting shall be of the proper design for the public sewer pipe materials. Any building sewer greater than 6 inch diameter shall be connected to the public sewer at a manhole. If a manhole is not available within the project limits, the developer and/or owner shall install one at a location determined by the Town. The manhole invert shall be reconfigured to accept the new pipe and direct flow downstream.

The tap shall be made with a hole saw and all rough edges sanded smooth. The tap location shall be centered horizontally on the pipe spring line or above. The service shall extend horizontally from the public sewer a distance not less than 2 feet.

The wye-saddle gasket shall be rubber or elastomeric material of section designed to provideeffect a water tight seal without transfer of significant stress to the sewer pipe. The wye-saddle shall be securely clamped in place with a minimum of two each 3/4 inch wide, Type 304 stainless steel bonds.

4.11.3. Service Marker: Electronic markers shall be provided at the terminus points of all new services or point of reconnection for all existing services. Marker disks shall be placed directly over the point of termination at least 6 inches above the pipe. Depth of marker burial shall not be less than 4 feet or more than 6 feet. Markers shall be laid in a level position and hand backfilled to 1 foot above the disk to prevent movement or damage.

Markers disks shall consist of a passive waterproof device capable of reflecting a specifically designated repulse frequency turned to the utility being installed. Marker disks shall be color coded green (for Sanitary) in accordance with AWWA Utility Location and Coordinating Council Standards. Markers shall be of the brand and style specified by the Town.

4.11.4. Swing Ties: Swing ties locating the terminus points of all new services or point of reconnection for all existing services shall be provided to the Town. Ties shall consist of measurements to permanent structures tabulated on reproducible record drawings submitted to the Town at completion of construction.

Section 4.12. Inspection and Connection to Public Sewers: The applicant for the building sewer permit shall notify the Town when the building sewer is ready for inspection and prior to connection to the public sewer. No public sewer shall be disturbed except under the supervision of the Town. The Town shall be available to supervise and inspect the connection within 48 hours of notification of readiness.

4.12.1. Guarding of Excavations: All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard.

4.12.2. Restoration of Public Property: Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

Section 4.13. Building Sewers Requiring Frequent Maintenance: Maintenance of the building sewer, as defined in section 1.0 of this Ordinance, shall be the responsibility of the property owner. Any building sewer serving a school, hospital, or similar institution or public building, or serving a complex of commercial or industrial buildings, or which, in the opinion of the Town, will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. If required, a new manhole shall be installed in the public sewer and the location of this manhole and the building sewer connection to it or to any existing manhole shall be as specified by the Town.

4.13.1 Interceptors and Traps: Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; (except that such interceptors shall not be required for private living quarters or dwelling units). All interceptors shall be of a type and capacity approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors or traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

Section 4.14. Infiltration: The maximum acceptable infiltration rate for all sewers constructed after enactment of this amendment shall be 100 gpd/in-mile of extent including service connection to the building foundation.

The maximum acceptable infiltration rate for all existing private sewers shall be 1,000 gpd/in-mile of extent, including service connection to the building foundation.

Infiltration rate measurements shall be made using manufacturer calibrated insert weirs and sound engineering practices. Infiltration measurements shall be reported in tabular form, showing all reaches monitored, antecedent precipitation, and groundwater conditions, and signed by a professional engineer registered in the State of Maine. A current manufacturer's calibration certificate for the weirs used to take the infiltration measurements shall be included with the report.

Section 4.15. Costs and Expenses Borne by the Owner: All costs and expense incident to the installation, connection and ~~and~~ maintenance of the building sewer shall be borne by the owner. The costs for verification of existing pipe condition for reuse shall also be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation, maintenance, or failure of the building sewer service.

**ARTICLE 5
SEWER EXTENSIONS**

Section 5.1. Sewer Extensions Constructed by the Town: Public sewer extensions may be constructed by the Town under public contract if, in the opinion of the Town Council, the number of properties to be served by such extension warrants its cost. Property owners may propose such sewer extensions within the Town by drafting a written petition signed by a majority of the benefited property owners, and filing it with the Town Council. The cost of such extensions may be assessed to the benefited property owners in any lawful manner determined by the town council. Under this arrangement the property owner shall pay for and install the building sewer from the public sewer to the property to be served in accordance with the requirements of Article 4.

Section 5.2. Sewer Extensions Constructed by Private Developer: If the Town does not elect to construct a sewer extension under public contract, the property owner, builder, or developer may construct the necessary sewer extension, if such extension is approved by the Town Council and constructed in accordance with the requirements of Section 5.3. The cost of sewer extensions thus made, including all building sewers, shall be absorbed by the developers or property owners. Each building sewer must be installed and inspected as previously required and the inspection fees shall be paid therefore. Design of sewers shall be as specified in Section 5.3. and Section 5.3.1. The installation of the sewer extension shall be subject to inspection by the Town and the expenses for this inspection shall be paid for by the owner, builder or developer. The Town's decision shall be final in matters of quality and methods of construction. Before it may be used, the sewer as-constructed must pass the inspection test(s) specified under Section 5.4.

To the maximum extent practicable all sewerage extensions shall be constructed within approved street right-of-ways. Otherwise, sewerage extensions shall be constructed centered in a 20 foot (minimum) wide right-of-way deeded to the Town.

Section 5.3. Requirements for Extending Sanitary Sewer Systems: All extensions to the sanitary sewer system shall be properly designed in accordance with this Ordinance and the most recent edition of the Recommended Standards for Sewage Worksfor Wastewater Facilities, as adopted by the Great Lakes Upper Mississippi River Board of State Sanitary Engineers. All design computations, plans and specifications shall be stamped and signed by a professional engineer, currently registered in the State of Maine. Plans and specifications and computations for sewer extension shall be submitted to and approval obtained from the Town before construction may proceed. Plans and profiles of proposed sewer_line construction shall be a-a scale of not more than 100 feet to the inch (1200:1) and a vertical scale of not more than 10 feet to the inch (120:1) scale of 1 inch equals 40 feet horizontal and 1 inch equals 4 feet vertical. Topographic base mapping shall be controlled with minimum 2 foot contour intervals. All mapping shall be based on MSL (Mean Sea Level) and Digital Data of GEO referenced plans as described below: Submission of digital data/preparation of geo-referenced plans: The digital submission should include all applicable sewer features (pipes, junctions, pumps, etc), topography, property lines, streams with flow direction, wetlands, or any other applicable features as would be shown on a printed plan. Features are to be GPS located using at least sub-meter accuracy GPS units. Plans are to be geographically referenced using no less than four non-linear (dispersed across the area) projected control points of at least sub-meter accuracy and shall be submitted in one of two acceptable formats: 1) Universal Transverse Mercator (UTM) Zone 19 meters, or 2) US State Plan Coordinate System Maine Zone East 1983 feet. Accepted file types are MapInfo .tab and associated files, ESRI .shp and associated files, AutoCAD .dwg files. AutoCAD files must be purged of all empty layers and presented with model space objects only. All files are to be submitted with clear layer names, such as "Sewer-Line-8inch", that obviously describe each layer (for example, "gp-pl-0" is not acceptable). Metadata should be included if available. If not available, a text file should be included with the following: surveyor or engineer name and license number, phone number, mailing address, email address, projection and datum used, date of preparation of data, description of equipment used to collect data (make, model, manufacturer's reported accuracy level), any disclaimers, limitations, or other notes. Electronic Files should be submitted on a CD-or, DVD or flash drive.

Submission of physical plan copies: No less than two physical copies in ARCH D or ARCH E format will

be provided on clear and legible media (suitable for microfilming).

5.3.1. All extensions of the sanitary sewer system constructed under Section 5.2 shall be designed to provide gravity collection and flow from the development to the point of connection with the existing public sewer system. Pump stations shall not be incorporated in the design of sewer systems in any proposed development within the Town of Hampden, Maine except under the following conditions:

5.3.1.1 Lift stations serving individual single-family homes are exempt from the foregoing requirements of Section 5.3.1, unless said homes are part of a common scheme of development, such as a subdivision or group development.

5.3.1.2 The parcel of land on which the development is to be located shall be no more than 500 feet from an existing public gravity sewer line.

5.3.1.3 No force main shall exceed 2,000 feet in length unless prior approval has been obtained from the Town Council upon their finding that such increased length is the only practicable option to service the subject property, and upon their finding that any increased operations and maintenance costs that would result from such increased length over the life of the infrastructure will be offset by sewer fees to be paid by the user or users of the force main.

5.3.1.4 ~~A force main sewer may only be constructed if determination is reached and agreed to by all parties that a gravity sewer would not be feasible. A force main sewer may only be constructed if a gravity sewer is not feasible, as determined by the Town.~~ For example: Although a 2" force main sewer might be less expensive to install than an 8" gravity sewer, the gravity sewer must be not feasible, not simply more expensive.

5.3.1.5 The private pump stations and sewer extensions must be maintained in perpetuity by either a single private entity or a maintenance association.

5.3.1.6 Any private pump stations and sewer extension must be designed and stamped by a duly licensed and qualified professional engineer, registered in the State of Maine.

5.3.1.7 The private pump station design, and the construction thereof, must include a redundant sewage lift pump, backup electrical generator and approved alarm system to provide warning in case of mechanical failure.

The Planning Board shall not approve any development or subdivision that includes private pump stations or private sewer extensions unless the design thereof and the legal documents showing evidence of their perpetual maintenance have been reviewed ~~and approved~~ by the Public Works Director, Town Council with written recommendation of the Town Manager, Town Attorney and Town engineering consultant with written recommendation to the Town Council for final approval.

5.3.2. Materials, Joints and Connection to Building Sewers: Gravity sewer pipe and fittings shall be Ductile Iron (DI) or Polyvinyl Chloride (PVC) unless otherwise approved by the Town.

Minimum internal pipe diameter shall be 8 inches. DI pipe shall be a minimum of Class 51 conforming to the requirements of ANSI A21.5 and ANSI A21.11 push on joints. Pipe shall be cement lined and double asphalt seal coated inside and bituminous coated outside. PVC sewer pipe and fittings 15 inches or less in diameter shall conform to the requirements of ASTM D3034 or ASTM F789, sizes 18 inches through 27 inches shall conform to ASTM P679. Pipe wall thickness shall be sized in accordance with ASTM D2412.

Pipe joining shall be bell and spigot with elastomeric gaskets. Pipe will be furnished in standard lengths. PVC to be installed at a depth greater than 14 feet shall meet the requirements of AWWA C900 (PVC Pressure Pipe). All Class 100 pipe shall meet the requirements or DR 25, Class 150 pipe

shall meet the requirements of DR 18 and Class 200 shall meet the requirements of DR 14.

Wye branch fittings shall be installed for connections to building sewers in accordance with Section 4.10.

5.3.3. Excavation: Excavation for pipe lines shall be true to line and grade and shall be carried to a minimum of the bottom of the pipe or to 6 inches below the bottom of the pipe. The Town may require additional excavation and backfill with granular material if unstable soil conditions are encountered.

For pipe diameters 12 inches and less the trench width - two pipe diameters above the pipe invert - shall be 36 inches. The trench width for diameters in excess of 12 inches - two pipe diameters above the pipe invert - shall be the pipe outside diameter "O" plus 2 feet. The trench width for parallel pipes in the same trench shall be 4 feet 6 inches, two pipe diameters above the highest pipe invert. The trench width shall not exceed the above limits unless authorized by the Town.

