

A “YES” VOTE ON JUNE 9 WILL BRING THE TOWN’S WASTEWATER TREATMENT PLANT INTO COMPLIANCE WITH FEDERAL LAW AND WILL AVOID FINES AND PENALTIES



REASONS WHY THE TOWN MUST UPGRADE ITS WASTEWATER TREATMENT PLANT

On Tuesday, June 9, you will vote to authorize the Town to proceed with the Federally mandated upgrade of its present primary wastewater treatment plant to the secondary treatment level. This upgrade is necessary to bring the plant into compliance with Federal Law and to avoid fines and penalties. This mailer is being provided to explain why this upgrade is needed and to answer some of the frequently asked questions regarding this project. A Public Informational Meeting will be held on Thursday, June 4, 2015 at 7:00 PM at the Bucksport Town Office to discuss the project.

How old is the Bucksport wastewater treatment plant and what does it do?

The plant was built almost 30 years ago as required by both Federal and State environmental laws. It removes pollutants from the Town's sewers so that clean effluent can be discharged into the Penobscot River.

Why does the treatment plant need to be upgraded?

The present plant provides only basic primary treatment to the Town's wastewater. Federal and State law has become stricter and now requires that the treatment plant be upgraded to the more advanced secondary treatment level.

What is the difference between primary treatment and secondary treatment?

Primary treatment removes organic pollutants from the wastewater by gravity settling in clarifier tanks. This process can remove only 30 to 50% of the pollutants meaning that up to 70% may still go out to the river. Secondary treatment provides a much cleaner effluent into the river by removing 85 to 95% of the organic pollutants.

Why wasn't a secondary treatment plant provided in Bucksport when the present primary plant was built?

There are about 16,000 municipal wastewater treatment plants in the United States. Of these, 15,950 already have secondary treatment. In 1987, EPA had a special waiver program that allowed 50 treatment plants to be constructed with only primary treatment. Bucksport was one of those plants that was given a waiver of secondary treatment. That waiver has now been revoked.

Why did EPA allow Bucksport a secondary treatment waiver back in 1987?

The volume of Bucksport's effluent flow is so small in proportion to the large volume of tidal flow in the Penobscot River that EPA determined primary treatment alone was sufficient and would cost less to build and operate. This approach was legal in 1987, but is not now.

Why is it necessary to build a secondary treatment plant at this time?

EPA regulations have changed since the Bucksport plant was first built. Federal law no longer allows primary treatment plants to discharge their partially treated wastes into marine estuaries. In 2008, the Town was notified by EPA that its primary treatment waiver was being revoked and that it would have to upgrade its plant to secondary treatment. The Town has been working to design, seek funding, and implement this project for the last seven years.

What is a marine estuary?

A marine estuary is a waterway where salt water from the ocean mixes with fresh water from the upstream river. This creates a very productive area for aquatic organisms and now has special protection under Federal law. One of these protections is that waivers of secondary treatment are no longer legal or allowed. EPA will no longer license primary plants on estuaries.

Is the Town currently in violation of Federal and State environmental law?

Yes. Once EPA revoked the Town's waiver, Bucksport was immediately required to meet secondary treatment effluent standards and a secondary treatment license was issued to the Town. Since the Town's plant provides only primary treatment, it cannot meet its secondary discharge license and is now in violation every day.

Does the Town face fines for these violations?

Yes. The law provides fines of up to \$ 10,000 per day for each violation. To avoid these fines, the Town entered into a consent agreement with DEP in which it agreed to upgrade its plant if EPA and DEP would agree not to fine the Town. If the plant is not upgraded, the Town will face significant fines and penalties.

Did the Town consider challenging the loss of its EPA waiver in court?

Yes. The Town retained legal counsel from Pierce-Atwood in Portland, the State's largest environmental law firm. The Town was advised that other communities, including Portsmouth, New Hampshire had tried to fight similar waiver revocations in court, but had lost even after spending hundreds of thousands of dollars to fight the EPA decision. The Town was advised by its legal counsel that there would be no way to ultimately win in court and that it would make more sense, and be less costly, to work in cooperation with these agencies to secure grant funding. The Town has no choice but to upgrade the plant as Federal law requires.

What is the expected cost to upgrade Bucksport's sewage plant from primary to secondary treatment?

The Town recently solicited firm bids from contractors to upgrade the plant. The cost of the proposed project will be about \$ 13,600,000. Of this amount, the Town has already expended \$ 560,000 out of reserves that it had accumulated for this purpose. It has also secured a grant of \$ 4,240,000 from Rural Development and is in the process of securing an additional grant of \$ 1,000,000 for total grant funding of \$ 5,240,000. The balance of the cost will be paid through a low interest, thirty year loan of \$ 7,800,000.

How will the Town repay the loan portion of the funding?

The loan will be paid entirely through sewer user fees in the same manner as wastewater treatment costs are now paid. The loan will affect sewer user rates, but will not impact tax rates.

What is the expected sewer user cost increase?

The Town currently has artificially low sewer bills since it only provides partial treatment at the present primary treatment plant. Secondary treatment plants cost more to build and operate than a primary plant. The construction and operation of the secondary treatment plant may raise the average sewer bill to about \$ 200 per quarter based on current water use. This is in line with the average secondary treatment sewer user rates of most surrounding Maine communities that have undergone plant upgrades. If the plant is not upgraded, sewer rates would still be impacted by significant fines and the Town will still be forced to upgrade the plant after paying those fines.

Does the closed Verso mill have a secondary treatment plant and could the Town use it instead of upgrading its own plant?

The Verso mill had a secondary treatment plant for its papermaking wastes. After AIM purchased the Verso mill, it approached the Town and offered to sell the mill's treatment plant to the Town. The Town carefully investigated this option and found it to be unfeasible and significantly more costly than to upgrade the Town's plant. The size of a secondary plant has to be matched to the amount of sewage flow being treated or the biological process will not work. The mill's plant is far larger than Bucksport needs and, in fact, is large enough to treat the sewage flows for the entire City of Bangor. The mill's plant had a design flow capacity of 18,000,000 gallons per day while Bucksport generates only 500,000 gallons of sewage per day. The mill's plant is too large to properly treat the Town's lower flows and would need to be modified at a cost greater than upgrading the Town's plant. The Town's sewer system flows in the opposite direction of the mill. For sewage to reach the mill's site, Main Street would need to be torn up and new sewers and pump stations would need to be built to reverse the Town's entire sewer flow. After paying AIM to buy their 40 year old treatment plant and making the necessary sewer system and plant modification, it would cost more to buy the Verso plant from AIM than to upgrade the Town's present plant.

Could the recent closure of the mill allow the Town to delay the plant upgrade?

Federal law requires that the plant be upgraded to secondary treatment and the Town is under a consent order to do this project. The Town has no choice under the law and will ultimately have to complete this upgrade. With every passing year, the project will become more costly. At a normal annual inflation rate of 2%, the construction cost of the project will increase by nearly \$ 300,000 for every year of delay. Construction costs and interest rates are favorable at the present time and it makes sense to move forward.

What will happen if the Town votes to not do the project on June 9?

The Town will face fines and penalties if the project is voted down. We will also lose the grant and low interest loan funding that we have worked hard to secure. In the end, the plant will still need to be upgraded and it will cost the Town more money in the long run if we do not get it done now. It makes no sense to pay fines and penalties that will simply add to the cost of the project if it is delayed. The lowest cost option for the Town is to move forward now to bring the treatment plant into compliance as is required by Federal and State law.