

September 3, 2008

Mr. Frank Ruksznis  
Central Maine Wastewater  
P.O. Box 444  
Guilford, Maine 04443

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit # ME0021351  
Maine Waste Discharge License (WDL) Application #W008132-5C-B-R  
**Pride Manufacturing – Final Permit**

Dear Frank:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL **renewal** which was approved by the Department of Environmental Protection. This permit/license replaces the National Pollutant Discharge Elimination System (NPDES) permit #ME0021351 issued by the Environmental Protection Agency (EPA) January 1, 1976. Please read the permit/license renewal and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

If you have any questions regarding the matter, please feel free to call me at 287-7693.

Sincerely,

Gregg Wood  
Division of Water Quality Management  
Bureau of Land and Water Quality

Enc.

cc: Sterling Pierce, DEP/CMRO  
Sandy Lao, USEPA

**IN THE MATTER OF**

PRIDE MANUFACTURING COMPANY, LLC	)	MAINE POLLUTANT DISCHARGE
BURNHAM, WALDO COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
OVERBOARD DISCHARGE	)	AND
ME0021351	)	WASTE DISCHARGE LICENSE
W008132-5C-B-R	)	<b>RENEWAL</b>
		<b>APPROVAL</b>

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et seq. and Maine Law 38 M.R.S.A. Section 414-A, et seq., and applicable regulations, the Department of Environmental Protection (Department hereinafter) has considered the application of PRIDE MANUFACTURING COMPANY LLC (Pride hereinafter), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

**APPLICATION SUMMARY**

Pride has applied to the Department for a renewal of overboard discharge (OBD) Waste Discharge License (WDL) W008132-5C-A-R that was issued by the Department on January 3, 2002 and expired on January 3, 2007. The WDL authorized a year-round monthly average discharge of up to 5,000 gallons per day (gpd) of secondary treated waste waters to the Sebasticook River, Class C in Burnham, Maine. It is noted the U.S. Environmental Protection Agency's (EPA) records indicate National Pollutant Discharge Elimination System (NPDES) permit #ME0021351 was last issued by the EPA on January 7, 1976. The 1/7/76 NPDES permit will be null and void upon issuance of this Maine Pollutant Discharge Elimination System (MEPDES) permit.

**PERMIT SUMMARY**

- a. Regulatory - On January 12, 2001, the Department received authorization from the EPA to administer the NPDES permit program in Maine, excluding areas of special interest to Maine Indian Tribes. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permit program, and permit #ME0021351 (same as the NPDES permit number) will be utilized as the primary reference number for the Pride facility.

## PERMIT SUMMARY

### b. Terms and conditions

#### **This permitting action is similar to the 1/3/02 licensing action in that it is:**

1. Carrying forward the daily maximum flow limitation of 5,000 gpd;
2. Carrying forward the monthly average and daily maximum technology-based concentration limitations for biochemical oxygen demand (BOD<sub>5</sub>) and total suspended solids (TSS);
3. Carrying forward the seasonal (May 15 – September 30) water quality based daily maximum concentration limit for *E. coli* bacteria.
4. Carrying forward the daily maximum technology based limitation for total residual chlorine.

#### **This permitting action is different from the 1/3/02 licensing action in that it is:**

5. Establishing weekly average technology based concentration limits for BOD and TSS.
6. Establishing monthly average, weekly average, and daily maximum technology-based mass limitations for BOD<sub>5</sub> and TSS;
7. Establishing a requirement to achieve a minimum 30-day average removal rate of 85 percent for BOD<sub>5</sub> and TSS;
8. Establishing a more stringent water quality based monthly average (geometric mean) concentration limit for *E. coli* bacteria;
9. Revising the minimum monitoring frequency requirements for BOD<sub>5</sub>, TSS, settleable solids, total residual chlorine and pH.
10. Establishing a requirement for the permittee to have a site evaluation performed by a licensed site evaluator with experience in designing systems for the replacement of overboard discharge systems prior the expiration date of the permit.
11. Establishing a requirement for the permittee to develop and keep current, an Operations and maintenance (O&M) plan for the waste treatment system and appurtenances.

## CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated July 1, 2008, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with State law.
3. The provisions of the State's antidegradation policy, 38 M.R.S.A. §464(4)(F), will be met, in that:
  - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
  - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
  - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
  - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and
  - (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in Maine law, 38 M.R.S.A., §414-A(1)(D).
5. The overboard discharge system was in continuing existence for the 12 months preceding June 1, 1987.
6. A subsurface wastewater disposal system can not be installed in compliance with the Maine Subsurface Waste Water Disposal Rules at the time the renewal application was accepted by the Department.
7. A publicly owned sewer line is not located on or abutting land owned or controlled by the permittee or is not available for the permittee's use.
8. The discharge is not located within the boundaries of a sanitary district or sewer district.