All Excavated areas shall be properly shored and braced so that earth will not slide or settle and so that all surrounding property and structures of any kind will be duly protected from damage. Work shall be performed in accordance with all existing State and Federal safety requirements. If in the opinion of the Town the work area and procedures are unsafe, the Town representative shall have the right to notify the proper authorities. (i.e. OSHA)

5.3.4. Bedding Material: Pipe bedding shall consist of a foundation (6" minimum depth) and side-fill to the top of the pipe embedment zone (12" min. over top of pipe) and accessories extending for the full width between the undisturbed trench walls. The bedding material required beneath the pipe shall be placed, graded and compacted to the pipe sub-grade profile over the entire width between undisturbed trench walls. The pipe shall be placed and adjusted to proper grade on this prepared bedding, then jointed, braced and blocked, as required. After pipe is graded into place, bedding material shall be placed simultaneously on both sides of the pipe and worked carefully into place without disturbing the pipe alignment or grade, to an elevation of 12" over the pipe. ~~, side-fill to the pipe spring line, and as appropriate, fill from the spring to the top of the pipe embedment zone (12" min. over top of pipe).~~

PVC pipe shall be ~~placed~~bedded in accordance with latest Uni-Bell PVC Pipe Association Design and Construction Standards, NI-B-5 Class I Bedding Conditions.

Backfill in the embedment zone for PVC pipe shall be machine placed bedding material, placed in 6 inch layers and compacted to 90% of relative density as determined by ASTM-D2049. Bedding material shall be crushed stone or gravel similar to MDOT Specification 703.06A Aggregate Base, conforming to following gradation:

Sieve Size	Percent Passing
1 1/2"	100
1/2	45-70
1/4"	30-55
No. 4	5-20
No. 200	0-5

Crushed stone without fine grained material will be allowed. Bedding Material – If crushed stone material is used for pipe bedding in roadway areas, filter fabric shall be placed over the full trench width and length just above the stone cover prior to placing backfill material.

Samples and a sieve analysis of the bedding material may be requested by the Town for approval prior to use.

Additionally, sieve analyses of randomly drawn samples of placed bedding material at a frequency of 1 per 2000 LF of pipe shall be provided if in the judgment of the Town, there is an apparent change in consistency of bedding material. All sampling and analyses specified herein shall be performed at no cost to the Town.

5.3.5. Pipe Thickness and Field Strength: Pipe thickness and field strength shall be calculated on the following criteria:

1. Safety factor: 1.9,
2. Load factor: 1.7,
3. Weight of soil: 120/cubic foot,
4. Wheel loading: 6,000 pounds.

Utilizing the above information, design shall then be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, "Design and Construction of Sanitary and Storm Sewers," current edition.

5.3.6. Manholes: Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 400 LF.

Components: Manhole components consist of: a pre-cast reinforced concrete base section with pre-cast invert channel and steps in either 2 foot or 4 foot lengths, 4 foot lengths will be required whenever the pipe diameter is greater than 18 inches; pre-cast concrete transition rings from one barrel diameter to another; a pre-cast reinforced concrete eccentric top section, with steps, in 4 foot lengths; pre-cast concrete transition rings from one barrel diameter to another; pre-cast reinforced concrete barrel sections, with steps, in 1 foot, 2 foot, 3 foot or 4 foot lengths; a boot type pipe to manhole seal; concrete riser rings in 2 inch, 3 inch or 6 inch thickness; and a metal frame and cover. No exterior face of the finished manhole above the base shall be inclined away from the vertical manhole centerline.

Concrete work shall be in accordance with applicable requirements of ACI 318 except as modified herein. Concrete shall be normal weight (i.e., produced using normal weight aggregate) having a minimum ultimate strength of 4,000 psi at 28 days. Maximum size of coarse aggregate shall be 3/4 inch. Cement shall be Type 1 conforming to ASTM C150. Reinforcement shall be Grade 40. The finished concrete shall be durable, dense and water-resistant, free from honeycombs, voids, cracks, pop-outs, scaling and dusting. All components shall be designed to accept H-20 loading. Four concrete compression test specimens shall be made from the working mix and broken for each 100 vertical feet of manhole sections. All testing shall be done in conformance with applicable ASTM requirements for sampling and testing concrete. Certified copies of the test results shall be submitted to the Town.

Each section of the pre-cast manholes shall have cast in place pins for the purpose of lifting, handling and setting.

The boot type pipe to manhole seal shall be of molded neoprene compound conforming to ASTM C443, with 3/8 inch wall thickness throughout. A series of beads shall be molded into the boot surfaces that contact the manhole part and pipe barrel to fill surface irregularities when clamped in place. Boot attachment bands and draw bolts shall be corrosion resistant non-magnetic stainless steel.

Manhole steps shall be copolymer polypropylene type designed for a minimum concentrated live load of 300 pounds and meeting ASTM 2146 Polypropylene, BOWCO step and socket system or approved equal, spaced vertically 12 inches on center. Irregular or non-vertical spacing of steps shall be cause for rejection.

Pre-cast concrete manhole sections shall be of lapped joint construction. All joints shall be triple sealed with:

1. Flexible butyl resin sealant on the inner lap conforming to Federal Specification SS-S-210A and AASHTO M-1983. Minimum acceptable product application range shall be 10°F to 130°F.

2. Flexible strip consisting of butyl rubber-hydrocarbon (24+/-1%) and sodium bentonite (75+/-1%) sealant on the outer lap. Minimum acceptable product application range shall be 5°F to 125°F.
3. Flexible 9 inch wide wrap consisting of 0.045 inch EPDM rubber backing supporting a 0.035 inch thick self-bonding butyl compound applied to the exterior face of the manhole and centered on the joint.

All sealing compounds shall be applied to clean, dry, primed surfaces in accordance with manufacturer's instructions. All joint sealants shall be fully applied prior to vacuum testing.

~~Precast concrete grade rings will not be accepted. Brick and mortar (containing sand, portland cement and lime, no pre-mixed mortar) will be used for final finish grade adjustment. Finish grade adjustment with bricks and mortar shall not exceed 14 inches (not including frame height). If more than 14 inches is needed to adjust to finish grade, an additional manhole barrel section shall be used. Riser rings will be pre-cast and shall be reinforced, and fitted with lifting pins not be accepted. Brick and mortar (no pre-mixed mortar) will be used for final finish grade adjustment. Finish grade adjustment with riser rings and bricks and mortar shall not exceed 14 inches (not including frame height). If more than 14 inches is needed to adjust to finish grade, an additional manhole barrel section shall be used.~~

Cast iron manhole frames and covers shall be cast of material conforming to the requirements of ASTM A48 and be of uniform quality, free from blow-holes, porosity, hard spots, shrinkage distortion or other defects. They shall be smooth and well-cleaned by shot-blasting or other approved method. They shall be of heavy duty construction weighing not less than 300 pounds and machined on both vertical and horizontal seating surfaces. Covers shall be of checkered top design embossed with the word "SEWER" in 2 inch letters. Frames shall have a minimum clear opening of 23 3/4 inches.

Locking or watertight frames and covers shall conform to the above. In addition, covers shall be gasketed and attached with four brass or stainless steel bolts.

Brick for manhole inverts shall meet Standard Specifications for Sewer Brick, AASHTO Designation M91-42, Grade SA, Size No. 1, wire cut. Mortar shall be a mixture of sand, ~~and cement~~ and lime consisting of one part ~~lime cement~~, three parts cement and six parts clean, well-graded hard, durable sand, and water. The amount of water shall be held to the minimum that yields a workable mortar.

5.3.7. Shop Drawings: Prior to issuance of the construction permit, shop drawings for all materials and components to be incorporated in the work shall be submitted for review and approval of the Town. No portion of the work shall be commenced unless and until shop drawings for materials and components to be incorporated in the work have been approved.

Shop drawings shall consist of manufacturer's standard product literature and technical data sheets which clearly demonstrate the proposed materials and components to be in full compliance with the requirements of this Ordinance.

Five sets of shop drawings shall be submitted to the Town for review and approval. Upon completion of review two copies will be retained by the Town and the remaining three sets shall be returned to the developer. The developer shall maintain one complete set of approved shop drawings at the job site throughout the construction.

All shop drawings must be reviewed and approved or disapproved by the Town within four weeks of receipt of same. Shop drawings held longer than four weeks shall be considered approved as submitted.

5.3.8. Flushing: All completed sewer lines, manholes and appurtenances shall be flushed and cleaned to remove grit and other debris. Care shall be taken to ensure that grit and debris are contained and removed from the line. Under no circumstances shall grit and debris from installation be permitted to enter Town sewers. Flushing shall be performed at no expense to the Town. Mandrel or CCTV

shall be used immediately following flushing as specified below.

Section 5.4. Testing: All public sewers shall conform to the requirement of the following tests before they will be approved and sewage flow accepted from them by the Town. Final testing and retesting as stipulated below shall be performed in the presence of the Town and at no expense to the Town. Results of tests performed in the absence of the Town will not be accepted.

5.4.1. Vacuum Testing of Manholes: Each manhole shall be tested immediately after assembly or modification, and prior to backfilling. All lift holes shall be plugged with an approved non-shrink epoxy grout. All pipes entering the manhole shall be plugged, taking care to securely brace the plug from being drawn into the manhole. The test head shall be placed at the inside of the top of the cone section and the seal inflated in accordance with the manufacturer's recommendations. A vacuum of 10 inches of mercury shall be drawn and the vacuum pump shut off. With the valves closed, the time shall be measured for the vacuum to drop to 9 inches. The manhole shall pass if the time is greater than 60 seconds for 48 inch diameter, 75 seconds for 60 inch diameter and 90 seconds for 72 inch diameter manholes. If the manhole fails the initial test it shall be repaired and retested until it passes.

5.4.2. Pneumatic Pipe Test: All newly installed, repaired or modified sewers shall pass a pneumatic test prior to acceptance by the Town. Pneumatic testing shall be administered after installation and capping of house service fittings and leads at their upper termination, and after completing backfill of the gravity sewer trench.

Pneumatic testing shall be performed using equipment and procedures outlined herein.

Equipment used shall meet the following minimum requirements:

1. Pneumatic plugs shall have a sealing length equal to or greater than the diameter of the pipe to be inspected.
2. Pneumatic plugs shall resist internal test pressures without requiring external bracing or blocking.
3. All air used shall pass through a single control panel.
4. Three individual hoses shall be used for the following connections:
 - a. From control panel to pneumatic plugs for inflation.
 - b. From control panel to sealed line for introducing the low pressure air.
 - c. From sealed line to control panel for continually monitoring the air pressure rise in the sealed line.
5. Internal pipe pressure gauge shall have a psi range from 0 to 25 max.

All pneumatic plugs shall be seal tested before being used in the actual test installation. One length of pipe shall be laid on the ground and sealed at both ends with pneumatic plugs to be checked. Air shall be introduced into the plugs to 25 psig. The sealed pipe shall be pressurized to 5 psig. The plugs shall hold against this pressure without bracing and without movement of the plugs out of the pipe.

After a manhole to manhole reach of pipe has been backfilled and cleaned, and the pneumatic plugs are checked by the above procedure, the plugs shall be placed in the line at each manhole and inflated to 25 psig. Low pressure air shall be introduced into this sealed line until the internal air pressure reaches 4 psig greater than the average back pressure of any groundwater that may be over the pipe. At least two minutes shall be allowed for the air pressure to stabilize.