**ACTION**

THEREFORE, the Department APPROVES the above noted application of PRIDE MANUFACTURING COMPANY LLC to discharge a daily maximum flow of 5,000 gpd of secondary treated sanitary waste water to the Sebasticook River, Class C, in Burnham, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. "Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable to All Permits," revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit expires five (5) years from the date of signature below.

DONE AND DATED AT AUGUSTA, MAINE, THIS 4<sup>th</sup> DAY OF September, 2008.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_  
DAVID P. LITTELL, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: April 3, 2007.

Date of application acceptance: April 17, 2007.

Date filed with Board of Environmental Protection: \_\_\_\_\_.

This Order prepared by Gregg Wood, BUREAU OF LAND & WATER QUALITY

**SPECIAL CONDITIONS**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. The permittee is authorized to discharge secondary treated sanitary waste water from **Outfall 001A** to the Sebasticook River. Such discharges shall be limited and monitored by the permittee as specified below<sup>(1)</sup>:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
<b>Flow</b> <i>[50050]</i>	---	---	5,000 GPD <i>[07]</i>	---	---	---	1/Day <i>[0101]</i>	Metered <i>[MT]</i>
<b>BOD<sub>5</sub></b> <i>[00310]</i>	1.3 lbs/day <i>[26]</i>	1.9 lbs/day <i>[26]</i>	2.1 lbs/day <i>[26]</i>	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	1/2 Months <i>[01/60]</i>	Grab <i>[GR]</i>
<b>BOD<sub>5</sub> Percent Removal<sup>(2)</sup></b> <i>[81010]</i>	---	---	---	85% <i>[23]</i>	---	---	---	Calculate <i>[CA]</i>
<b>TSS</b> <i>[00530]</i>	1.3 lbs/day <i>[26]</i>	1.9 lbs/day <i>[26]</i>	2.1 lbs/day <i>[26]</i>	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	1/2 Months <i>[01/60]</i>	Grab <i>[GR]</i>
<b>TSS Percent Removal<sup>(2)</sup></b> <i>[81011]</i>	---	---	---	85% <i>[23]</i>	---	---		Calculate <i>[CA]</i>
<b>Settleable Solids</b> <i>[00545]</i>	---	---	---	---	---	0.3 ml/L <i>[25]</i>	1/2 Months <i>[01/60]</i>	Grab <i>[GR]</i>
<b><i>E. Coli. Bacteria<sup>(3)</sup></i></b> <i>[31633]</i> <i>(May 15 – September 30)</i>	---	---	---	126/100 ml <sup>(4)</sup> <i>[13]</i>	---	949/100 ml <i>[13]</i>	1/2 Months <i>[01/60]</i>	Grab <i>[GR]</i>
<b>Total Residual Chlorine</b> <i>[50060]</i>	---	---	---	---	---	1.0 mg/L <i>[19]</i>	1/Week <i>[01/07]</i>	Grab <i>[GR]</i>
<b>pH</b> <i>[00400]</i>	---	---	---	---	---	6.0 – 9.0 SU <i>[12]</i>	1/2 Months <i>[01/60]</i>	Grab <i>[GR]</i>
The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.								

**FOOTNOTES:** See Page 6 of this permit for applicable footnotes.

## **SPECIAL CONDITIONS**

### **A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)**

#### **FOOTNOTES:**

1. **Monitoring** – All effluent monitoring shall be conducted at a location following the last treatment unit in the treatment process. Sampling and analysis must be conducted in accordance with: a) methods approved by 40 Code of Federal Regulations (CFR) Part 136; b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136; or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services.

All detectable analytical test results shall be reported to the Department including results which are detected below the respective reporting limits (RLs) specified by the Department or as specified by other approved test methods. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the detection limit achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL is not acceptable and will be rejected by the Department. For mass, if the analytical result is reported as <Y or if a detectable result is less than a RL, report a <X lbs/day, where X is the parameter specific limitation established in the permit.

2. **Percent Removal** – The treatment facility shall maintain a minimum of 85 percent removal of both BOD<sub>5</sub> and TSS for all flows receiving secondary treatment. The percent removal shall be calculated based on influent and effluent concentration values.
3. **Bacteria Limits** – *E. coli* bacteria limits and monitoring requirements are seasonal and apply between May 15<sup>th</sup> and September 30<sup>th</sup> of each year. The Department reserves the right to impose bacteria limits on a year-round basis to protect the health, safety, and welfare of the public.
4. **Bacteria Reporting** – The monthly average *E. coli* bacteria limitation is a geometric mean limitation and sample results shall be reported as such.

### **B. ANNUAL DISCHARGE FEES**

Pursuant to Maine law, 38 M.R.S.A. §353-B, the permittee is required to pay an applicable annual fee for discharges authorized by this permit. Failure to pay an annual fee within 30 days of the billing date of a license/permit is sufficient grounds for revocation of the license, permit or privilege under Maine law, 38 M.R.S.A. §341-D, subsection 3.

## **SPECIAL CONDITIONS**

### **C. NARRATIVE EFFLUENT LIMITATIONS**

1. The effluent shall not contain a visible oil sheen, foam or floating solids at any time which would impair the usages designated by the classification of the receiving waters.
2. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated by the classification of the receiving waters.
3. The discharges shall not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated by the classification of the receiving waters.
4. Notwithstanding specific conditions of this permit, the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

### **D. DISINFECTION**

If chlorination is used as the means of disinfection, an approved chlorine contact tank providing the proper detention time consistent with good engineering practice must be utilized followed by a dechlorination system if the imposed total residual chlorine (TRC) limit cannot be achieved by dissipation in the detention tank. The total residual chlorine in the effluent shall at no time cause any demonstrable harm to aquatic life in the receiving waters. The dose of chlorine applied shall provide a TRC concentration that will effectively reduce *E. coli* bacteria levels to or below those specified in Special Condition A, “*Effluent Limitation and Monitoring Requirements*,” of this permit.

### **E. TREATMENT PLANT OPERATOR**

The treatment facility must be operated by a person holding a minimum of a **Grade I** certificate or higher (or Registered Maine Professional Engineer) pursuant to *Sewerage Treatment Operators*, Title 32 M.R.S.A., Sections 4171-4182 and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). All proposed contracts for facility operation by any person must be approved by the Department before the permittee may engage the services of the contract operator.

### **F. AUTHORIZED DISCHARGES**

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from Outfall 001A. Discharges of waste water from any other point source not identified in the April 3, 2007 application for permit renewal are not authorized under this permit, and shall be reported in accordance with Standard Condition B(5), *Bypasses*, of this permit.



## **SPECIAL CONDITIONS**

### **G. NOTIFICATION REQUIREMENT**

In accordance with Standard Condition D, the permittee shall notify the Department of the following.

1. Any substantial change or proposed change in the volume or character of pollutants being introduced into the waste water treatment system by a source introducing pollutants into the system at the time of permit issuance. For the purposes of this section, notice regarding substantial change shall include information on:
  - (a) the quality and quantity of waste water introduced to the waste water collection and treatment system; and
  - (b) any anticipated impact caused by the change in the quantity or quality of the waste water to be discharged from the treatment system.

### **H. SITE EVALUATION FOR TRANSFERRED AND RENEWED PERMITS**

**Prior to permit transfer or transfer of the property** occupying the permitted overboard discharge system **or renewal of this permit**, a site evaluation must be performed by a licensed site evaluator with experience in designing systems for the replacement of overboard discharge systems. The Department may not grant approval for permit transfer or renewal if the site evaluation concludes that a non-discharging wastewater disposal system designed in compliance with the Maine Subsurface Waste Water Disposal Rules administered by the Maine Department of Health and Human Services, Division of Health Engineering can be installed as a replacement system for the overboard discharge.

### **I. OPERATION & MAINTENANCE (O&M) PLAN**

This facility shall have a current written comprehensive Operation & Maintenance (O&M) Plan. The plan shall provide a systematic approach by which the permittee shall at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit.

**By December 31 of each year, or within 90 days of any process changes or minor equipment upgrades**, the permittee shall evaluate and modify the O&M Plan including site plan(s) and schematic(s) for the wastewater treatment facility to ensure that it is up-to-date. The O&M Plan shall be kept on-site at all times and made available to Department and EPA personnel upon request.

**Within 90 days of completion of new and or substantial upgrades of the waste water treatment facility (excepting the current yet to be completed substantial upgrade)**, the permittee shall submit the updated O&M Plan to their Department inspector for review and comment.

## **SPECIAL CONDITIONS**

### **J. MONITORING AND REPORTING**

Monitoring results obtained during each calendar quarter shall be summarized and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department and **postmarked on or before the thirteenth (13<sup>th</sup>) day of January, April, July and September of each year or hand-delivered to the Department's Regional Office such that the DMR's are received by the Department on or before the fifteenth (15<sup>th</sup>) day of the month** following the completed reporting period. A signed copy of the DMR and all other reports required herein shall be submitted to the following address:

Overboard Discharge Inspector  
Department of Environmental Protection  
Bureau of Land and Water Quality  
Division of Water Quality Management  
17 State House Station  
Augusta, Maine 04333-0017

### **K. REOPENING OF PERMIT FOR MODIFICATIONS**

Upon evaluation of the tests results or monitoring requirements specified in Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at any time and with notice to the permittee, modify this permit to: (1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional effluent or ambient water quality monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

### **L. SEVERABILITY**

In the event that any provision or part thereof, of this permit is declared to be unlawful by a reviewing court, the remainder of the permit shall remain in full force and effect, and shall be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

**MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
AND  
WASTE DISCHARGE LICENSE**

**FACT SHEET**

Date: **July 1, 2008**

MEPDES PERMIT: **ME0021351**  
WASTE DISCHARGE LICENSE: **W008132-5C-B-R**

NAME AND ADDRESS OF APPLICANT:

**PRIDE MANUFACTURING COMPANY LLC  
10 North Main Street  
Burnham, Maine 04922**

COUNTY: **Waldo County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**10 North Main Street  
Burnham, Maine 04922**

RECEIVING WATER / CLASSIFICATION: **Sebasticook River/Class C**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Frank Ruksznis  
Contract Operator  
(207) 876-3754**

**1. APPLICATION SUMMARY**

- a. Application - Pride Manufacturing Company LLC (Pride hereinafter) has applied to the Department for a renewal of overboard discharge (OBD) Waste Discharge License (WDL) W008132-5C-A-R that was issued by the Department on January 3, 2002 and expired on January 3, 2007. The WDL authorized a year-round monthly average discharge of up to 5,000 gallons per day (gpd) of secondary treated waste waters to the Sebasticook River, Class C in Burnham, Maine. It is noted the U.S. Environmental Protection Agency's (EPA) records indicate National Pollutant Discharge Elimination System (NPDES) permit #ME0021351 was last issued by the EPA on January 7, 1976. The 1/7/76 NPDES permit will be null and void upon issuance of this Maine Pollutant Discharge Elimination System (MEPDES) permit.

## 1. APPLICATION SUMMARY (cont'd)

- b. Source Description: Pride owns and operates a wood manufacturing facility that employs a maximum of 170 people at peak production. The facility includes a sawmill, manufacturing and finishing work areas, a warehouse and offices that are wholly contained in one building structure. The only waste water generated and treated is domestic like waste waters.
- c. Waste water Treatment: Pride contracts with a waste water treatment consult to operate a mechanical waste water treatment system that provides a secondary level of treatment. The treated waste water is seasonally (May 15 – September 30) disinfected with sodium hypochlorite that is metered to meet the demand based on flow. The treated waste water is discharged to the Sebasticook River via a pipe measuring six (6) inches in diameter that extends out into the stream approximately 30 feet.

## 2. PERMIT SUMMARY

- a. Regulatory - On January 12, 2001, the Department received authorization from the EPA to administer the NPDES permit program in Maine, excluding areas of special interest to Maine Indian Tribes. From that point forward, the program has been referred to as the MEPDES permit program, and permit #ME0021351 (same as the NPDES permit number) will be utilized as the primary reference number for the Pride facility.
- b. Terms and conditions

**This permitting action is similar to the 1/3/02 licensing action in that it is:**

1. Carrying forward the daily maximum flow limitation of 5,000 gpd;
2. Carrying forward the monthly average and daily maximum technology-based concentration limitations for biochemical oxygen demand (BOD<sub>5</sub>) and total suspended solids (TSS);
3. Carrying forward the seasonal (May 15 – September 30) water quality based daily maximum concentration limit for *E. coli* bacteria.
4. Carrying forward the daily maximum technology based limitation for total residual chlorine.

## 2. PERMIT SUMMARY (cont'd)

**This permitting action is different from the 1/3/02 licensing action in that it is:**

5. Establishing weekly average technology based concentration limits for BOD and TSS.
  6. Establishing monthly average, weekly average, and daily maximum technology-based mass limitations for BOD<sub>5</sub> and TSS;
  7. Establishing a requirement to achieve a minimum 30-day average removal rate of 85 percent for BOD<sub>5</sub> and TSS;
  8. Establishing a more stringent water quality based monthly average (geometric mean) concentration limit for *E. coli* bacteria;
  9. Revising the minimum monitoring frequency requirements for BOD<sub>5</sub>, TSS, settleable solids, total residual chlorine and pH.
  10. Establishing a requirement for the permittee to have a site evaluation performed by a licensed site evaluator with experience in designing systems for the replacement of overboard discharge systems prior the expiration date of the permit.
  11. Establishing a requirement for the permittee to develop and keep current, an Operations and maintenance (O&M) plan for the waste treatment system and appurtenances.
- c. Facility History: This section provides a summary of the most significant regulatory actions for the Pride facility.

*November 8, 1972* - The Department issued WDL #W241 to the Burnham Division of Ethan Allen, Inc. for a three-year term.

*October 31, 1973* – The Department issued WDL #366 to the Burnham Division of Ethan Allen, Inc. for a three-year term.

*January 7, 1976* – The EPA issued NPDES permit #ME0021351 to the Burnham Division of Ethan Allen, Inc. for a five-year term.

*February 6, 1976* – The Department issued WDL #W878 to the Burnham Division of Ethan Allen, Inc. for a three-year term.

*February 14, 1979* – The Department issued WDL #W2629 to the Burnham Division of Ethan Allen, Inc. for a three-year term.