After the stabilization period (3.5 psig minimum pressure in the pipe), the air hose from the control panel to the air supply shall be disconnected. The portion of line being tested shall be termed "acceptable" if the time required in minutes for the pressure to decrease from 3.5 to 2.5 psig (greater than the average back pressure of any groundwater that may be over the pipe) shall not be less than the time shown for the given diameters in the following table:

Pipe Diameter in Inches	Minutes
4	2.0
6	3.0
8	4.0
10	5.0
12	5.5
15	7.5
18	8.5
21	10.0
24	11.5

In areas where groundwater is known to exist, a 1/2 inch diameter capped pipe nipple, approximately 10 inches long, shall be installed through the manhole wall on top of one of the sewer lines entering the manhole. This shall be done at the time the sewer line is installed. Immediately prior to the performance of the Line Acceptance Test, the groundwater shall be determined by removing the pipe cap, blowing air through the pipe nipple into the ground so as to clear it, and then connecting a clear plastic tube to the nipple. The hose shall be held vertically and a measurement of the height in feet shall be divided by 2.3 to establish the pounds of pressure that will be added to all readings. (For example, if the height of water is 11 1/2 feet, then the added pressure will be 5 psig, and the 2.5 psig increased to 7.5 psig. The allowable drop of one pound and the timing remain the same).

If the installation fails the pneumatic test, the source of leakage shall be determined and eliminated by repair or replacement at no expense to the Town.

5.4.3. Deflection Test: An in-place deflection test shall be performed on all PVC gravity pipe by drawing a gauge plug (mandrel) through each section of sewer. Equipment used shall meet the following minimum requirements.

1. The gauge plug shall be constructed of durable, abrasion resistant material in a cylindrical shape. The full diameter barrel length to pipe diameter ratio shall not be less than 1.5 and the minimum barrel diameter shall be 5% less than the un-deflected base inside diameter of the pipe being tested. Each end of the cylinder shall be radiused at not less than one-fourth of the pipe diameter being tested. Each gauge shall have a 1/4 inch tie rod drilled through the entire unit. Tie rod terminations shall be closed eyes. Upon prior approval of the Public Works Director and under certain conditions only, (pipe grade 1% min. more than minimum slope, pipe installation was inspected and properly installed, etc), if the 5% mandrel does not pass, the 7-1/2% mandrel may be used. pipe In no condition shall the 7-1/2% mandrel be acceptable unless prior authorization by the Public Works Director is given.
2. Pull cord shall be attached to the gauge eyes with safety snaps. This cord shall be high quality material with a minimum test strength of 250 pounds. Cord on each side of the gauge shall be of sufficient length to span the maximum distance between any two adjacent manholes at the project site. This cord shall be marked in such a way that the user can determine the location of any constrictions found in the line as the test is being performed. The gauge plug and pull cord shall be submitted to the Town Manager for approval prior to use.

The deflection test shall be performed after the trench has been completely backfilled and compacted, and adequate settlement of the area around the trench has occurred (not less than 30 days following installation of the pipe).

To perform this test, the gauge is inserted into the pipe at the upstream manhole and slowly drawn through the line to the downstream manhole. When a constriction is encountered the cord shall be pulled with a force not to exceed 100 pounds, until it can go no further. Location of the constriction shall be noted, the spindle shall be withdrawn to the upstream manhole, and the section of pipe shall be excavated to correct the problem. When the area around the new pipe section has adequately settled, the deflection test shall be performed again along

the entire section where the constriction occurred.

5.4.4 Video Testing: Video Testing may be acceptable to the Town in Lieu of pressure testing if the newly installed sewer has active house services connected to the public sewer. This option is at the discretion of the Town.

Testing shall consist of passing a video camera completely through the interior of the new sewer from the upstream manhole to the downstream manhole, while recording and viewing the results. The video camera shall be self powered and capable of rotating its lens to look into service connections. A Written report noting any deficient area will be given to the Town upon completion of the test with (2) electronic copies of the video. Video testing shall be done by a competent firm approved by the Town.

A Town representative shall be present at the time of testing.

Section 5.5. Transfer of Ownership to the Town: All extensions of public sewerage shall become the property of the Town through the following procedures initiated by the Developer:

The developer shall:

1. Request written approval from the Town indicating that all sewer improvements have been completed as specified herein to their satisfaction.
2. Indicate in writing to the Manager that said improvements will be guaranteed against defects in materials or workmanship for a period of ~~18~~¹² months from the time of acceptance by the Town.
3. Indicate in writing to the Manager that said sewer improvements are free and clear of any liens, all right-of-ways have been deeded to the Town as shown on the approved subdivision plans.
4. Petition the Manager in writing to go before the Council to request acceptance of the sewer line.

After all the above items have been completed by the developer, the manager may then schedule the item for review by the Town Council. The Town Council shall be the ruling authority on acceptance.

Section 5.6. Privately Owned Sewer Extension: Privately owned sewer extensions of the public sewer will be permitted with the following additional conditions:

~~5.6.1 Maintaining the privately owned sewer extension shall include an annual inspection report of the complete system. This shall include, but not limited to, the condition of manholes, (interior and frame/covers), brick and mortar, inverts, pump stations, generators, infiltration and inflow sources and any other pertinent areas. The report shall be filed with the Town Manager and signed by a professional engineer (PE) registered in the State of Maine. All other construction requirements of this ordinance shall apply to privately owned sewer extensions. Privately owned sewer extensions (associated with subdivisions or site plans) of the public sewer may be permitted with prior approval by the Hampden Planning Board. All other privately owned sewer extensions shall be approved by the Director of Public Works. If peer review is needed, the Director of Public Works can solicit third party review at the expense of the applicant. Said sewer shall be constructed in strict compliance with this ordinance and be inspected by the Hampden Public Works Director or his/her designee during construction. All compliance with State, local and federal regulations, maintenance and repair shall be the responsibility of the owner.~~

Section 5.7. Requirements for Building Permits: No builder or developer shall be issued a building permit for new dwelling or structure requiring sanitary facilities within the Town, unless a suitable and approved method of waste disposal has been constructed and is available for service.

ARTICLE 6 USE OF PUBLIC SEWERS

Section 6.1. Unlawful ~~D~~eposits and ~~D~~ischarges; Use of Public Sewers Rquired:

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of the Town, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any wastewaters, except where suitable treatment has been provided in accordance with this Ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of domestic sewage.
- D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town is hereby required, at the owner's expense, to install suitable plumbing facilities therein, including but not limited to toilets, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line.

Section 6.2. Storm Sewers: Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet, as approved in writing by the Town Manager or his/her designee. ~~Industrial cooling water or unpolluted process waters may be discharged, upon written approval of the Town Manager, to a storm sewer or natural outlet, provided however, that such discharge shall be in accord with all State and Federal regulations. All other discharges may be granted only with written approval of the Town Manager or his/her designee.~~

Section 6.3. General Sewer Use Requirements:

6.3.1 General prohibitions. No discharger or user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the POTW, whether or not they are subject to categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements. The provisions of this section shall apply to wastewater originating in the Town of Hampden, which is introduced to the Town's POTW.

6.3.2. Specific prohibitions. No discharger or user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to waste streams with a closed-cup flashpoint of less than 140° F. (60°C). using the test methods specified in 40 CFR 261.21

(2) Wastewater having a pH less than 5.0 or more than 12.0 or otherwise causing corrosive structural damage to the POTW or equipment. Any pH above 12.5 is considered hazardous under 40 CFR 261.22.

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case shall solids greater than three inches or 7.6 centimeters in any dimension be introduced to the POTW.

(4) Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.

(5) Wastewater having a temperature greater than 150° F. (65° C.) or which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater which causes the temperature of the treatment plant influent of the POTW to exceed 104° F. (40° C.).

(6) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass-through.

- (7) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (8) Trucked or hauled pollutants, except at discharge points designated by the Town pursuant to Section 3.6 of this ordinance.
- (9) Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, is sufficient to create a public nuisance or a hazard to life or prevent entry into the sewers for maintenance or repair.
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's MEPDES permit.
- (11) Stormwater, groundwater, roof runoff, subsurface drainage or any water from downspouts, yard drains, fountains and ponds, swimming pool drainage, sump pumps, septic tanks, lawn sprays or geothermal-type heating or cooling systems, unless such drainage from such sources is discharged into drains specifically designated for such purposes by the Town. Industrial cooling water may be discharged only after written approval and to a receptor site designated by the Town. Such industrial cooling water discharges shall comply with the requirements of 38 M.R.S.A. § 413 and be approved by the Pretreatment Coordinator.
- (12) Sludges, screenings or other residues or by-products from the pretreatment of industrial wastes.
- (13) Wastewater containing any radioactive wastes or isotopes, except as specifically approved by the Town. Such approval shall only be given upon certification by the discharger or user that applicable federal and state regulations concerning such wastewater have been complied with before such a discharge. Radioactive waste includes, but is not limited to, any substance required by the United States Department of Transportation to have Type A or B packaging, pursuant to 49 CFR 173.426.
- (14) Medical wastes, except as specifically authorized by the Town in a wastewater discharge permit.
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (16) Fats, oil or greases of animal or vegetable origin or oil and grease and other petroleum or mineral oil products in concentrations greater than 200 mg/l.
- (17) Toxic pollutants or any other toxic substances hereinafter determined by the Town not to be amenable to treatment or reduction by the wastewater treatment processes of the Town or which might interfere with the effectiveness of the POTW's processes or which might limit the potential end uses of the POTW's sludges.
- (18) Any substance or material prohibited under 40 CFR 403, in particular 403.5(a) and (b). Also any other substance or material the discharge of which results in a violation by the Town of the regulations, now or herein after existing, of any public entity, including the EPA, or results in a violation of the City's MEPDES permit.
- (19) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases.
- (20) Any garbage except properly shredded garbage.
- (21) Any hazardous waste.

6.3.3 Action by Town outflow metering.

(1) If any wastewater or other wastes are discharged or proposed to be discharged to the public sewers, which wastewaters or other wastes contain the substances or possess the characteristics enumerated in this section and which in the judgment of the Town may have a deleterious effect upon the Town's POTW processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

- (a) Reject the wastewater or other wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the POTW;
- (c) Require control over the quantities and rates of discharge;
- (d) Require payment to cover the added cost of handling and treating the wastes; and/or
- (e) Take any appropriate enforcement action against an industrial user or user which violates the prohibitions of this section.

(2) If the Town permits the pretreatment or flow equalization of waste flows, the design and installation of the plant and equipment for such pretreatment or flow equalization shall be subject to the review and approval of the Town and subject to the requirements of all applicable Town, state and federal codes, ordinances and laws. The Town's approval, if granted, shall not be deemed to relieve the discharger of its responsibility to comply with its wastewater discharge permit requirements and shall not constitute an acceptance of the adequacy of the pretreatment process equipment selected. Where preliminary treatment or flow-equalizing facilities are provided for any wastewater or other wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

(3) Outflow metering.

(a) Whenever the Town has reason to believe that a particular discharger is discharging unmetered flows into the Town's POTW or public sewers in the form of storm runoff, groundwater, roof runoff or subsurface drainage or from any other source listed in Subsection 6.3.2(11) of this section or otherwise and that the volume of such flows, on a percentage basis, exceeds the Town-wide average for such flows, the Town may install, or require the discharger to install, an outflow metering device and may thereafter charge the discharger the Town's cost, if any, of installing the outflow metering device and the Town's cost of treating such flows as provided in the Town's approved schedule of sewer fees. All charges imposed by the Town under this Subsection 6.3.3(3) shall be collected in the same manner as other sewer fees established under 30-A M.R.S.A. § 5405.

(b) Prior to imposing charges under this Subsection, the Town shall give the discharger written notice of a show cause hearing, as provided in Section 6.10.4 of this Ordinance. At the show cause hearing, the discharger shall be afforded an opportunity to show that its discharges into the Town's POTW or public sewers do not include excessive unmetered flows or that such flows were caused by an upset or unavoidable malfunction. For this purpose, the term "unavoidable malfunction" shall be defined as provided in 38 M.R.S.A. § 359, Subsection 9. In the event of excessive unmetered flows caused by an unavoidable malfunction, the Town shall issue an order directing correction of the malfunction within 90 days of the order date. This period may be extended for an additional period of up to 90 days if the malfunction cannot be corrected within the original ninety-day period due to winter weather conditions. If the malfunction remains uncorrected upon expiration of the specified period, the Town shall impose the additional charges provided in this Subsection retroactively to the date of the Town's order.

(c) Imposition of additional charges as provided in this Subsection 6.3.3(3) shall not bar or be a prerequisite for other enforcement action under Sections 6.10, 6.11 or 6.12 of this Ordinance.

6.3.4 Grease, oil and sand interceptors shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand or other harmful ingredients, except that such interceptors shall not be required for private residential living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection.

6.3.5 No discharger or user shall increase the use of potable or process water, in any way, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance. Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in a manner that would allow it to be discharged to the POTW.

6.3.6 Federal Categorical Pretreatment Standards. The categorical pretreatment standards found at Title 40 of the Code of Federal Regulations, Chapter I, Subchapter N, Parts 405 through 471, are incorporated herein by reference. These standards must be adhered to by dischargers to, or users of, the POTW.

(1) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the Town convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Town. The Town may establish equivalent mass limits only if the industrial user meets all the conditions set forth in Subsection 6.2.6(a) through (c) below.

(a) To be eligible for equivalent mass limits, the industrial user must:

[1] Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

[2] Currently use control and treatment technologies adequate to achieve compliance with the applicable pretreatment standard and not have used dilution as a substitute for treatment;

[3] Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

[4] Not have daily flow rates, production levels, or pollution levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and

[5] Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

(b) An industrial user subject to equivalent mass limits must:

[1] Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

[2] Continue to record the facility's flow rates through the use of a continuous flow monitoring device;

[3] Continue to record the facility's production rates and notify the Town whenever production rates are expected to vary by more than 20% from its baseline production rates determined in Section 6.2.6. Upon notification of a revised production rate, the Town will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

[4] Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Subsection 6.3.6 (1)(a)[1] so long as it discharges under an equivalent mass limit.

(c) When developing equivalent mass limit, the Town:

[1] Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

[2] Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

[3] May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 6.3.5. The industrial user must also be in compliance Section 6.13.3 regarding the prohibition of bypass.

(2) Once included in its permit, the industrial user must comply with the equivalent limitations developed as per this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(3) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the Town within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the Town of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

6.3.7. Local limits.

(1) Limits for certain pollutants will be established to protect against pass-through or interference. No person shall discharge wastewater containing in excess of the instantaneous maximum allowable discharge limits as identified on the user's wastewater discharge permit. All discharge local limits shall be technically based and approved by the DEP.

(2) Local limits may be set for the following pollutants: arsenic, barium, cadmium, chromium, copper, cyanide, lead, mercury, nickel, fats, oils or other greases of animal or vegetable origin or oil and grease and other petroleum or mineral oil products, silver, TTO and zinc. This list may be amended or local limits may be developed for any other pollutants deemed appropriate, including pollutants that can cause pass-through, interference, worker health and safety problems, fume toxicity, etc. The Town will provide advanced written notice of new local limits to users prior to initiating enforcement actions.

(3) The discharge local limits must be met at the point where the user's wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless otherwise indicated on the wastewater discharge permit. The Town may impose mass limitations in addition to or in place of concentration-based limitations.

(4) The Town may develop best management practices (BMPs) and mass-based limits by ordinance or in individual wastewater discharge permits, to implement local limits and any other general discharge prohibitions as regulated in Section 6.2.

6.3.8. Town's right of revision. The Town reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

6.3.9. Special agreement. The Town reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. A user may also request a variance from the categorical pretreatment standard from the approval authority. Such a request will be approved only if the user can prove that the factors relating to its discharge are fundamentally different from the factors considered by the EPA when establishing that categorical pretreatment standard. A user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13. The Town is authorized to set appropriate fees or other charges for such agreements.

6.3.10. Pretreatment facilities. Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in this Ordinance within the time limitations specified by the EPA, the state or the Town, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the Town shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town for review and shall be approved by the Town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the Town's POTW under the provisions of this Ordinance.

6.3.11. Accidental discharge/slug control plans. The Town may require any user to develop and implement an accidental discharge/slug control plan. At least once every two years the Town shall evaluate whether each significant industrial user needs such a plan. Any user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

- (1) Description of discharge practices, including non routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in this section of this Ordinance; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

Section 6.4. Wastewater Surveys.

6.4.1. It shall be unlawful to discharge wastewater to any public or private sewer within the Town of Hampden where such discharged wastewater reaches the Town's POTW without having first complied with the provisions of this Ordinance.

6.4.2. When requested by the Town, all users must complete a wastewater survey form, on a form supplied by the Town, which contains information on the nature and characteristics of their wastewater. This form must be submitted to the Town prior to discharge of the user's wastewater into the Town's POTW. The Town is authorized to prepare a form for this purpose and may periodically

require users to update the survey. Failure to complete this wastewater survey form shall be reasonable grounds for terminating service to the user and shall be considered a violation of this Ordinance. Existing industrial dischargers shall file wastewater survey forms within 30 days after being notified by the Town and proposed new dischargers shall file such forms at least 90 days prior to connecting to the POTW. The information to be supplied to the Town by the user shall include, but not be limited to, the following information:

- (1) The name, address and location of the user and the number of employees.
- (2) The SIC of the user.
- (3) The known or suspected to be present wastewater constituents and characteristics, including but not limited to those mentioned in this Ordinance. Any sampling and analysis that is required by the Town shall be performed in accordance with standard methods and/or those contained in 40 CFR 136. The costs of all such sampling, analysis and reporting shall be fully borne by the user.
- (4) The time and duration of discharges.
- (5) The average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be as actually measured unless other verifiable techniques are approved by the Town due to cost or non-feasibility.
- (6) The site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation adjacent to or at the user's premises.
- (7) The activities, facilities and plant process on the premises, including all materials which are or may be discharged to the POTW.
- (8) The nature and concentration of any known or suspected pollutants or materials prohibited by this Ordinance from being included in the discharge, together with a statement regarding whether or not compliance is being achieved with this Ordinance on a consistent basis and, if not, whether additional O&M activities and/or additional pretreatment is required for the user to comply with this Ordinance.
- (9) The identification of each product produced by the user by type, amount, process or processes and rate of production.
- (10) The type and amount of raw materials utilized, average and maximum per day, by the user.

6.4.3. All disclosure forms and any periodic reports submitted by a user shall be signed by the principal executive officer of the user and shall contain the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

6.4.4. The Town will evaluate the completed wastewater survey forms and material safety data sheets furnished by the user and may require the user to furnish additional information. The user shall provide all requested additional information within 15 days after receiving notification from the Town that additional information is required. After full evaluation and acceptance of all submitted data, the Town shall make the determination as to whether the user is subject to EPA pretreatment requirements. If the Town determines that the user is subject to EPA pretreatment requirements, the

Town shall require the user to apply for a wastewater discharge permit as required by Section 6.5 of this Ordinance. The user shall make application for a wastewater discharge permit, on a form provided by the Town, within 30 days after having received notification from the Town to do so. The user shall provide, with the permit application, at the user's own expense, the results of all sampling and analysis of the user's wastewater effluent as the Town may be required to accompany the permit application. If so requested by the Town, the user shall collect all required samples in the presence of the Town.

Section 6.5. Wastewater Discharge Permits.

6.5.1. Every new or existing user of the Town's POTW or wastewater plant which is determined to be a categorical user or significant industrial user as defined in Section 1.1 of this Ordinance—~~Section 1.1 of this Ordinance,~~ is required to obtain a wastewater discharge permit from the Town.

6.5.2. The Town may prescribe special license, disclosure and reporting requirements for nonindustrial users of high-strength conventional waste distinct from the requirements imposed on industrial users under this section. Such requirements shall not be more burdensome than the requirements imposed on industrial users by this section.

6.5.3. Wastewater discharge permits shall be subject to all provisions of this Ordinance and all other regulations, user charges and fees established by the Town. The conditions of wastewater discharge permits shall be enforced in accordance with this Ordinance and applicable state and federal regulations.

6.5.4. Wastewater discharge permits may impose effluent restrictions or limits on the user if the Town determines that such limits are necessary to protect the quality of the treatment plant influent, effluent or sludge or to maintain compliance with any applicable federal or state law, including requirements under the Town's NPDES permit and national categorical pretreatment standards for new and existing sources set out in Title 40 of the Code of Federal Regulations, Chapter I, Subchapter N, Parts 401 through 471.

6.5.5. The Town will evaluate the data furnished by the user and may require additional information to complete the user's wastewater discharge permit application. Within 14 days of receipt of a complete wastewater discharge permit application, the Town will determine whether a wastewater discharge permit is required and, if so, whether a wastewater discharge permit should be issued. The Town may deny any application for a wastewater discharge permit. The Town shall notify the user, in writing, of the decision on the wastewater discharge permit application.

6.5.6. Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. Each wastewater discharge permit shall indicate a specific date upon which it will expire.

6.5.7. Wastewater discharge permits are issued to a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner or a new user, different premises or a new or changed operation. To facilitate the issuance of new, separate permits, the Town may allow new owners or individuals to operate under an existing wastewater discharge permit for a period not to exceed 90 days.

6.5.8. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Town to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal and protect against damage to the POTW.

(1) Wastewater discharge permits shall contain the following conditions:

(a) A statement that indicates the wastewater discharge permit duration.

(b) A statement that indicates that the wastewater discharge permit is nontransferable pursuant to Section 6.5.7 of this section and a provision requiring any new owner or operator to be furnished with a copy of the existing wastewater discharge permit by the prior user.

(c) Pretreatment standards and effluent limits based on the general and specific prohibited discharge standards, categorical pretreatment standards, local limits, including best management practices and mass-based limitations, and all applicable law.

(d) Self-monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include a sampling frequency and sample type based on federal, state and local law.

(e) A statement of applicable penalties for violation of pretreatment standards and requirements and any required compliance schedule. Such schedule may not extend the time for compliance beyond that required by federal, state or local law.

(f) Other specific conditions the Town deems necessary to ensure compliance with this Ordinance and federal and state regulations and statutes.

(2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

(a) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and flow equalization.

(b) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass or other measure of identified wastewater pollutants or properties.

(c) Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, any of which would be designed to reduce, eliminate or prevent the introduction of pollutants into the POTW.

(d) Requirements for the development and implementation of spill and/or slug control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated or routine discharge.

(e) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW by the user.

(f) The unit charge or schedule of user charges and fees for the management of the user's wastewater discharged to the POTW.

(g) Requirements for the installation and maintenance of inspection and sampling facilities and equipment.

(h) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

(i) Identification by the user of the location of the user's outfall to the POTW.

(j) Other specific conditions the Town deems necessary to ensure compliance with this Ordinance and federal and state regulations and statutes.

6.5.9. Any aggrieved person, including the user, may file a petition with the Town, in writing, to reconsider the terms of a wastewater discharge permit or the denial of a wastewater discharge permit application within 15 days of the permit's issuance or notification of the Town's denial.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of any administrative appeal.

(2) In its petition, the petitioner must indicate the wastewater discharge permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the wastewater discharge permit. A petitioner seeking review of a permit denial must specifically allege reasons why a permit should be issued, along with conditions of issuance that the petitioner believes should satisfy any concerns the Town may have about the suitability of the user's wastewater for discharge to the Town's POTW.