## 2. PERMIT SUMMARY (cont'd)

*March 29, 1993* - The EPA issued a letter to Burnham Division of Ethan Allen, Inc. stating that the application submitted to the EPA for renewal of the NPDES permit was complete for processing. It is noted the application was never acted by the EPA.

*June 24, 1992* – The Department issued WDL #W002629-42-B-R to the Pride Management Company for a five-year term.

*January 3, 2002* – The Department issued WDL #W008132-5C-A-R to the Pride Manufacturing Company, LLC for a five-year term.

*April 4, 2007* – Pride Manufacturing Company, LLC submitted a complete application to the Department to renew the WDL for its waste water treatment facility.

- d. Replacement Options: Pride has submitted documentation with the 4/07 application indicating that replacement options are not feasible at this location due to poor soils.

## 3. CONDITIONS OF PERMIT

Maine law, 38 M.R.S.A. Section 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S.A., Section 420 and Department rule 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*, require the regulation of toxic substances not to exceed levels set forth in Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*, and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

## 4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A. §467(4)(H) states that the Sebasticook River at and below the discharge is classified as a Class C waterbody. Maine law 38 M.R.S.A. §465(4) contains the classification standards for Class C waterbodies.

## 5. RECEIVING WATER QUALITY CONDITIONS

*The State of Maine 2006 Integrated Water Quality Monitoring and Assessment Report*, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists a 30.83-mile reach of the Sebasticook River below the confluence of the East and West Branches (ADB Assessment Unit ID #ME0103000309\_332R) as, “*Category 5-A: Rivers and Streams Impaired by Pollutants Other than Those Listed in 5-B Through 5-D (TMDL Required)*.” The Department’s Division of Environmental Assessment has identified an error in the 2006 Report in that the reach of river at the point of discharge should not be listed in Category 5-A. It should be listed in “*Category 2: River and Streams Attaining Some Designated Uses – Insufficient Information for Other Uses*.” The Report also lists this segment of the river in “*Category 5-D: Rivers and Streams Impaired by Legacy Pollutants*.” The Report lists all of Maine’s fresh waters as, “*Category 5-C: Waters Impaired by Atmospheric Deposition of Mercury Regional or National TMDL May be Required*.” Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, “*Many waters, and many fish from any given water, do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Human Services decided to establish a statewide advisory for all freshwater fish that recommends limits on consumption. Maine has already instituted statewide programs for removal and reduction of mercury sources. The State of Maine is participating in the development of regional scale TMDLs for the control of mercury.*”

Department rule Chapter 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, establishes controls on the discharge of mercury to the surface waters of the State through interim effluent limits and implementation of pollution prevention plans. However, Section 1(A)(1) of the Chapter 519 rule states in part:

“This rule applies to all persons licensed or permitted pursuant to 38 MRSA §413 to discharge pollutants to the surface waters of the State except as described below. For the purposes of this rule, the term licensee also means permittee.

- (1) Categorical exclusions. This rule does not apply to the following categories of licensees: combined sewer overflows, snow dumps, pesticide applications, and over board discharges licensed pursuant to 38 MRSA §413.[emphasis added] Except, however, specific members of these categories may be required by the department to comply with this rule on a case by case basis...”

The Department has no information or has reason to believe at this time that the discharge from the Pride facility causes or contributes to the impairment status of the receiving waterbody.

## 6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- a. Best Practicable Treatment (BPT) - Overboard discharges may be permitted only where no technologically proven alternative exists. Overboard discharge treatment systems must be capable of meeting secondary treatment standards as described in CMR Chapter 525, Section 3 and Chapter 596 section 9, unless the Department finds that alternate limits are appropriate. After accepting a renewal application as complete for processing, the Department shall approve an overboard waste discharge license only if all of the following criteria are met.
- (1) A publicly owned sewer line is not located on or abutting land owned or controlled by the applicant or is not available for the applicant's use.
  - (2) A subsurface wastewater disposal system cannot be installed in compliance with the Subsurface Rules, 10-144 CMR 241, on land owned or controlled by the applicant. Or, a subsurface wastewater disposal system can be installed on land owned or controlled by the applicant and the applicant is eligible for grant funding pursuant to 38 M.R.S.A § 411-A but no funding is available.
  - (3) The discharge is not located within the boundaries of a sanitary or sewer district and the district has not agreed to service and maintain a holding tank at an annual fee that does not exceed those fees charged to other similar users of the district's services who are physically connected to the sewers of the district.
  - (4) The volume or quantity of waste water that is discharged does not exceed;
    - (a) the limit imposed by the previous license.
    - (b) the actual or estimated flow at the time of current application if a license volume increase is necessary.
  - (5) The receiving water is not:
    - (a) A Class GPA, AA, A, or SA water;
    - (b) A tributary to Class GPA water; or
    - (c) A waterbody with a drainage area of less than 10 square miles,unless it is demonstrated to the Department's satisfaction that no alternative to the discharge exists.