(3) The requirements or conditions of any wastewater discharge permit shall not be stayed by the Town pending the outcome of the administrative appeal.

(4) Upon receipt of the petition, the Town may act to grant the petitioner's request. Said action must take place within 14 days of receipt of the petition. If the Town refuses to grant the petitioner's request, however, the Town Manager shall notify, in writing, the Town Council.

(a) The Town Council shall schedule an administrative hearing, which shall be recorded within 30 days of notification by the Town Manager or as soon thereafter as may be arranged. The Town Council shall conduct the hearing so as to develop an adequate administrative record, and the Town Council may choose to limit the asking of questions to the members of the Town Council only. The petitioner will bear the burden of proof at the hearing and will present its case first.

(b) The Town Council shall issue its decision, in writing, within 45 days of the hearing. The Town Council's decision must be guided by the provisions of this Ordinance. Failure by the Town Council to issue a decision within that time period shall constitute a denial of the administrative appeal; however, the record of the administrative hearing, including any exhibits, shall be made a part of any further judicial reviews. Town Council decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, not to modify a wastewater discharge permit or to issue a modified wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(5) Parties seeking judicial review of the final administrative action must do so by filing a complaint with the Penobscot County Superior Court pursuant to Maine Rules of Civil Procedure 80B.

6.5.10. Modifications.

(1) The Town may modify at any time the wastewater discharge permit for good cause, including but not limited to the following:

(a) To incorporate any new or revised federal, state or local pretreatment standards or requirements.

(b) To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the issuance of the wastewater discharge permit.

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

(d) Information is received by the Town indicating that the permitted discharge poses a threat to the Town's POTW, Town personnel or the receiving waters.

(e) Violation of any terms or conditions of the wastewater discharge permit.

(f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater survey form, wastewater discharge permit application or in any other required reporting.

(g) Revision of, or a grant of a variance from, categorical pretreatment standards pursuant to 40 CFR 403.13.

(h) To correct typographical or other errors or omissions in the wastewater discharge permit.

(2) Challenges to any such modifications can be made pursuant to the provisions of Subsection I of this section.

6.5.11. Any user which violates any condition of its permit or of this Ordinance or of applicable state and federal statutes and regulations may have its permit revoked by the Town. Violations subjecting a user to possible revocation of its permit include, but are not limited to, the following:

(1) Failure of a user to accurately report the wastewater constituents and characteristics of its discharge.

(2) Failure of a user to report significant changes in operations or its wastewater constituents and characteristics.

(3) Refusal of reasonable access by the Town to the user's premises during regular business hours for the purpose of inspection or monitoring.

(4) Violations of the conditions of the permit.

(5) Failure to provide advance notice of the transfer of the ownership of a permitted user.

(6) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application, any required wastewater surveys or other required reporting.

(7) Falsifying monitoring reports or tampering with monitoring equipment.

(8) Failure to pay surcharges, user fees, permit fees, fines or other required payments.

(9) Failure to meet the requirements of a compliance schedule.

6.5.12. Compliance schedules.

(1) Where additional pretreatment and/or O&M activities will be required to comply with this Ordinance, the user shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional O&M activities.

(2) The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to comply with the requirements of this Ordinance, including but not limited to dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction and all other acts necessary to achieve compliance with this Ordinance.

(3) Under no circumstances shall the Town permit a time increment for any single step directed toward compliance which exceeds nine months.

(4) No later than 14 days following each milestone date in the schedule and the final date for compliance, the user shall submit a progress report to the Town, including, at a minimum, a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the Town.

Section 6.6. Reporting Requirements:

6.6.1. Baseline monitoring reports.

(1) Within either 180 days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall be required to submit to the Town a report which contains the information listed in Subsection 6.5.1(2) below. At least 90 days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall be required to submit to the Town a report which contains the information listed in Subsection 6.5.1(2) below. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(2) Users described in Subsection 6.6.1(1) above shall submit the information set forth below:

(a) The name and address of the facility, including the name of the operator and owner.

(b) A list of any environmental control permits held by or for the facility.

(c) A brief description of the nature, average rate of production and SIC of the operations carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(d) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

(e) Categorical pretreatment standards; sampling results.

[1] The categorical pretreatment standards applicable to each regulated process.

[2] The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the Town, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be sampled and analyzed in accordance with the provisions of Sections 6.6.9 and 6.6.10 of this section.

(f) A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional O&M and/or pretreatment is required to meet the pretreatment standards and requirements.

(g) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.5.12 of this Ordinance.

(h) All baseline monitoring reports must be signed and certified in accordance with Section 6.4.3 of this Ordinance.

6.6.2. Compliance schedule progress report. The requirements imposed by Section 6.5.12 of this Ordinance shall apply to the compliance schedule required by Subsection 6.6.1(2)(g) of this section.

6.6.3. Report on compliance with categorical pretreatment standard deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Town a report containing the information described in Subsection 6.6(2)(d) through (f) of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production or other measure of operation, this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.4.3 of this Ordinance.

6.6.4. Periodic compliance reports.

(1) All significant industrial users shall, at a frequency determined by the Town, but in no case less than twice per year in June and December, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Town or the pretreatment standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with Section 6.4.3 of this Ordinance.

(2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW, using the analytical requirements and sampling procedures prescribed in Sections 6.6.9 and 6.6.10 of this section, the results of this monitoring shall be included in the report.

6.6.5. Report of changed conditions. Each user must notify the Town of any planned significant changes to the user's operations or process systems which might alter the nature, quality or volume of its wastewater at least 60 days before the change.

(1) The Town may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 6.5 of this Ordinance.

(2) The Town may issue a wastewater discharge permit under Section 6.5 of this Ordinance or modify an existing wastewater discharge permit under Section 6.5.10 of this Ordinance in response to changed conditions or anticipated changed conditions.

(3) No user shall implement the planned changed conditions until and unless the Town has responded, in writing, to the user's notice.

(4) For purposes of this subsection, significant changes include, but are not limited to, flow increases of 10% or greater and the discharge of any previously unreported pollutants.

6.6.6. Reports of potential problems.

(1) In the case of any discharge, including but not limited to hazardous waste discharges, accidental discharges, discharges of a non-routine or episodic nature, a non-customary batch discharge or a slug load that may cause potential problems for the POTW, the user shall immediately ~~telephone and~~ notify the Town of the incident by telephone, email or other reliable means. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(2) Within five days following such a discharge, the user shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or other damage to person or property, nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Ordinance.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subsection 6.5.6(1) above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

(4) Significant industrial users are required to notify the Town immediately of any changes at their facility affecting the potential for a slug discharge.

6.6.7. Notification of the discharge of hazardous waste. In addition to all other requirements of this Ordinance, any user which discharges hazardous waste into the POTW shall notify the POTW, the EPA Regional Waste Management Division Director and Maine hazardous waste authorities, in writing, within five days of the discharge, of any such discharge. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, the type of discharge (continuous, batch or other) and the user's plan to avoid future discharges of the same or other hazardous waste. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or other damage to person or property, nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Ordinance.

6.6.8. Notice of violation/repeat sampling and reporting. If sampling performed by a user or the POTW indicates a violation, the user must notify the Town within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Town within 30 days after becoming aware of the violation. The user is not required to resample if the POTW monitors at the user's facility at least once a month or if the POTW samples between the user's initial sampling and when the user receives the results of this sampling.

6.6.9. Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or a report required by this Ordinance shall be performed in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with appropriate procedures approved by the EPA.

6.6.10. Sample collection.

(1) Except as indicated in Subsection 6.6.10(2) below, the user must collect wastewater samples using twenty-four-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Town. Where time-proportional composite sampling or grab sampling is authorized by the Town, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and

oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Town, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides and volatile organic chemicals must be obtained using grab sample collection techniques.

(3) For sampling required in support of baseline monitoring and ninety-day compliance reports required in Sections 6.6.1 and 6.6.3 of this section and 40 CFR 403.12(b) and (d), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical data are available, the Town may authorize a lower minimum. For the reports required by Section 6.6.4 of this section and 40 CFR 403.12(e) and 403.12(h), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

6.6.11. Determination of noncompliance. The Town will use appropriate sampling to determine noncompliance with pretreatment standards, including the use of standard methods.

6.6.12. Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall control.

6.6.13. Recordkeeping. Users subject to the reporting requirements of this Ordinance shall retain and make available for inspection and copying all records or information obtained pursuant to any monitoring activities, including documentation associated with BMPs, required by this Ordinance and any additional records or information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include, but not be limited to, the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall be retained by the user for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the POTW or where the user has been specifically notified of a longer retention period by the Town.

6.6.14. State requirements. State requirements and limitations on discharges to the POTW shall be met by all users which are subject to such requirements and limitations; provided, however, that such requirements and limitations are more stringent than the provisions of this Ordinance or federal law requirements or limitations.

6.6.15. Reports from unpermitted users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Town upon the request of the Town.

6.6.16. Certification of permit applications, user reports and initial monitoring waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with Section 6.4.4, users submitting baseline monitoring reports under Section 6.6.1, users submitting reports on compliance with the categorical pretreatment standard deadlines under Section 6.6.3, and users submitting periodic compliance reports required by Section 6.6.4. The following certification statement must be signed by an authorized representative as defined in Section 1.1:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Section 6.7. Compliance Monitoring; Right of Entry.

6.6.1. Inspection and sampling. The Town/City shall have the right to enter the facilities of any user to ascertain whether the purpose of this Ordinance, and any permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. All users shall allow the Town ready access to all parts of the premises for the purpose of inspection, sampling, records examination and copying and the performance of any additional duties as the Town Manager deems necessary.

- (1) Each user shall provide and operate, at its own expense, a monitoring facility to allow inspection, sampling and flow measurement of the user's wastewater discharge to the POTW.
- (2) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Town will be permitted to enter without delay for the purposes of performing specific responsibilities, such as compliance monitoring.
- (3) The Town shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations. The user shall bear the costs of such setup or installation.
- (4) The Town shall require the user to install monitoring equipment as the Town deems necessary. The user's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated quarterly (four times per year) to ensure their accuracy.
- (5) Any temporary or permanent obstruction to the safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Town and the obstruction shall not be replaced. The costs of clearing such access shall be borne by the user.
- (6) Unreasonable delays in allowing the Town access to the user's premises shall be a violation of this Ordinance.
- (7) In the event that the user is in or has previously been in noncompliance with this Ordinance or with the user's wastewater discharge permit, the user shall be required to pay the full cost of all additional sampling and analysis that the Town may conduct to determine the user's compliance with this Ordinance.
- (8) All monitoring facilities shall be constructed and maintained in accordance with all applicable construction codes, standards or specifications. Construction, if required, shall be completed within 120 days of receipt of the wastewater discharge permit by the user.

6.7.2. Administrative inspection warrants. If the Town has been refused access to any building, structure or property, or any part thereof, for the purpose of inspecting, sampling or otherwise monitoring compliance with this Ordinance, the Town shall seek to secure an administrative inspection warrant pursuant to Maine Rules of Civil Procedure 80E. The warrant, if issued by the District Court,

shall be executed pursuant to Maine Rules of Civil Procedure 80E, and the Town shall be accompanied by a uniformed Town police officer during said execution.

Section 6.8. Confidential Information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit and monitoring programs and from the Town's inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Town, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the user under applicable state law. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose such confidential information shall not be made available for inspection by the public but shall be made available immediately upon request to state and federal governmental agencies for uses related to the MEPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined by 40 CFR 2.302, will not be recognized as confidential information and will be available to the public without restriction.

Section 6.9. Publication of Users in Significant Noncompliance.

The Town shall publish annually, in a newspaper of general circulation that provides a meaningful public notice within the jurisdiction served by the POTW, a list of the users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" as defined in Section 1.1 shall be applicable to all significant industrial users (or any other industrial user) as defined in Section 1.1 of this Ordinance.

Section 6.10 Administrative Enforcement Remedies.

6.10.1. At the time of enactment of this Ordinance, the Town will have developed an enforcement response plan (ERP) which outlines the Town's general procedure for the enforcement of this Ordinance. The ERP shall be initially adopted by Town Council order and may be subsequently amended by order. The Town will follow the ERP to the greatest extent possible when contemplating compliance with and enforcement of this Ordinance; however, nothing in the ERP or this Ordinance will preclude or otherwise limit the Town from taking any action, including emergency actions or other enforcement actions, prior to undertaking any initial enforcement procedure in the ERP, including issuance of a notice of violation (NOV).

6.10.2. Notice of violation (NOV). When the Town finds that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town may serve upon that user a written NOV. Within 30 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, which must include specific required actions, shall be submitted by the user to the Town. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.

6.10.3. Consent orders. The Town may enter into consent orders, assurances of voluntary compliance or other documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 6.10.5 and 6.10.6 of this section and shall include language which make them judicially enforceable. Such orders may require the payment of administrative fines pursuant to Section 6.10.7 of this section.

6.10.4. Show cause hearing. The Town may order a user which has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement to appear before the Town and show cause why the proposed enforcement should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally by the Town or by registered or certified mail, return receipt requested, at

least 14 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. Failure to appear for a show cause hearing may be grounds for revocation of the user's wastewater discharge permit and disconnection from or termination of discharge to the POTW.

6.10.5. Compliance orders. When the Town finds that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town may issue an order to the user responsible for the discharge directing that the user comes into compliance within 30 days. If the user does not come into compliance within 30 days, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

6.10.6. Cease and desist orders.

(1) When the Town determines that a user violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement or that the user's past violations are likely to recur, the Town may issue an order to the user directing it to cease and desist any such violations and directing the user to:

(a) Immediately comply with all requirements; and

(b) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge to the POTW.

(2) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

6.10.7. Administrative fines.

(1) When the Town finds that a user violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, including a user's failure to obtain a wastewater discharge permit pursuant to Section 6.5 of this Ordinance, the Town may fine such user in an amount not to exceed \$2,500 per day. Each day of violation shall constitute a separate offense subject to fine. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. In the case of failure to obtain a required wastewater discharge permit, the fine shall accrue on a daily basis commencing on the day the user first was notified or became aware of the need for such a permit. The Town may add the costs of preparing administrative enforcement actions, such as notices and orders, to any fine assessed.

(2) Any and all unpaid charges, fines and penalties under this Ordinance shall, after 30 calendar days from the due date, be assessed an additional penalty of 12% of the unpaid balance, and interest shall accrue thereafter at a rate of 1% per month. A lien against the user's property may be sought for unpaid charges, fines and penalties as allowed under state law.

(3) Users desiring to dispute such fines must file a written request for the Town to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. The Town shall convene an administrative hearing on the matter and conduct said hearing in accordance with the procedures delineated in Section 6.5.9 of this Ordinance. Failure to file a timely request for an administrative hearing constitutes a waiver of any administrative appeal. The decision of the Town Council conducting the administrative hearing, including a decision to not reduce the fine, shall be final, and any appeal must follow the requirements of Maine Rules of Civil Procedure 80B. In the

event that the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user.

(4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

6.10.8. Emergency suspensions. The Town may immediately suspend a user's discharge either with or without written or verbal notice to the user whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of the public. The Town may also immediately suspend a user's discharge, either with or without written or verbal notice, that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment.

(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its discharge to the POTW. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary, including immediate severance of the connection to the POTW, to prevent or minimize damage to the POTW, its receiving waters or endangerment to any persons. The Town shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Town that the period of endangerment has passed, unless the termination proceedings in Section 6.10.9 of this section are initiated against the user.

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement to the Town describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Said report must be submitted as least seven days prior to the date of any show cause or termination hearing held pursuant to Sections 6.10.4 and 6.10.9 of this section.

(3) Nothing in this subsection shall be interpreted as requiring a hearing prior to any emergency suspension under this subsection.

6.10.9. Termination of discharge.

(1) In addition to the provisions in Section 6.5.11 of this Ordinance, any user that violates the following conditions is subject to termination of the user's discharge to the POTW:

(a) Violation of wastewater discharge permit conditions;

(b) Failure to accurately report the wastewater constituents and characteristics of the user's discharge;

(c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or

(e) Violation of the pretreatment standards in Section 6.3 of this Ordinance.

(2) Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause pursuant to Section 6.10.4 of this section why the proposed action should not be taken. Additionally, the user may request an administrative hearing, in writing, within 30 days of the decision of the show cause hearing. The hearing shall be conducted in accordance with the procedures delineated in Subsection 6.10.7(3) of this section. Exercise of this option by the Town shall not be a bar to, or a prerequisite for, taking any other action against the user.

Section 6.11. Judicial eEnforcement Rremedies.

6.11.1. Injunctive relief. When the Town determines that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town may request that the Town Attorney seek appropriate injunctive relief pursuant to the laws of this state which restrains or compels the specific performance of the conditions of the wastewater discharge permit, order or other requirements imposed by this Ordinance on activities of the user. The Town may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. The decision whether to seek injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

6.11.2. Civil penalties and criminal referral.

(1) Any person who violates the provisions of this Ordinance shall be subject to civil penalties pursuant to 30-A M.R.S.A. § 4452, as well as applicable civil or criminal penalties pursuant to 38 M.R.S.A. §§ 349 and 1319-T. The penalties in those statutes shall be in addition to the specific penalties in this Ordinance.

(2) A user which has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or other permit issued hereunder or any other pretreatment standard or requirement shall be required to pay a fine of not less than \$1,000 per day and not more than \$2,500 per day for each and every day of a violation for a first offense. These fines shall increase to a minimum of \$2,500 per day and a maximum of \$25,000 per day for a second offense of the same or a similar nature occurring within two years of the first offense. Each day of violation shall constitute a separate offense subject to fine. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(3) Pursuant to 30-A M.R.S.A. § 4452 and Maine Rules of Civil Procedure 80K, the Town may seek reasonable attorney fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town.

(4) In determining the amount of civil liability, the court shall be asked to take into account all relevant circumstances, including but not limited to the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions undertaken by the user, the compliance history of the user and any other factor as justice requires.

(5) No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment or other part of, or otherwise harm, the POTW. Penalties for violations of this provision of this Ordinance shall be a minimum fine of \$1,000 for the first offense. A second offense committed within five years shall be punished by a minimum fine of \$10,000. These penalties are in addition to any penalties associated with other civil or criminal provisions of state and federal law which said person may be subject to for such action.

6.11.3. Filing a suit for civil penalties or making a criminal referral shall not be a bar against, or a prerequisite for, taking any other action against a user.

6.11.4. The Town reserves the right to make appropriate referrals for criminal prosecution pursuant to the provisions of 38 M.R.S.A. §§ 349 and 1319-T, as well as any other applicable federal or state law. Additionally, enforcement of this Ordinance shall not preclude criminal prosecution for other violations of state or federal law, and the Town will cooperate in any such prosecutions.

6.11.5. The provisions of Sections 6.10 and 6.11 of this Ordinance are not exclusive remedies. The Town reserves the right to take any and all enforcement actions or combinations thereof against a noncompliant user.

Section 6.12. Supplemental Enforcement Action.

6.12.1. Performance bonds. The Town may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement unless such user first files a satisfactory bond with the Town, payable to the Town, in a sum not to exceed a value determined by the Town to be necessary to achieve consistent compliance with this Ordinance.

6.12.2. Liability insurance. The Town may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit or order issued hereunder or any pretreatment standard or requirement unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge, which shall include naming the Town as an additional insured.

6.12.3. Water supply severance. Whenever a user violates or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town will work with the Water District to sever water service to the user under district regulations, if applicable. Service will only recommence at the user's expense, after the user has satisfactorily demonstrated its ability to comply with this Ordinance.

Section 6.13. Affirmative Defenses to Discharge Violations.

6.13.1. Upset.

(1) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Subsection 6.13.1(2) below are met.

(2) A user which wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:

(a) An upset occurred and the user can identify the cause(s) of the upset;

(b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable O&M procedures; and

(c) The user has submitted the following information to the Town within 24 hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days.

[1] A description of the indirect discharge and cause of noncompliance;

[2] The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time period the noncompliance is expected to continue; and

[3] Steps being taken and/or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

(3) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(4) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(5) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

6.13.2 Prohibited discharge standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 6.3.1 of this Ordinance or the specific prohibitions in Subsection 6.3.2(3) through (18) and (20) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Town was regularly in compliance with its NPDES permit and, in the case of interference, was in compliance with applicable sludge use or disposal requirements.

6.13.3. Bypass.

- (1) For the purposes of this Ordinance, the following terms shall have the meanings indicated:

BYPASS - The intentional diversion of waste streams from any portion of a user's treatment facility.

SEVERE PROPERTY DAMAGE - Any substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- (2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Subsections 6.13.3(3) and 6.13.3(4).

- (3) Notice.

- (a) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Town at least 10 days before the date of the bypass, if possible.

- (b) A user shall submit oral notice to the Town of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The Town may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- (4) Enforcement action.

- (a) Bypass is prohibited, and the Town may take an enforcement action against a user for a bypass, unless:

- [1] Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

- [2] There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

- [3] The user submitted notices as required under Subsection 6.13.3.(3).

- (b) The Town may approve an anticipated bypass, after considering the adverse effects, if the Town determines that it will meet the three conditions listed in Subsection 6.13.3(4)(a).

**ARTICLE 7
PROTECTION FROM DAMAGE**

Section 7.1. Tampering with Town's Publicly Owned Works: No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of or will affect operation of the Town's POTW. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct, and shall be subject to any of the penalty provisions of this Ordinance or sState law.

Section 7.2. Contractor's Liability Insurance: A contractor must present a certificate showing proof of liability insurance before a permit will be issued for construction of building sewers, sewer extensions, or disposal of private sewage.

**ARTICLE 8
Town of HampdenTOWN OF HAMPDEN
INDUSTRIAL/COMMERCIAL ENFORCEMENT RESPONSE ndustrial/Commercial Enforcement
Response Plan**

Section 8.1. PURPOSEPurpose:

The purpose of this plan is to document a well defined, legally defensible sequence of steps to be followed when dealing with industrial users who are out of compliance with the Town of Hampden's Industrial Pretreatment Program and Sewer Ordinance. These formal enforcement actions will help to resolve any confusion between the Town and its Industrial Users as to consequences of one-time, repeated or continuing non-compliance and are intended to ensure equitable treatment of Industrial Users.

EPA regulations require the Town to take specific enforcement action against Industrial Users found to be in Significant Non-Compliance with the pretreatment requirements of this Ordinance. This Enforcement Response Plan defines the conditions under which the Town must cite a User for Significant Non-Compliance and lists appropriate enforcement measures to remedy such situations.

EPA guidelines also require that the selected enforcement response be appropriate to the extent of the Pretreatment Program violation. While a telephone call to the Industry might be appropriate for a late submission, a more severe response is needed for a more serious violation which, for example, might result in an upset of the Wastewater Treatment Plant caused by an Industrial discharge. This EPA guideline based Enforcement Response Plan will consider the Following criteria when assessing the appropriateness of a particular response:

- A). Magnitude of the violation;
- B). Duration of the violation;
- C). Effect of the violation on the receiving water;
- D). Effect of the violation on the Treatment Plant
- E). Compliance history of the Industrial User;
- F). Good faith efforts on the part of the Industrial User; and
- G). Degree of the Industrial User's responsibility for the violation.