**6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)**

- (6) The discharge meets the requirements of *Maine’s Pollution Control Laws* 38 M.R.S.A. §414-A, and *Maine’s Water Classification Laws* 38 M.R.S.A. §§ 464 to 469.
- (7) The discharge receives best practicable treatment consistent with requirements in Section 9 of Department rule Chapter 596.

The Department has made the determination the Pride facility meets all the aforementioned criteria.

- b. Flow: The previous licensing action established a daily maximum flow limitation of 5,000 gallons per day (gpd) based on the design flow for the treatment system. Department rule, 06-096 CMR Chapter 523 Section 6(b)(1), specifies, “*effluent limitations, standards, or prohibitions shall be calculated based on design flow.*”

A review of the DMR data for the period January 2005 – December 2007 indicates the following:

**Flow**

Value	Limit (gpd)	Range (gpd)	Mean (gpd)
Daily Maximum	5,000	2,390 – 4,915	3,480

- c. Dilution Factors: - The Department has made the determination that the dilution factors associated with the discharge shall be calculated in accordance with freshwater protocols established in Department Regulation Chapter 530, *Surface Water Toxics Control Program*, October 2005. The Fact Sheet of the MEPDES permit for the Town of Clinton (approximately 5 miles downstream of the Pride facility) states the following,

*In a report published by the Department entitled, Sebasticook River Low Flow Report, dated August 2000, the Department reviewed low flow conditions in the river during July and August of calendar year 2000. In the report, the Department observed that the Sebasticook River was losing water between the headwater lakes Great Moose Pond and Sebasticook Lake and the [Burnham] stream gauge located just below the Burnham Dam and approximately six miles upstream of the Clinton Water District’s point of discharge. The Department concluded that, under dry conditions, the river was losing water due to evaporation, wetlands storage and to ground water infiltration. In addition, the current operation of the Burnham Hydro Project (FERC No. 11472) creates a situation where the flow in the river below the Burnham Dam is significantly reduced while the impoundment is being refilled after a regeneration cycle.*

## 6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)

*Subsequent to the issuance of the Department's report, the Department learned that the Town of Pittsfield drilled a new municipal water supply well in 1996, just across the town line in Burnham and approximately 600 feet from the Sebasticook River. The well is located in a high-yield sand and gravel aquifer and is rated to yield 505 gallons per minute (gpm) or 750,000 gallons per day. According to the Town of Pittsfield, 64% of the well's recharge comes from the Sebasticook River. The result of pumping from the [aquifer] will further reduce flows in the river downstream from the well.*

*The end result is that though the minimum flow of 65 cfs is being passed from the headwater lakes collectively, the Sebasticook River sometimes loses flow and falls below 65 cfs at the CWD's discharge point. The Department has evaluated the impact of the CWD on the Sebasticook River based on 65 cfs and determined the discharge will not cause or contribute to the lower of water quality. The Department does not have enough ambient water quality information to determine the impact of the discharge below 65 cfs. Therefore, this permitting action is prohibiting the CWD from discharging when the reading on the USGS gauge #01049000 located just below the Burnham Dam falls below 65 cfs.*

Chapter 530 (4)(B)(1) states that analyses using numeric acute criteria for aquatic life must be based on 1/4 of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone. The 1Q10 is the lowest one-day flow over a ten-year recurrence interval. The regulation goes on to say that where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design, up to including all of it. Based on information provided by the permittee as to the configuration and location of the outfall pipe the Department has made the determination that the discharge receives rapid and complete mixing with the receiving water, therefore the full 1Q10 is applicable in acute statistical evaluations pursuant to Chapter 530.

**6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)**

Dilution factors associated with the permitted discharge flow of 5,000 gpd (0.005 MGD) from the facility were derived in accordance with 06-096 CMR Chapter 530(4)(A) and were calculated as follows:

$$\text{Acute: } 1\text{Q}10 = 65 \text{ cfs} \quad \Rightarrow \frac{(65 \text{ cfs})(0.6464) + (0.005 \text{ MGD})}{(0.005 \text{ MGD})} = 8,404:1$$

$$\text{Chronic: } 7\text{Q}10 = 65 \text{ cfs}^{(1)} \quad \Rightarrow \frac{(65 \text{ cfs})(0.6464) + (0.005 \text{ MGD})}{(0.005 \text{ MGD})} = 8,404:1$$

$$\text{Harmonic Mean} = 268 \text{ cfs}^{(1)} \quad \Rightarrow \frac{(268 \text{ cfs})(0.6464) + (0.005 \text{ MGD})}{(0.005 \text{ MGD})} = 34,648:1$$

Footnotes:

(1) The 7Q10 and harmonic mean flows were prorated from Pittsfield.