8.2 SignificantIGNIFICANT Non-ComplianceON-COMPLIANCE:

EPA requires the Town to identify Industrial Users that are in Significant Non-Compliance (SNC) with the requirements of the federally mandated Pretreatment Program regulations. Users found to be in SNC are subject to enforcement action by the Town, and to public notification of the violation(s) once per year in the newspaper. Federal regulations define Significant Non-Compliance as violations which meet at least one of the following criteria:

- 8.2.1.** Chronic Violations- Sixty six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six month period exceed by any magnitude a numeric

Pretreatment Standard or Requirement including Instantaneous Limits as defined in Section 1.1 of the Sewer Ordinance.

8.2.2. Technical Review Criteria (TRC) Violations- Thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined in Section. 1.1 of the Sewer Ordinance multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

8.2.3. Any other violation of a Pretreatment Standard or Requirement as defined by Sec. 1.1 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Town or Pretreatment Coordinator determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public as defined by Section. 1.1 of the Sewer Ordinance.

8.2.4. Any discharge of a pollutant that caused imminent danger to human health, including the health of the Town's or City's POTW personnel, or to the environment or has required an exercise of the Town's emergency authority to halt the discharge under 40 CFR 403.8(f)(2)(vi)(B).

8.2.5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

8.2.6. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance schedules.

8.2.7. Failure to accurately report any non-compliance with permit requirements.

8.2.8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the Town determines will adversely affect the operation or implementation of the Town's pretreatment program.

8.3 SELECTION OF ENFORCEMENT RESPONSES:

Table 1 attached to this Ordinance represents an Enforcement Response Guide based on EPA recommended response measures for varying degrees of permit violations. The Guide will be used by the Town to determine appropriate measures in the event of a violation of the Town's Pretreatment Program and/or Sewer Ordinance. Selection of appropriate enforcement response will be based on the following steps:

8.3.1. The Town will locate the type of non-compliance in the first column (1) of the Response Guide.

8.3.2. Using column two (2), the Town will identify the most accurate description of the nature of the violation.

8.3.3. The Town will assess the appropriateness of the recommended responses in column three (3). First time offenders, or those demonstrating "good faith" progress may merit a more lenient response. Similarly, repeat or frequent offenders or those demonstrating negligence may require a more stringent response. Furthermore, the Town will judge the violation by seven (7) additional criteria:

(1). Magnitude- Generally, an isolated instance of non-compliance can be addressed with an informal response or Notice of Violation (NOV). However, since even an isolated violation could threaten human health and/or the environment, the Treatment Plant, damage public and private property, or threaten the integrity of the Town's or Bangor's Pretreatment Program (i.e., falsifying a self-monitoring report) all instances of Significant

Non-Compliance will be responded to with an Administrative Order (AO) which requires a return to compliance by a specific deadline.

(2). Duration- Violations, regardless of severity, which continue over prolonged periods of time will subject the violator to escalated enforcement actions. Minor violations which are chronic in nature are one form of Significant Non-Compliance and will be dealt with through the use of AOs.

(3). Effects to the Receiving Water- Any violation which causes environmental harm will be met at a minimum with an AO and a fine. Environmental harm will be presumed whenever an industrial discharge:

- a). Passes through the Treatment Plant;
- b). Is directly responsible for causing a violation of the Town of Hampden NPDES/MEPDES permit, including its' water quality standards; or
- c). Has a toxic effect upon the receiving waters, such as fish kill.

In addition, the response will be designed to recover any NPDES/MEPDES fines paid by the Town, which are the result of the industry's discharge violation.

(4). Effects on the POTW- Any violation having a negative impact on the Treatment Plant and/or Collection System (such as increased treatment costs, harm to personnel or equipment, pipe corrosion, etc.), which hinders the operation of the Treatment Plant or Collections System; and/or which contaminates the Treatment Plant's sludge, thereby reducing sludge disposal options, will be met with a fine of civil penalty as well as the recovery of additional costs and expenses involved.

(5). Compliance History of the User- A pattern of recurring violations of any program requirements may indicate either that the user's treatment system is inadequate or that the user has taken a lackadaisical approach to operating and maintaining its' treatment system. These indications should alert the Town to the likelihood of future Significant Non-Compliance. Accordingly, stronger enforcement responses should be applied against users exhibiting consistent compliance problems than against those with only an occasional problem.

(6) "Good Faith" of the User- Generally, a users' demonstrated willingness to comply should predispose the Town to select one of the less stringent enforcement actions specified, provided the violation has not caused serious Treatment Plant upset or resulted in environmental damage. However, good faith does not eliminate the necessity of enforcement action, and compliance with previous enforcement orders should not necessarily be considered good faith.

(7). Responsibility of the User- Although Industrial Users should always be held accountable for their violations, some consideration should be given to whether the violation was the result of an unforeseeable accident, was preventable or was intentional on the part of the User. This will affect the enforcement response selection by the Town from the range of responses provided.

8.3.4. Column four (4) designates personnel responsible for the action.

8.3.5. The Town will document, in writing to the User, the rationale for selecting the particular enforcement response applied.

8.3.6. The Town will apply the enforcement response to the violator. The Town will specify the corrective action or other response required by the User, including response time limits.

- 8.3.7. The Town will document any Users' responses and the resolution of non-compliance.
- 8.3.8 The Town will follow up with escalated enforcement action if a Users' response is not received within thirty (30) days or sooner if appropriate or severe violations continue.
- 8.3.9 The Town normally will issue an NOV to the violator as a first step in enforcement proceedings. However, the Town may elect to by-pass this procedure in favor of an AO when it appears that the violation requires immediate remedial action.

Section 8.4 – ENFORCEMENT RESPONSE PLAN DEFINITIONS
Enforcement Response Plan Definitions:

AO	Administrative Order
Civil Litigation	Civil litigation against the User, seeking equitable relief, monetary penalties, and actual damages.
Criminal Prosecution	Pursuing punitive measures against an individual and/or organization through a court of law.
Fine	Monetary penalty assessed by the Town.
IU	Industrial User of the POTW.
Meeting	Informal meeting with the User to resolve non-compliance.
NOV	Notice of Violation of the City of Bangor's Industrial Pretreatment Program and/or the Sewer Use Ordinance.
NPDES	National Pollutant Discharge Elimination System.
PC	Pretreatment Coordinator of the City of Bangor.
POTW	Publicly Owned Treatment Works
S	Superintendent for the City of Bangor WWTP.
Show Cause Hearing	Formal meeting requiring the User to attend and demonstrate why the Town should not take proposed enforcement action. The meeting may also Serve as a forum to discuss corrective actions and corrective actions.
SV	Significant Violation of the City of Bangor's Industrial Pretreatment Program and/or Sewer Use Ordinance.

**SECTION 8.5
SELECTION OF ENFORCEMENT RESPONSES:
TABLE 1**

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE; FOLLOW UP</u>	<u>PERSONNEL</u>
<u>A. ILLEGAL DISCHARGE</u>			
1) Unpermitted discharge (no permit)	Discharger unaware of permit requirement; no harm to POTW or to the environment.	NOV and application, or AO issued within 14 days of identifying the violation; requires a permit application within 30 days and the results of wastewater analysis within 60 days; proposed fine of \$300-\$500.	PC
	Results in violation of POTW NPDES permit, or dangerous situation- SNC	AO issued as soon as possible, but in any case within 5 days to immediately halt discharge. Fine or civil litigation seeking penalties of \$1000 to \$2500 per day. Terminate service.	PC S
2) Non-permitted discharge (expired permit)	Failure to apply for permit renewal. No damage to POTW or environment.	Telephone call and NOV should be made within 5 days of detection.	PC
	Results in violation of POTW NPDES permit, or dangerous situation- SNC	AO issued as soon as possible, but in any case within 5 days to immediately halt discharge. Fine or civil litigation seeking penalties of \$1000 to \$2500 per day. Terminate service.	PC S
<u>B. DISCHARGE PERMIT VIOLATIONS</u>			
1) Exceedance of discharge limits (local or categorical)	Isolated, non-significant	Telephone call and NOV issued within 5 days of receipt of laboratory results requiring written report with corrective and preventative action taken to prevent recurrence. (1st/2nd offense)	PC
	Frequent, non-significant (repeated offense)	Meeting with violator or show cause hearing requested within 14 days of detection of violation. Meeting will be held within 30 days of detection of the violation. Proposed fine of \$300-\$500.	PC

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE; FOLLOW UP</u>	
	SNC	AO issued within 5 days with compliance schedule; fine of \$1000 per day of violation, or civil litigation seeking penalties of \$1000 to \$2500 per day.	PC S
	Caused known damage to POTW or environment, or worker health hazard	AO issued within 5 days to immediately halt discharge; fine, civil litigation, or criminal prosecution.	PC S
2) Slug load discharge	Isolated without known damage.	NOV; AO issued within 14 days to develop a Spill Control Plan within 30 days.	PC
	Isolated with known damage, interference, pass-through. SNC	Fine or civil litigation seeking penalties of \$500 to \$700 per day and recovery of costs. Terminate service.	PC S
	Recurring SNC.	Fine or civil litigation seeking penalties of \$1000 to \$2500 per day and recovery of costs. Terminate service.	PC S
<u>C. SAMPLING, MONITORING, AND REPORTING VIOLATIONS</u>			
1) Minor sampling, monitoring or reporting deficiencies.	Isolated or infrequent (1st/2nd offense)	Telephone call and NOV issued within 14 days of detection.	PC
	Frequent or continuous	NOV issued within 5 days; proposed fine \$100-\$300.	PC
2) Major sampling, monitoring or reporting deficiencies.	Isolated or infrequent (1st/2nd offense)	NOV issued within 5 days of detection; meeting with violator requested within 14 days. Proposed fines of \$300 to \$500.	PC
	Frequent or continuous; SNC	Meeting with Show Cause Hearing requested within 14 days of detection. Fine or civil litigation seeking penalties of \$500.	PC S

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE:: FOLLOW UP</u>	<u>PERSONNEL</u>
3) Complete failure to sample, monitor or report is more than 30 days late.	SNC	AO with compliance schedule issued within 5 days of detection; civil litigation and/or criminal prosecution seeking penalties of \$1000-\$2500 per day. Terminate service.	PC S
4) Failure to submit schedule of compliance	Violation of AO.	Fine; civil litigation and/or criminal prosecution seeking penalties of \$1000-\$2500 per day until schedule is filed.	S
5) Failure to notify of discharge limit violation slug discharge.	Isolated or infrequent, no known Effects.	NOV; AO issued within 14 days of detection.	PC
	Frequent or continued violation-SNC	Show Cause Hearing requested within 14 days; AO issued within 5 days of detection; civil litigation seeking penalties of \$1000 per day per violation; criminal Prosecution.	PC S
6) Failure to install monitoring equipment	Continued SNC	AO issued within 5 days of detection; temporarily suspend service if agreed upon compliance date is exceeded by 30 days.	PC S
<u>D. COMPLIANCE SCHEDULE VIOLATIONS</u>			
1) Missed milestone date	Will not effect other milestone dates, or final date.	Telephone call and NOV issued within 5 days of milestone date passage.	PC
	Will effect other milestones or final date.	Meeting requested within 14 days or prior to next milestone date; AO issued within 5 days of missed milestone date.	PC S

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE:: FOLLOW UP</u>	<u>PERSONNEL</u>
	Will effect other milestones or final date. Violation not for good cause	Show Cause Hearing requested within 14 days or prior to next milestone date; fine or seek civil penalties of \$500-\$2500 per day of violation.	PC S
2) Failure to meet compliance schedule reporting requirements	Did not submit report, but did complete milestone. Did not submit report or complete milestone.	Telephone call and NOV issued within 14 days of Detection. NOV; AO issued within 5 days of missed milestone date; proposed fines of \$300-\$500.	PC PC S
3) Missed final date	Good cause 30 days or more outstanding; failure or refusal to comply without good cause.	Telephone call and NOV issued within 5 days of missed date. Show Cause Hearing requested within 14 days of detection; AO with fines; judicial action.	PC PC S
4) Reporting false information	Any instance SNC.	Referral to prosecutor for criminal investigation; civil litigation and/or criminal prosecution seeking maximum penalties allowed by State law (at least \$1000 per day per violation); Termination of service	S
<u>E. SPILL INCIDENTS</u>			
1) Spill incident	Reported and investigated Failure to report spill	NOV issued at time of inspection; meeting requested within 14 days of detection; AO NOV; meeting within 14 days of detection; AO with proposed fines of \$300-\$500.	PC PC

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE; FOLLOW UP</u>	<u>PERSONNEL</u>
2) Repeated spills	Failure to develop or upgrade Spill Prevention Plan	NOV; AO with fines; Show Cause Hearing to be held within 30 days of notification.	PC
	Failure to act on a decision of compliance meeting and results in known damage to POTW or environment.	Judicial action; terminate service.	

F. VIOLATIONS DETECTED DURING FIELD INSPECTIONS/INVESTIGATIONS

1) Minor violation of analytical procedures	Any instances	Telephone call and NOV issued within 14 days of receipt of monitoring results.	PC
2) Major violation of analytical procedures	No evidence of negligence or intent.	NOV; meeting to be held within 30 days of notification. AO issued within 14 days of receipt of monitoring results.	PC
	Evidence of negligence or intent-SNC	AO or civil action and penalty; possible criminal prosecution.	PC S
3) Minor violation of permit condition	No evidence of negligence or intent	NOV; AO for immediate corrective action required.	PC
	Evidence of negligence or intent	AO or civil litigation and penalties; possible criminal prosecution. Terminate service.	PC S
4) Major violation of permit condition	Evidence of negligence or intent-SNC	AO or civil litigation and penalties; possible criminal prosecution. Terminate service.	S

G. OTHER PERMIT VIOLATIONS

1) Wastestreams are diluted	Initial violation	AO with fines	PC
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ARTICLE 9

PENALTIES - RESIDENTIAL

Section 9.1. Violation of Sewer Ordinance: Any person found to be violating any provision of this Ordinance, except Section 7.1, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 9.2. Fines: Any person who fails to comply with the provisions of this Ordinance other than those provisions pertaining to the payment of charges for services established herein shall, upon conviction, be subject to a fine not exceeding one hundred dollars (\$100.00) for each offense. The continued violation of any provision of any section of this Ordinance, other than those pertaining to the payment of charges for services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue. If the Town prevails in the prosecution of an offense hereunder, it shall be reimbursed for the attorney's fees and costs.

Section 9.3. Alternate Penalties: As an alternative, upon violation of this Ordinance, the proper authorities of the Town, in addition to other remedies may institute any appropriate action or proceedings including an injunction to prevent such unlawful use, construction, or maintenance of cesspools, septic tanks, sewage disposal systems, pipes or drains, to restrain, correct, or abate such violation, or to prevent the occupancy of any building, structure or land where said violations of this Ordinance are found.

Section 9.4. Liabilities to the Town: Any person violating any of the provisions of this Ordinance shall become liable to the Town for any and all expense, loss, or damage occasioned by the Town by reason of such violation.

ARTICLE 10

SEWER SERVICE CHARGE

Section 10.1. Establishment of a Sewer Service Charge: The source of ~~a portion of~~ the revenue for retiring debt services and for capital expenditures, operation and maintenance of the public sewage works shall be a sewer service charge. ~~That portion of the sewer service charge related to capital expenditures and retirement of debt service shall be made against all properties within the public sewage works service area having or required to have sanitary facilities, whether actually connected to the public sewer system or not.~~ The public sewage works service area and the nature of buildings required to have sanitary facilities shall be as defined in Section 2.4 thereof. In the case of a building not connected to the public system, such charge shall be deemed a "ready to serve" charge levied to aid in defraying expense incurred in making service available to the property. In the case of a connected building not in active use or occupancy and having no discharge during a given billing period, the portion related to capital expenditures and retirement of debt service shall be regarded as minimum charge. In the case of a connected building actively discharging to the public system for all or part of any given billing period, the charge shall be increased to include the cost of operation and maintenance of the public sewage works.

Section 10.2. Sewer Service Charge Rate: Sewer service charge rates shall be determined by the Town Council on a year-to-year basis and, in general, such charges will be determined on a rate structure based on water consumption. The sewer service charge will be computed and billed at regular intervals throughout each calendar year, as established by the Town Council in accordance with the Town of Hampden Fees Ordinance. There shall be no discounts or abatements given for sewer use charges unless such discounts or abatements are provided in accordance with the provisions outlined in Section 10.3.

Users shall be given annual notification of the rates and distribution of costs between capital expenditures and operation and maintenance charges. Any revenue from Sewer Service Charges in excess of cost must be retained in the sewerage account and cannot be used to defray costs in other functions of the Town.

Section 10.3. Abatements: Abatements for use of water for lawn sprinklers, garden hoses, filling of swimming pools, or other uses of significant volumes of water, which do not enter the public sewer, may be made on application to the Town. The adjusted billing determined shall not be less than the highest billing or adjusted billing applicable to the property during the previous three quarters. The Town shall require verification of the significant sewer usage which is cause for the requested abatement. The Town Manager or his/her designee shall approve or deny abatements. No more than one (1) abatement can be given in one (1) calendar year except upon petition to the Town Council.

Section 10.34. Special Charge for Industrial Organizations: A Special Sewer Service Charge shall be assigned to any industrial firm or organization, the strength or other characteristic of whose waste varies significantly from that of normal domestic sewage. In general, such charges will be based on equitable prorating of costs for conveying and treating such waste, taking into account, but not necessarily limited to, the effect of volume, BOD, suspended solids, settleable solids, chlorine demand, toxicity, and pH. Pretreatment by the industry may also be a requirement if necessary to make the waste compatible with flow in the sewer system. The Town Council, after appropriate study, and advice from the Town Manager, shall assign a Special Sewer Charge to the industrial firm by separate agreement with said firm. The applicable portions of the preceding sections, as well as the equitable rights of the public, shall be the basis for such an arrangement.

10.34.1. Additional Special Charge: In addition to the Special Sewer Service Charge, which is concerned solely with the cost to the Town for debt service, capital expenditures, operation and maintenance of the public sewage works, there shall be a special charge to nongovernmental users of the public sewage works in accordance with the Town of Hampden Fees Ordinance identified in the Standard Industrial Classification Manual, 1972, prepared by the Federal Government Office of Management and Budget, as amended and supplemented, under the following divisions:

- Division A - Agriculture, Forestry and Fishing
- Division B - Mining
- Division D - Manufacturing
- Division E - Transportation, Communications, Electric, Gas and Sanitary Services
- Division I - Services

Section 10.45. Reserved Right to Charge Sewer Service Charge: The Town Council reserves the right from time-to-time to change Sewer Service Charges originally or previously assigned to any property owner.

Section 10.56. Charge for Property Owners Outside Town Limits: All property owners outside the Town limits who, by their own request, are served by sanitary sewers must pay a ~~sewer~~ Sewer service Service charge Charge in accordance with the Town of Hampden Fees Ordinance.



Drumlin Environmental, LLC

Hydrogeologic and Engineering Consultants

On December 7, 2015, the Council accepted this proposal but only authorized Task 1. Since that time, I have authorized Tasks 2 and 3 based on direction from the Infrastructure Committee at meetings last spring and this fall. However I'd like the Council to vote to authorize the complete scope. I am also working with Drumlin to determine an appropriate scope for their continued engagement going forward. All costs will be proposed for reimbursement from Environmental Trust.

November 16, 2015

Angus Jennings, Town Manager
Town of Hampden
106 Western Avenue
Hampden, ME 04444

RE: Hampden Technical Consultant – Technical Services for Pine Tree Landfill, Hampden Maine

Dear Mr. Jennings:

Thank you for contacting us to discuss the assistance that Drumlin Environmental, LLC and SoilMetrics, LLC have provided to the Town of Hampden to support technical review of activities at the Pine Tree Landfill (PTL). Since 2004 Steve Rabasca, P.E. of SoilMetrics and I have worked collaboratively in the role of Hampden Technical Consultant to provide technical input on behalf of the Town during operation, closure and post-closure activities at PTL. Steve has generally taken the lead role in reviewing engineering and geotechnical components of the work. I have generally taken the lead role in reviewing environmental and water quality components of the work.

You have requested that we provide the Town with a scope and budget to continue providing Hampden Technical Consultant review services to the Town and we would be glad to do this. Specifically, you requested that we provide a scope and budget estimate for the tasks described below.

1. Task 1 will involve reviewing Annual Reports and other documents prepared by Casella and the Maine Department of Environmental Protection (MDEP) covering the period since our previous review memorandum of December 2013. We will review the 2013 and 2014 Annual Reports as well as memoranda prepared by the MDEP project management and technical staff. This will include review of the supplemental residential well sampling that was conducted by Casella in 2014 at the request of the MDEP. It will also include review of any relevant water quality information in the June 2015 CDC report. Based on our review, we will prepare an update to the Town similar to the December 2013 memorandum. The estimated cost for this review would be \$3,000.
2. Task 2 would be an optional meeting with the Town Infrastructure Committee or Town Council. If this would be helpful, we would prepare a presentation of the findings of the review and meet to discuss questions from town officials and the public. The estimated cost for a meeting with a presentation would be \$1,000.
3. Task 3 would be annual review of on-going activities and data from PTL. This would include review of the Annual Report and associated MDEP comments. It would also include review of ancillary information or conditions that might arise during a particular year. A baseline cost for this annual review is estimated to be

in the range of \$2,500 to \$3,000. If there are additional environmental or engineering issues that arise, the cost may be higher, depending on the level of review and input required.

We understand that 2015 would be the 5th year of post-closure monitoring and operations for PTL. There is generally a 5-year review cycle that is part of the 30-year post-closure period. As part of this 5 year review, it is possible that Casella will propose changes to the current post-closure monitoring plan. Involvement in reviewing and providing comments on any proposed changes may increase the level of review activity in 2016.

The costs discussed above are estimates based on our familiarity with the PTL site and typical documentation. We propose to conduct the actual work on a time and material basis in accordance with Drumlin's Terms and Conditions for Technical Services, which is attached. The rate for professional services for Drumlin and SoilMetrics for 2015 and 2016 is \$90/hr.

We are glad to continue assisting the Town of Hampden in monitoring the post-closure conditions at PTL. If you have any questions, please call me at any time at (207) 771-5546 or my cell at (207) 242-2812. I would be glad to discuss this work further.

If you would like us to proceed with the work, please sign below and return an executed copy via fax or e-mail for our records.

Very truly yours,
Drumlin Environmental, LLC



Matthew D. Reynolds. P.E., C.G.
Senior Member

Accepted, Name Ray J. [Signature] Title Town Manager Date 12/7/15

Encl: Drumlin Terms and Conditions

Task 1 approved
Council vote 12/7/15