- d. Biochemical Oxygen Demand (BOD<sub>5</sub>) and Total Suspended Solids (TSS): The previous licensing action established technology-based monthly average and daily maximum BOD<sub>5</sub> and TSS concentration limits of 30 mg/L and 45 mg/L, respectively. The monthly average concentration limit is based on secondary treatment requirements as defined in Department rule, 06-096 CMR Chapter 525(3)(III). The basis for the daily maximum concentration limit of 45 mg/L is unknown. This permitting action is establishing a weekly average technology-based concentration limit of 45 mg/L based on secondary treatment requirements as defined in Department rule, 06-096 CMR Chapter 525(3)(III). This permitting action is increasing the daily maximum concentration limit in the previous licensing action from 45 mg/L to 50 mg/L based on a Department best professional judgment (BPJ) of best practicable treatment (BPT).

The previous licensing action did not establish mass limitations for BOD<sub>5</sub> and TSS. Department rule Chapter 523, *Waste Discharge License Conditions*, Section 6, *Calculating NPDES permit conditions*, sub-section f(1) states that, "all pollutants limited in permits shall have limitations, standards or prohibitions expressed in terms of mass...." Therefore, this permitting action is establishing monthly average, weekly average and daily maximum BOD<sub>5</sub> and TSS mass limitations based on calculations using the design flow for the facility of 5,000 gpd (0.005 MGD) and the applicable concentration limits as follows:

Monthly Average Mass Limit:  $(30 \text{ mg/L})(8.34 \text{ lbs./gallon})(0.005 \text{ MGD}) = 1.2 \text{ lbs/day}$   
Weekly Average Mass Limit:  $(45 \text{ mg/L})(8.34 \text{ lbs./day})(0.005 \text{ MGD}) = 1.9 \text{ lbs/day}$   
Daily Maximum Mass Limit:  $(50 \text{ mg/L})(8.34 \text{ lbs./day})(0.005 \text{ MGD}) = 2.1 \text{ lbs/day}$

**6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)**

The previous licensing action established a minimum monitoring frequency of 1/2 months for BOD<sub>5</sub> and TSS that is being carried forward in this permitting action.

This permitting action is also establishing a new requirement for a minimum of 85% removal of BOD<sub>5</sub> and TSS pursuant to Chapter 525(3)(III)(a)(3) and (b)(3) of the Department's rules. Percent removal rates shall be calculated using influent and effluent concentration values.

For BOD<sub>5</sub>, and TSS a review of the monthly average effluent concentration data as reported on the DMRs submitted to the Department for the period January 2005 – December 2007 indicates the following;

**BOD Concentration**

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	4.8 – 8.0	6
Daily Maximum	45	4.9 – 9.3	7

**TSS concentration**

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	7.3 – 19.7	11
Daily Maximum	45	8.0 – 22.0	13

- e. Settleable Solids: The previous licensing action did not establish any limits for settleable solids but did require a monthly average and daily maximum reporting requirements with a 3/Week monitoring frequency. The Department has since reconsidered its position on the imposition for settleable solids for OBD's and to be consistent with BPT limits established for all other MEPDES permits issued for like discharges, the Department has concluded that a daily maximum concentration limit of 0.3 ml/L is an appropriate BPT limitation.

A review of the DMR data for the period January 2005 – December 2007 indicates settleable solids have been reported as <0.1 ml/L for the entire period. As a result, the Department is making a best professional judgment to reduce the monitoring frequency 1/2 months to be consistent with the monitoring requirements for BOD and TSS.

**6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)**

- f. Escherichia coli Bacteria: The previous licensing action established seasonal monthly average and daily maximum concentration limits for *E. coli* bacteria of 142 colonies/100 ml (geometric mean) and 949 colonies/100 ml (instantaneous level), respectively, along with monitoring frequency of 3/Week. The numeric limits were based on the State of Maine Water Classification Program criteria for Class C waters found at 38 M.R.S.A. §465(4)(B). It is noted that during calendar year 2005, Maine’s Legislature approved new monthly average and daily maximum water quality standards of 126 colonies/100 ml and 236 colonies/100 ml respectively, for water bodies designated as Class C waters. This permitting action is reducing the monthly average limit accordingly (126 colonies/100 ml) but carrying forward the daily maximum limit from the previous permitting action as a best professional judgment of BPT and the limits are protective of the newer water quality standards given the dilution factors associated with the discharge. Although *E. coli* bacteria limits in this permitting action are seasonal, the Department reserves the right to impose year-round bacteria limits if deemed necessary to protect the health, safety and welfare of the public.

A review of the monthly average and daily maximum data as reported on the DMRs submitted to the Department for the period December 2005 – September 2007 indicates the monthly (geometric mean) and daily maximum *E. coli* bacteria discharged has ranged from 6 colonies/100 ml to 13 colonies/100 ml with a mean of 7 colonies/100 ml. The DMR indicates the facility has been in compliance with both the geometric mean and the daily maximum limitation 100% of the time during said reporting period. As a result, the Department is carrying forward the monitoring frequency of 1/2 months.

- g. Total Residual Chlorine (TRC): The previous licensing action established a daily maximum technology based concentration limit of 1.0 mg/L for TRC. Limitations on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Department permitting actions impose the more stringent of either a water quality-based or BPT-based limit. With dilution factors as determined above, end-of-pipe (EOP) water quality-based concentration thresholds for TRC may be calculated as follows:

Parameter	Acute Criteria	Chronic Criteria	Acute Dilution	Chronic Dilution	Acute Limit	Chronic Limit
Chlorine	19 ug/L	11 ug/L	8,404:1	8,404:1	92 mg/L	92 mg/L

Example calculation: Acute – 0.019 mg/L (2,069) = 92 mg/L

**6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)**

The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds. For facilities that dechlorinate the discharge in order to meet water quality based thresholds, the Department has established daily maximum and monthly average BPT limits of 0.3 mg/L and 0.1 mg/L, respectively. The Pride facility does not have to dechlorinate the effluent to achieve compliance with water quality-based limitations. The daily maximum technology-based effluent TRC concentration limitation of 1.0 mg/L is more stringent than either calculated water quality-based threshold above and is therefore being carried forward in this permitting action.

A review of the seasonal DMR data for the period June 2006 – September 2007 indicates the daily maximum TRC discharged is as follows:

**Total residual chlorine**

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	1.0	0.8 – 1.3	1.0

This permitting action is reducing the monitoring frequency to 1/Week.

- h. pH: The previous licensing action established a pH range limit of 6.0 – 8.5 standard units (SU), considered by the Department at the time, as BPT for secondary treated waste water, but did not establish any monitoring frequency requirements. Pursuant to Department rule found at Chapter 525(3)(III)(c), (promulgated subsequent to issuance of the previous licensing action) the pH range limitation is being revised to 6.0 – 9.0 SU, which is considered BPT for secondary treated wastewater. A review of the DMR data for the period January 2005 – January 2008 indicates the permittee has been in compliance with permit limits 100% of the time. As a result, the Department is making a best professional judgment to reduce the monitoring frequency to 1/2 months to be consistent with the monitoring frequencies for BOD, TSS and settleable solids.
- i. Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing: Maine law, 38 M.R.S.A., §414-A and §420, prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. Department rule, 06-096 CMR Chapter 530, *Surface Water Toxics Control Program* (toxics rule) sets forth effluent monitoring requirements and procedures to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric water quality criteria are met. Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*, sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

## **6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)**

Chapter 530 Section (2)(A) specifies the dischargers subject to the rule as, “*all licensed dischargers of industrial process wastewater or domestic wastes discharging to surface waters of the State must meet the testing requirements of this section. Dischargers of other types of wastewater are subject to this subsection when and if the Department determines that toxicity of effluents may have reasonable potential to cause or contribute to exceedences of narrative or numerical water quality criteria.*”

Chapter 530 Section (2)(A) specifies the criteria for exemption of certain discharges from toxics testing as follows:

- (1) *Discharges from individual discharge points licensed to discharge less than 50,000 gallons per day of solely domestic wastewater and with a chronic dilution factor of at least 50 to 1, provided no holding tank wastes containing chemicals are accepted by the facility;*
- (2) *Discharges from residential overboard discharge systems; or*
- (3) *Discharges from combined sewer overflow discharge points, provided the owner of the sewerage system is conducting or participating in a discharge abatement program.*

The Pride facility is exempt from the Chapter 530 requirements as it permitted to discharge less than 50,000 gpd, the chronic dilution factor is greater than 50:1 and the waste water has domestic-like characteristics. However, should there be a substantial change in the characteristics of the discharge in the future, the Department may reopen this permit pursuant to Special Condition K, *Reopening of Permit for Modifications*, to incorporate the applicable whole effluent toxicity (WET), priority pollutant or analytical testing requirements cited above.

## **7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY**

As permitted, the Department has determined the existing water uses will be maintained and protected, and that the discharge as permitted will not cause or contribute to the failure of the water body to meet standards for Class C waters.

## **8. PUBLIC COMMENTS**

Public notice of this application was made in a local newspaper on or about April 4, 2007. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

## **9. DEPARTMENT CONTACTS**

Additional information concerning this permitting action may be obtained from, and written comments sent to:

Gregg Wood  
Division of Water Quality Management  
Bureau of Land & Water Quality  
Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017 Telephone: (207) 287-6301  
e-mail: [gregg.wood@maine.gov](mailto:gregg.wood@maine.gov)

## **10. RESPONSE TO COMMENTS**

During the period of July 1, 2008, through the issuance date of the permit/license, the Department solicited comments on the proposed draft permit/license to be issued for the discharge(s) from the Pride Manufacturing facility. The Department did not receive comments from the permittee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.